

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Interpretation.
3. Registration of persons.
4. Preliminary list, claims and objections and official list of electors.
5. Preparation of official list of electors and non-resident electors' roll.
6. Non-resident electors' roll.
7. Revision of official list of electors and non-resident electors' roll in certain circumstances.
8. Scrutineers.
9. Issue of identification cards.
10. Transfer of functions, conferred on the Minister, to the Commission.
11. Special provisions regarding regional democratic councils.
12. Amendment of Representation of the People Act.
13. Application of certain provision of the Representation of the people Act to geographical constituencies.
14. Amendment of National Registration Act.
15. Amendment of Local Democratic Organs Act.
16. Mode of exercise of functions of Commission.
17. Permanent Secretariat of the Commission; appointment of staff.
18. Chief Election Officer and Commissioner of Registration subject to direction and control of Commission.
19. Supervision of employment of certain officers.

20. Local Observers.
21. Expenses of Commission.
22. Removal of difficulties.
23. Over-riding effect of this Act.
24. Repeal.

An ACT to make certain amendments in the laws relating to registration of persons and to elections to choose the President, members of the National Assembly and members of the regional democratic councils and for matters connected therewith.

A. D. 2000

Enacted by the Parliament of Guyana:-

Short title.

1. This Act may be cited as the Election Laws (Amendment) Act 2000.

Interpretation
Cap. 1:03
Cap. 19:08
No. 12 of 1980.

2. Expressions used in this Act and not defined herein, but defined in the Representation of the People Act, the National registration Act or the Local Democratic Organs Act 1980, shall have the meanings assigned to them in those Acts.

Registration
of persons.
Cap. 19:08

3. (1) Where instructed by the Commission so to do, every divisional registrar shall, either by himself or officers appointed under section 6 (4) of the National Registration Act (hereinafter referred to as "enumerators"), by house to house visits within the registration division assigned to him, obtain as far as practicable the application for registration of every person, who is on the appointed date of the age of fourteen years or above for the purpose of ascertaining every person qualified to the National Assembly and is resident in that division, to have his name included in the official list of electors for the registration division.

(2) Registration of persons under subsection (1) shall begin and end on such dates as may be specified by the Commission.

Cap. 19:08

(3) Sections 6 (6) and (7), 8, 9, 10, 11 and 13 of the National registration Act shall **mutatis mutandis** apply to; and in relation to registration of electors under the preceding subsections.

Cap. 19:08

(4) The Commissioner shall establish a Central register which shall consist of the originals of the registration cards of all electors registered under this section or such copies thereof prepared in conformity with section 7 (1) of the National registration Act as made applicable by subsection (3) to registration of electors under this section.

(5) Every registrar shall establish for each registration division in his registration district a divisional register which shall consist of the duplicate registration cards of all persons registered under this section as resident in that registration division or such other copies thereof prepared in conformity with section 7 (1) of the National Registration Act as made applicable by subsection (3) to registration of persons under this section.

Preliminary list, claims and objections and official list of electors.

4.

(1) Within such time, after the date for the end of the registration of persons, as may be specified by the Commission, the Commissioner shall prepare a preliminary list in which he shall enter the full name, the address, the occupation and the serial number of the registration card of every person registered under section 3 who is qualified to be an elector.

Cap. 19:08

(2) Sections 14 (2) and 15 of the National registration Act and the regulations made under that Act shall **mutatis mutandis**, apply to, and in relation to, the preliminary list referred to in subsection (1), claims and objections in respect of such preliminary list as revised and other matters provided for in the aforesaid sections 14 (2) and 15, as if references therein to the preliminary list were references to the preliminary list prepared under subsection (1).

Cap.19:08

(3) The official list of electors for any polling division shall be the preliminary list of electors for the registration division, corresponding to the polling, prepared under subsection (1) –

Cap. 19:08

(a) as altered under section 15 (6) of the National Registration Act, as made applicable by subsection (2), to give effect to claims and objections finally determined before the election day;

Cap. 1:03

(b) with such modifications as may be necessary pursuant to any alteration thereto under section 8 of the National registration Act, as made applicable by section 3 (3), prior to compliance with section 34 (2) (a) (iv) of the Representation of the People Act in respect of the said official list, and for the purpose of changing the registered address of any elector's residence within Guyana or the registered name or occupation of any elector;

Cap. 19:08

(c) with such modifications as may be necessary pursuant to the cancellation of any elector's registration therein effected in Contravention of section 11 (1), or relating to an Elector who is dead, under section 8, of the National registration Act as made applicable by section 3 (3);

[A.D. 2000

ELECTION LAWS (AMENDMENT)

No. 15/

- (d) with such modifications as may be necessary pursuant to any revision under section 7; and
- (e) with such corrections as may be necessary in consequence of the procedure adopted pursuant to regulation 9 of the National registration (residents) (Revision of registers) regulations 2000.

