



GUYANA

BILL No. 15 of 1985

REPRESENTATION OF THE PEOPLE (AMENDMENT) BILL 1985

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Amendment of section 2 of the Principal Act.
3. Amendment of section 30 of the Principal Act.

4. Deletion of Part IVA of the Principal Act.
5. Amendment of section 34 of the Principal Act.
6. Amendment of section 44 of the Principal Act.
7. Insertion of new section 45A in the Principal Act.
8. Amendment of section 46 of the Principal Act.
9. Amendment of section 47 of the Principal Act.
10. Amendment of section 48 of the Principal Act.
11. Amendment of Parts VII and X of the Principal Act.
12. Insertion of new Parts VIIA and VIIB in the Principal Act.
13. Amendment of section 150 of the Principal Act.
14. Amendment of Schedule to the Principal Act.

A BILL

Intituled

AN ACT to amend the Representation of the People Act.

A.D. 1985 Enacted by the Parliament of Guyana :—

Short title. 1. This Act, which amends the Representation of the People
Cap. 1:03 Act, may be cited as the Representation of the People (Amendment)
Act 1985.

Amendment 2 of section of the Principal Act, 2. Section 2 of the Principal Act is hereby amended by the in-
sertion of the following definitions in their proper alphabetical order —

“disciplined force” has the same meaning as in article 154 of the Constitution; and for the removal of doubts, it is hereby declared that that expression includes the Guyana National Service;

“Guyana National Service” means the organisation known as the Guyana National Service and established by the Government;

“member”, in relation to a disciplined force, has the same meaning as in article 154 of the Constitution, and, for the removal of doubts it is hereby declared that, in relation to the Guyana National Service, that expression includes every person who is an officer or other employee of that service and every person who is enlisted therein:’.

Amendment of section 80 of the Principal Act, 3. Section 30 of the Principal Act is hereby amended, by the repeal of subsection (1) and by the substitution therefor of the following subsection —

“(1) The following electors shall be entitled to vote by proxy at an election —

- (a) those unable, or likely to be unable, to go in person to the polling place, at which they are entitled to vote, for any of the following reasons —
 - (i) the particular circumstances of that person’s employment on the election day either as a member of a disciplined force, or as a rural constable, or for a purpose connected with the election, by a returning officer;
 - (ii) the fact that at the election that person is acting as returning officer for a district other than the district in which his address as entered in the official list of electors is situate;
 - (iii) the particular circumstances of that person’s employment on the election day by the returning officer for a district, other than the district in which his address as entered in the official list of electors is situate, for a purpose connected with the election in that district;
 - (iv) the fact that that person is an employee of the Transport and Harbours Department engaged in running a vessel on the election day;
- (b) a candidate at the election, where he is unable, or likely to be unable, to go in person to the polling place at which he is entitled to vote, by reason of being engaged in any activity connected with the election in a district other than the district in which that polling place is situate;
- (c) those unable, or likely to be unable, by reason either of blindness or any other physical incapacity, to go in person to the polling place or, if able to go, to vote unaided.”.

4. The Principal Act is hereby amended by the deletion of Part IVA. Deletion of Part IVA of the Principal Act.

5. Section 34 (3) of the Principal Act is hereby amended by the substitution, for the words “Save as is otherwise provided for postal voting, the”, of the word “The”. Amendment of section 34 of the Principal Act.

6. Section 44 (1) of the Principal Act is hereby amended by the insertion, after the definition of “non-resident”, of the following definitions — Amendment of section 44 of the Principal Act.

“non-resident elector” means an elector whose name is on the non-resident electors’ roll;

“non-resident electors’ roll” means the non-resident electors’ roll prepared under section 45A;’

Insertion of
new section
45A in the
Principal
Act.

7. The Principal Act is hereby amended by the insertion, after section 45, of the following section as section 45A —

“Non-resident electors’ roll.” 45A.(1) The Chief Election Officer shall cause to be prepared a non-resident electors’ roll and the preparation of it shall be completed not later than the twenty-first day before the election day.