(4) In subsection (3) reference to a preliminary list is a reference to Such list read in conjunction with any supplementary list prepared for a revision of that preliminary list pursuant to regulations made under the National registration Act for the purpose of showing the alterations and modifications referred to in that subsection.

Cap. 19:08

Preparation of official list of electors and non-resident electors' roll. .

5.

(1) The Commissioner shall as expeditiously as possible on being instructed in writing by the Commission to do so, cause to be prepared an official list of electors for every polling division, and a non-resident electors' roll with reference to the qualifying date which shall be such date as the Commission shall by order specify.

(2) The official list of electors and the non-resident electors' and the non-resident electors' roll shall be prepared in accordance with sections 3, 4, 6 and 7.

(3) An official list of electors for a polling division or a non-resident electors' roll, prepared under subsection (1) shall remain in force until the Commissioner on the instructions of the Commission prepares a new official list of electors for such polling division or a new non-resident electors' roll.

(4) For the purpose of preparing the official list of electors or a revised official list of electors under this section each people's co-operative unit shall be deemed to be a registration division and polling division and references to registration division and polling division in the Representation of the People Act and the National Registration Act shall be construed accordingly.

Cap. 1:03

Cap. 19:08

(5)The official list of electors for any polling division prepares under subsection (1), before the date of any election to choose the President, the members of the National Assembly including those members from the geographical constituencies and members of the regional democratic councils shall be the official list of electors for the polling division for such election; and the non-resident electors' roll prepared under subsection (1), before the date of such election shall be the non-resident electors' roll for that election, and

- references in the Representation of the People Act to official list of electors and non-resident electors' roll shall be construed accordingly.
- Cap. 1:03
- (6) If the Commission so directs by order, notwithstanding anything contained in any other written law, the list of electors to choose the numbers of any local democratic organ (other than a regional democratic council) or the local government authority shall consist of names extracted from the official list of electors prepared under this section and resident in the area of that local democratic organ or local government authority.
- Non-resident electors' roll.
- Cap. 1:03
Cap. 19:08
- 6.** The non-resident electors' roll shall be prepared by the Commissioner in accordance with section 44 (2) of the Representation of the People Act and the provisions of the National Registration Act referred to therein, with such modifications as may be necessary pursuant to any revision under section 7 and section 45 of the Representation of the People Act shall **mutatis mutandis** apply in relation to the display of the non-resident electors' roll so prepared.
- Revision of official list of electors and non-resident electors' roll in certain circumstances.
- 7.** (1) Where there is an interval of more than three months after the qualifying date with reference to which the official list of electors, or the non-resident electors' roll is prepared under section 5 (1) and the day appointed for the next election after that date, the Commissioner shall cause the official list of electors and non-resident electors' roll to be revised, in accordance with procedure established by the Commission by regulation –
- (a) by adding thereto the names of persons who have or may become qualified for registration as electors after the said qualifying date and before the day appointed for the election; and
- (b) by deleting therefrom the names of person who are registered as electors, but have ceased to be qualified to be so registered after the said qualifying date and before such date, being a date prior to the date appointed for the election, as may be specified by the Commission by notification in the Gazette.

(2) The revision of the official list of electors and the non-resident electors' roll, under subsection (1), shall be by way of the annexation thereto of supplementary lists, in such form as may be determined by the Commissioner, containing the changes determined under subsection (1).

Scrutineers.

- 8.** (1) In connection with the preparation of the official list of electors under section 5 (1), every organization or group of persons proposing to submit a list of candidates may, by writing under the hand of such person as may be duly authorized by that organization or group of persons (hereinafter referred to as the "authorized person") appoint a chief scrutineers for the whole of Guyana, a deputy chief scrutineers and assistant chief scrutineers for each registration district or part thereof and one scrutineers for each registration division and nay subdivision thereof, and the appointment shall terminate on the date on which the preliminary list as revised is published under section 4:

Provided that one scrutineers in each registration division and one in any subdivision thereof appointed by –

- (a) the majority party;
- (b) the combined minority parties, in the National Assembly shall be paid such remuneration by, and as may be determined by, the Commission in accordance with section 21.

(2) The Commissioner shall be given notice in writing of the appointment of a person as scrutineer, by the authorized person appointing him and the Commissioner shall issue to him an identification card, which shall be promptly surrendered by the scrutineers to the Commissioner on the termination of his appointment; and references in the following subsections to a scrutineers shall, unless the context otherwise requires, be deemed to be references to a person appointed as a scrutineers under subsection (1) and to whom an identification card has been issued by the Commissioner.

(3) The authorized persons that appointed a scrutineer may revoke the appointment, and intimate such revocation to the Commissioner and the scrutineers and on the receipt of the intimation of such revocation the scrutineers shall promptly surrender to the Commissioner the identification card issued to him under subsection (2).

(4) Where a scrutineer is, in the opinion of the Commissioner, guilty of misconduct, the Commissioner shall direct the scrutineer to surrender the identification card issued to him, whereupon the scrutineers shall promptly surrender to the Commissioner the identification card issued to him under subsection (2).

(5) A scrutineers for any registration division –

(a) may inspect any of the following documents, whether completed or not, in possession of the divisional registrar of the registration division for which he is appointed, and make copies or take extract thereof –

- (i) applications for registration of persons and Registration cards; or
- (ii) copies of notices issued to applicants for registration disallowing the applications for registration;

(b) may accompany an enumerator; while the enumerator is performing his duties under this Act, in the registration division for which the scrutineers is appointed and shall be entitled to receive from the enumerator as soon as may be after he has obtained any application for the registration of a person the particulars given by the person;

(c) may submit to the registrar, having jurisdiction over the registration division for which he is appointed, claims for listing any person who is entitle to be listed, and is resident in that registration division, or objection to the to the listing of any person as resident in that registration division.

(6) Where a claim is submitted by a scrutineer to have the name of any person included in the official list of electors, the scrutineers and such person shall both be deemed to be parties to the claim and where a scrutineer submits an objection, he shall be deemed to be a party to the objection.

(7) A Chief scrutineers shall in respect of the whole of Guyana, a deputy chief scrutineers and an assistant chief scrutineers shall In respect of the registration district or part thereof, for which he is appointed, be entitled to perform all the functions, shall have all the rights of a scrutineers and, subject to the above, references in this Act to a scrutineers shall be deemed to include references to the chief scrutineers, every deputy chief scrutineers and every assistant chief scrutineers.

Cap. 19:08

(8) A scrutineers shall no interfere with the performance, by any person referred to in section 4 of the Nation Registration Act, of his functions or obstruct any such person in the performance of his functions.

(9) Where a scrutineers, having become liable to surrender to the Commissioner the identification card issued to him under subsection (2), without reasonable cause refuses or fails to surrender the same in accordance with subsection (2), (3) or (4), or represents that he is a scrutineers or performs or attempts or purports to perform any of the functions of a scrutineers or contravenes subsection (8), he shall be liable, on summary conviction, to a fine of five thousand dollars and to imprisonment for six months.

(10) Notwithstanding anything in the foregoing provisions of this section, a person appointed as a scrutineers whose appointment stands terminated shall be deemed to be re-appointed for the sole purpose of observing and monitoring the distributing of the identification cards.

Issuing of
Identification
cards.
Cap. 19:08

9. (1) Persons whose names are included in the official list of electors for a polling division, or in the non-resident electors' roll shall be issued identification cards by the Commissioner and section 12 of the National Registration Act, which shall be read as though the words "any other law" were inserted after the word "regulations", shall apply in respect of the issue of such identification cards.

(2) The particulars obtained under the National Registration Act and the regulations made thereunder in the registration Process for the preparation of the registration cards shall be extracted and utilized in the preparation of the identification cards; in particular, a photograph and a facsimile of the signature of the person registered, as they appear on his registration card, shall be utilized as the signature on his identification card.

(3) The identification card shall be in Form 2 in the Schedule to the National Registration Act.