(2) The non-resident electors’ roll shall consist of the names of every elector whose name is on the non-residents’ roll and who is —

- (i) employed by the Government, or any public corporation, or a corporate body in which the controlling interest vests in the State or any agency on behalf of the State; or
- (ii) a student engaged in any full-time course of study in any educational institution in any country other than Guyana,

if he applies for the inclusion of his name in the non-resident electors’ roll and his application is allowed under this section.

(3) An application by any person for the inclusion of his name in the non-resident electors’ roll shall —

- (a) be made to the Chief Election Officer, through the ballot officer in the country outside Guyana where the applicant is living, in writing in Form 12A;
- (b) be made within such day as may be notified in the *Gazette* by the Chief Election Officer in relation to the country outside Guyana where the applicant is living, being not earlier than five days after the date on which the non-residents’ roll is displayed in accordance with section 45 in any place in the country outside Guyana where the applicant is living, nor later than thirty days before the election day; and

(c) be accompanied by, in the case of a person referred to in section 45A (2) (i), a certificate from his employer about his employment or, in the case of a person referred to in section 45A (2) (ii), a certificate from the educational institution, where he is studying, as to his being a full-time student in that institution.

(4) Every ballot officer shall as soon as possible forward to the Chief Election Officer any applications received by him under subsection (3).

(5) If the Chief Election Officer is satisfied that the applicant is entitled to have his name included in the non-resident electors' roll, the Chief Election Officer shall include his name in that roll.

(6) The Chief Election Officer shall cause a copy of the non-resident electors' roll to be displayed for public information, or for the information of non-residents, at every such place as the Commission may appoint by notice published in the *Gazette*."

8. Section 46(a) of the Principal Act is hereby amended by the substitution, for the word "non-residents" of the words "non-resident electors".

Amendment of section 46 of the Principal Act.

9. The Principal Act is hereby amended —

Amendment of section 47 of the Principal Act.

(a) by the substitution, in the marginal note to section 47, for the word "non-residents", of the words "non-resident electors";

(b) by the substitution, in section 47, for the word "non-residents", of the words "non-resident electors".

10. Section 48 (b) of the Principal Act is hereby amended by the substitution, for the word "non-residents", of the words "non-resident electors".

Amendment of section 48 of the Principal Act.

11. Parts VII and X of the Principal Act, including the headings thereto, are hereby amended by the substitution, for the words "non-resident", "non-residents", "non-resident's" and "non-residents", wherever they occur, of the words "non-resident elector", "non-resident electors", "non-resident elector's" and "non-resident electors'" respectively.

Amendment of Parts VII and X of the Principal Act.

12. The Principal Act is hereby amended by the insertion, after Part VII, of the following Parts as Parts VII A and VII B —

Insertion of new Parts VII A and VII B in the Principal Act.

‘Part VII A

POLL BY NON-RESIDENTS OTHER THAN
NON-RESIDENT ELECTORS

Definitions. 65A. In this Part “non-resident”, “non-resident elector”, “non-resident electors’ roll” and “non-residents’ roll” have the meanings assigned to them, respectively, by section 44.

Place and time of voting by non-resident electors. 65B. Every person whose name is included in the non-residents’ roll, not being a person whose name is included in a non-resident electors’ roll, shall be entitled to vote in such place in the city of Georgetown as may be notified in the *Gazette* for that purpose by the Chief Election Officer (hereafter in this section referred to as the “special polling place”) and the provisions of this Act subject to the other provisions of this Part, shall *mutatis mutandis* apply to, and in relation to, the exercise by such person of the right to vote as if he were a resident in the polling division wherein the special polling place is situated and the special polling place were a polling place appointed under section 6 (3).

Supply of non-residents’ roll to presiding officer of special polling place. 65C.(1) The Chief Election Officer shall cause to be prepared a list of electors who shall be entitled, by virtue of this Part, to vote at the special polling place.

(2) The list of electors referred to in subsection (1) shall contain the names of all persons whose names were included in the non-residents’ roll, after deleting therefrom the names that were included in the non-resident electors’ roll.

(3) A copy of the list of electors referred to in subsection (1) shall be —

- (a) supplied by the Chief Election Officer to the returning officer of the district wherein the special polling place is situate and to the presiding officer of the special polling place; and
- (b) caused to be displayed at the special polling place by the returning officer of the district wherein the special polling place is situate.