[A.D. 2000	ELECTION LAWS (AMENDMENT)	No. 15/
Transfer of functions, conferred on the Minister to the Commission Cap. 1:03 Cap. 19:08	10.	(1) The functions conferred on the Minister by the sections of the Representation of the People Act and the National Registration Act specified in subsection (2) shall be performed by the Commission, and accordingly references in the said sections to the Minister shall be construed as references to the Commission. (2) The sections referred to in subsection (1) are Sections 5, 6, 9, 29, 34 (3), 65 H, 65 J (2), 65 N (1) and 150 of the Representation of the People Act and sections 14 and 15 of the National Registration Act.
Cap. 1:03 Cap. 19:08		
Special provisions regarding regional democratic councils Cap. 1:03	11.	(1) The Commission shall have in regard to elections to choose the numbers of regional democratic councils the same functions as it has in relation to elections to choose members of the National Assembly including those members from the geographical constituencies, under articles 62 and 162 of the Constitution, this Act, the Representation of the People Act and the National Registration Act. (2) The modifications made in the Representation of the People Act by sections 10 and 12 shall have effect also in relation to election to choose the members of regional democratic councils.
Amendment of the Representation of the People Act.	12.	The Representation of the People Act is hereby amended in the following respects – (a) in section 2 – (i) by the deletion from the definition of “disciplined force” of the words “and for the removal of doubts, it is hereby declared that, that expression includes the Guyana National Service”; (ii) by the insertion in the definition of “election officer” immediately after paragraph (a) of the following paragraph – “(aa) the Deputy Chief Election Officer”; (iii) the substitution for the definition of “Guyana National Service” of the following definition – “geographical constituencies” means one of the ten constituencies into which Guyana is divided under section 11A.

- (iv) by the deletion from the definition of “member” of the words beginning with the word “and”, and ending with the word “therein”;
- (v) by the substitution for the definition of “voter identification card” of the following definition –

“identity paper” means an identification card Issue under the National Registration Act and Includes a replacement identification card so Issued:

Provided that the identity paper tendered to a Presiding officer on the day of an election by an elector shall be the latest identity paper issued to him by the Commissioner under this Act, as amended by the Election Laws (Amendment Act 2000.

(b) in section 11 –

- (i) in subsection (1), by the insertion Immediately after the words “A list of candidates” of the words “comprising registered voters who are eligible to be members of the National Assembly” and by the substitution for the words “not less than two hundred and not more than two hundred and twenty persons” of the words “not less than three hundred and not more than three hundred and thirty persons for national top-up lists, and for each geographical constituency not less than one hundred and fifty and not more than one hundred and seventy-five persons”;
- (ii) by the substitute for the words “voter identification card” in subsection (2) of the words “registration card”;
- (iii) by the substitution for the words “the alphabetical Order of the surnames, of not less than 53 nor more than 65 persons” in subsection (3) of the words “in such order as each party may determine of the surnames and other names, of at least 42 persons qualified to be elected to the National Assembly”;

(iv) by the substitution for the word “No” at the beginning of subsection (6) of the words “subject to section 11B, no”;

(c) by the insertion immediately after section 11 of the following sections.

Requirements
for geographical
constituencies.

11A. (1) The National Assembly shall contain sixty-five elected members, and their election shall be on a party lists basis to which the system of proportional representation shall be applied; in this Section and in section 11C the system of proportional Representation referred to is known as the largest remainder system using the “Hare quota”;

(2) Guyana shall be divided into ten geographical Constituencies for the purpose of electing members of the National Assembly from each geographical constituency.

(3) Each of the ten regions of Guyana constituted as a registration district and a polling district under the Local democratic Organs (Regional Democratic Councils) Order 1980 shall be deemed to be a geographical constituency.

(4) The ten geographical constituencies shall elect twenty-five of the members of the National Assembly. The number of members to be elected from each geographical constituency mentioned in the first column of the Table below shall be as shown in the corresponding entry in the second column of the Table.

TABLE

GEOGRAPHICAL CONSTITUENCIES	NUMBER OF MEMBERS OF THE NATIONAL ASSEMBLY ELECTED
No.1	2
No. 2	2
No. 3	3
No. 4	7
No. 5	2
No. 6	3
No. 7	2
No. 8	1
No. 9	1
No. 10	2

(5) The remaining forty elected members of the National Assembly shall be chosen from lists supplied by contesting parties and such lists shall be designated “national top-up lists”.