Colour, etc. of ballot papers for use by persons entitled to vote under section 65B. 65D. Ballot papers supplied to the presiding officer of the special polling place for use by persons who are entitled to vote under section 65B shall be of the same colour as ballot papers supplied for use by non-resident electors under section 47 (1) and, subject to such difference in colour, shall

conform to the requirements of section 30 in the like manner as other ballot papers.

Counting of votes.

65E. Notwithstanding anything contained in any other Part of this Act, the votes cast at a special polling place at an election shall be counted separately and not along with other votes cast at the election.

Person voting under this Part not to be deemed resident in Guyana for election to other bodies. Act No. 12 of 1980

65F. Subject to the provisions of this Part, a person who is entitled to vote under section 65B at an election shall not be deemed, for the purposes of election to any body in Guyana (not being the National Assembly) to be a resident in Guyana or in any region into which Guyana has been divided under section 4 of the Local Democratic Organs Act 1980.

CHAPTER VII B

PROCEDURE FOR VOTING BY SPECIFIED DISCIPLINED FORCES

Definitions. 65G.(1) In this Part —

- (a) “ballot attendant” means a person appointed such under section 65 I;
- (b) “balloting place” means a place appointed as a balloting place under section 65 I;
- (c) “ballot officer” means a person appointed as such under section 65 I;
- (d) “specified disciplined force” means a disciplined force specified for the purposes of this Part by order under section 65H.

(2) For the purposes of this Part the Guyana National Service shall be deemed to be a disciplined force and not part of any other disciplined force.

Application of Part.

65H. In order to allow members of any disciplined force or disciplined forces to exercise their right to vote at an election without affecting the performance by them of their duties on the election day, the Minister may by order direct that the provisions of this Part shall apply to the exercise of that right, by any member of such disciplined force or disciplined forces as may be specified in the order, in an election and if the Minister makes such an order the provisions of this Part shall apply to voting by any member of a specified disciplined force or specified disciplined forces at any election held after the date of the order.

Appoint-
ment of
ballot
officers,
ballot
attendants
and ball-
oting
places for
the purposes
of this Part.

65I. (1) The Chief Election Officer shall appoint by notification in the *Gazette* —

- (a) one ballot officer for each of the specified disciplined forces;
- (b) such number of ballot attendants, as he thinks fit, so that there will be one ballot attendant for each balloting place; and
- (c) such place or places, as he thinks fit, in each district as balloting place or balloting places.

(2) Different ballot attendants and different balloting places may be appointed in relation to electors who are members of different specified disciplined forces.

(3) A ballot clerk may be appointed by the Chief Election Officer in relation to a balloting place:

Provided that it shall be lawful for the Chief Election Officer to appoint the same person as ballot attendant and ballot clerk.

List of
electors
entitled to
vote under
this Part.

65J. (1) Each ballot officer shall prepare a list of persons whose names are on any official list of electors and who are members of the specified disciplined force, in relation to which he has been appointed ballot officer.

(2) The list prepared by a ballot officer under subsection (1) shall be divided into parts according to the division, in the official list of electors for which the names of the persons mentioned in that part are included, and shall state the identity paper number of each such person, his serial number of registration in the official list of electors, to which division the official list of electors relates, the district in which that division is situate, and such other particulars as may be prescribed by the Minister by regulations.

(3) Each of the ballot officers shall forward a copy of the list prepared by him under subsection (1) (but excluding therefrom the names of the persons referred to in the proviso to section 65K (6)) to the Chief Election Officer.

(4) The Chief Election Officer shall forward those parts of the copy of the list referred to in subsection (3) as are relevant in respect of the divisions in any district to the returning officer of that district and the returning officer shall cause to be displayed at each polling place in the district the names and other particulars included in the copy

of the list, referred to in subsection (1), of those who are, but for this Part, entitled to vote at that polling place.

Balloting.

65K.(1) The Chief Election Officer shall by notification in the *Gazette* appoint a day on which, and the hours during which, persons entitled to vote under this Part may ballot and different days and hours may be appointed in relation to different balloting places:

Provided that any day appointed under this subsection for balloting shall not be more than ten days earlier than the election day or later than five days before the election day.

(2) The Chief Election Officer shall forward to each ballot officer sufficient number of ballot papers having regard to the names in the copy of the list forwarded by that ballot officer to the Chief Election Officer under section 65J (3) and each such ballot paper shall be stamped by the Chief Election Officer, with the words "DISCIPLINED FORCES".

(3) The ballot officer shall, before the hour appointed for the commencement of balloting under this Part at a balloting place, cause to be displayed at the balloting place a list containing the names, and other particulars referred to in section 65J(2), of the persons entitled to ballot under this Part at that balloting place, such names being of persons who are, but for this Part, entitled to vote at a polling place in the district where that balloting place is situate.

(4) The ballot officer shall cause to be supplied to the ballot attendant for a balloting place, the day before the day fixed for balloting at that balloting place, sufficient number of ballot papers having regard to the names in the list, referred to in subsection (3), of persons entitled to ballot at that balloting place.

(5) Any person whose name is on a list prepared by a ballot officer under section 65J(1) and who desires to vote at an election may exercise his right to ballot under this Part at the balloting place where a list containing his name is displayed under subsection (3).

(6) Nothing in this Part shall be deemed to prevent any person whose name is included in a list prepared under section 65J(1), from exercising his right to vote in accordance with any other provision of this Act and not in accordance with this Part:

Provided that where any such person desires to vote in accordance with any other provision of this Act he shall intimate the ballot officer in relation to such list wherein his name is included, not later than fifteen days before the day appointed under subsection (1) for balloting at the balloting place where he is entitled to ballot under this Part, of his desire so to do and thereupon the ballot officer shall make a note of it in that list and his name shall not be included in the list referred to in subsection (3) or in the copy of the list referred to in section 65J(3) and forwarded by the ballot officer to the Chief Election Officer.

(7) Subject to the provisions of this Part, the provisions of this Act in relation to presiding officers and their functions, polling clerks and their functions, polling places, preparation for poll and polling shall *mutatis mutandis* apply respectively to, and in relation to, ballot attendants, ballot clerks, balloting places, preparation for ballot and balloting under this Part.

Ballot attendant to hand over ballot box to ballot officer.

65L. (1) As soon as possible after the expiry of the hour appointed for the closing of balloting in relation to a balloting place, on the day of the balloting, the ballot attendant shall deliver personally the sealed ballot box and the sealed packets referred to in section 83 (c) to the ballot officer.

(2) The ballot attendant shall be responsible for the safe custody of the ballot box and the aforesaid sealed packets until they are delivered to the ballot officer under subsection (1) and thereafter the ballot officer shall be responsible for their safe custody until the election day.

(3) On the election day, during such hours as may be fixed for that purpose by the Chief Election Officer by notification in the *Gazette*, each ballot officer shall hand over to the Chief Election Officer, the sealed ballot boxes, and the sealed packets referred to in subsection (1), received by him from each ballot attendant, and on such handing over of the ballot boxes, the persons who balloted in accordance with the preceding provisions of this Part shall be deemed for all the purposes of this Act to have cast their votes at the election in the districts in which the relevant balloting places were situated.

Application of certain provisions relating to penalties to balloting under this Part.

65M.(1) The provisions of sections 119, 122(1) (a), 126(a) in so far as it relates to voting on his own behalf, 126(d) (i) and (ii), 127 (a) and (b), 129, 130, 131(a), (b), (c), (d), (h) and (i), 131(e) and (f) in so far as they relate to vote of any elector at an election, 132 in so far as it relates to

voting in person and 138, shall apply in relation to balloting under this Part subject to the modification that references therein to —

- (a) poll and voting shall be construed as references to balloting under this Part; and
- (b) a poll clerk and presiding officer shall be construed as references to a ballot clerk and ballot attendant respectively.

(2) Subsection (1) shall not be deemed to modify the law relating to any other offences under this Act.

Modification, etc. of provisions of Act.

65N.(1) In order to give effect to the right of an elector, who is a member of any of the disciplined forces, to exercise his right to ballot in accordance with the provisions of this Part, and consistently with the interests of defence, public safety and public order, the Minister may by order direct that the provisions of this Act, other than the provisions of this Part, shall apply to, and in relation to, the exercise by members of the disciplined forces of any right they have to vote at an election, with such adaptations, modifications, exceptions or qualifications as may be specified in the order.

(2) An order made under subsection (1) shall be subject to negative resolution of the National Assembly.

Over-riding effect of this Part.

67 O. The provisions of this Part shall have effect notwithstanding anything contained in any other Part of this Act.

13. Section 150 of the Principal Act is hereby amended —

Amendment of section 150 of the Principal

- (a) by the insertion, after the word “Schedule”, of the following words —

“, including, subject to the provisions of the Constitution and this Act, regulations to make provision for all matters, in respect of the conduct of an election, for which in his opinion it is necessary or expedient to make provision.”;

- (b) by the insertion, after the words “election day”, of the following words —

“and the particulars to be included in a list prepared under section 65J(1)”.

Amendment
of Schedule
to the Prin-
cipal Act.

14. The Schedule to the Principal Act is hereby amended —

(a) in Form 5, by the deletion of paragraph 4 and by the substitution therefor of the following paragraph —

“(4) You are entitled to vote by proxy if you are —

- (a) unable, or likely to be unable, to go in person to the polling place for any of the following reasons, —
 - (i) the particular circumstances of your employment on the election day either as a member of a disciplined force or as a rural constable, or for a purpose connected with the election, by the returning officer;
 - (ii) the fact that at the election, you are acting as a returning officer for a district other than the district in which your address as entered in the official list of electors is situate;
 - (iii) the particular circumstances of your employment on the election day by the returning officer for a district, other than the district in which your address as entered in the official list of electors is situate, for a purpose connected with the election in that district;
 - (iv) the fact that you are an employee of the Transport and Harbours Department engaged in running a vessel on the election day;
 - (b) a candidate at the election and is unable, or likely to be unable, to go in person to the polling place at which you are entitled to vote by reason of being engaged in any activity, connected with the election, in a district other than the district in which that polling place is situate;
 - (c) unable, or likely to be unable, by reason either of blindness or any other physical incapacity to go in person to the polling place, or if able to go, to vote unaided.”;
- (b) by the insertion, after Form 12, of the following form as Form 12A —

“FORM 12A

**THE REPRESENTATION OF THE PEOPLE ACT
APPLICATION FOR INCLUSION OF NAME IN
NON-RESIDENT ELECTORS’ ROLL**

To the Chief Election Officer

I (surname)

(block capitals)

(other names)

of (address)

and holder of identity paper No.

being an elector whose name is included in the non-resident’s roll in.....
(country)

(at serial No.....

*being employed by the Government of Guyana/.....

.....
(name of public corporation or corporate

.....
body in which the controlling interest

.....
vests in the State or any agency on behalf

...../
of the State)

being a full-time student at
(give name and

..... hereby apply for
address of educational institution)

the inclusion of my name in the non-resident electors’ roll.

2. I am submitting herewith a certificate* from my employer about my employment/the educational institution where I am studying as to my being a full-time student in that institution.

Date.....

Signature of applicant.

Signature of witness.

* Strike out the words that are not applicable.”,

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Representation of the People Act, Cap. 1:03, achieve mainly the following objectives —

- (1) to restrict proxy voting to certain categories of persons if for specified reasons they are unable, or likely to be unable, to go in person to the polling place, or, in the case of blind or other physically incapacitated persons, even if able to go to the polling place, is unable to vote unaided;
- (2) to abolish postal voting; and
- (3) to restrict balloting overseas to —
 - (a) public sector employees; and
 - (b) students engaged in any full-time course of study in any overseas educational institution;
- (4) in order to enable members of disciplined forces to exercise their right to vote without affecting the performance of their duties, to make provision for a procedure for balloting by them before the election day which any member of the relevant disciplined force has the option to make use of or not to make use of.

2. Under the new Part VIIA sought to be inserted in the Principal Act by this Bill persons whose names are on the non-residents' roll and who are not entitled to ballot abroad under Part VII as proposed to be amended, are sought to be given the right to cast their votes at a polling place in Georgetown to be notified for that purpose by the Chief Election Officer.

Jeffrey R. Thoma
Minister of Home Affairs.

(Bill No. 15 1985)