Characteristic that party lists must satisfy.

11B. (1) Each party shall contest in a minimum of six of the ten geographical constituencies, and shall also satisfy the criterion that a contesting party is contesting at least thirteen of the twenty-five seats specified in section 11A (4) in respect of the geographical constituencies.

(2) Each party shall submit, for each geographical constituency in which it is contesting the general election, a list of names of persons qualified to be elected to the National Assembly; and each such list shall comprise two more names than the number of members of the National Assembly specified in section 11A (4) for the specific geographical constituency for which the list is submitted.

(3) Each party shall submit a national top-up list, separate and distinct from lists relating to geographical Constituencies, comprising at least forty-two names of persons qualified to be elected to the National Assembly, and the party’s Presidential Candidate shall be so identified on, and only on, its national to-up list.

(4) Each party may duplicate names on its geographical constituency lists and its national top-up list, subject to the following provisions –

- (a) a candidate’s name can appear on only one geographical constituency list;
- (b) a candidate’s name can appear on only one party’s lists;
- (c) a candidate’s name can appear on a geographical constituency list and also on the national top-up list of a party, but if the candidate is allocated a seat based on the results in a geographical constituency that candidate’s name cannot also be extracted from the national top-up list, and **vice versa**, for membership of the National Assembly.

(5) The total number of females on each party’s national top-up list shall be at least one-third of the total number of persons on that list.

(6) The total number of females on any party's lists for geographical constituencies, taken together, shall be at least one-third of the total number of persons on those lists taken together for the geographical constituencies in which that party is contesting.

(7) There shall be no more than twenty percent of the number of geographical constituencies in which a party is contesting for which the party's geographical constituency list contains no female.

(8) In the extraction from the list declaration of names of the candidates who have been elected account shall be taken –

- (i) of the total number of females on each party's national top-up lists and the lists for geographical constituencies, taken together, being at least one-third of the number of persons on those lists as mentioned in paragraphs (5), (6) and (7); and
- (ii) of the proportion that women formed of the electorate.

(9) The order in which a party states the names of candidates on its lists shall be as the party deems fits.

Voting and allocation
of seats in the
National Assembly

11C. (1) Every elector shall have only one vote which shall be cast in the geographical constituency in which he is registered and votes in respect of the list of his choice, and that vote shall be counted to determine the outcomes of both the election for that geographical constituency and for the country taken as a whole: a vote for a party's geographical constituency list is simultaneously a vote for that party's national top-up list.

(2) Within each geographical constituency, the seats allocated to a party for membership of the National Assembly from the geographical constituency shall be determined by application of the system of proportional representation to the valid votes cast in that geographical constituency in relation to the total number of seats being contested in that geographical constituency, thereby allocating to parties the twenty-five seats under section 11A (4).

(3) For the country taken as a whole, the total seats Allocated to a party for membership of the National Assembly shall be determined by application of the system of proportional representation to the valid votes for parties countrywide in relation to the sixty-five elected seats of the National Assembly.

(4) For each geographical constituency, each party shall extract from its geographical constituency list the candidates to become members of the National Assembly on the basis of the seats allocated under subsection (2).

(5) The number of seats in the National Assembly that is additional to the number of seats allocated to a party from the geographical constituencies as determined under subsection (2) shall be determined by subtracting the number determined under subsection (2) from the total number of seats that is to be allocated to the party under subsection (3).

(6) Each party shall extract from its national top-up list candidates who together comprise the additional number of seats allocated to the party under subsection (4), provided that the provisions in section 11B (4) (C) are observed”;

(d) by the insertion after the words “section 11” in section 13 of the words “ or section 11A, as the case may be”;

(e) in section 14 –

(i) by the substitution for the words “(4) and (5)” in subsection (1) of the words “(4), (5) or section 11B”;

(ii) by the substitution for the words “there remain less than two hundred signatories thereto” in subsection (3) of the national top-up list there remain less than three hundred signatories thereto or in the case of a geographical constituency there remain less than one hundred and fifty of the registered voters as signatories thereto”;

(f) by the substitution for the words “voter identification cards” in section 32 (3) of the words “registration cards”;

(g) by the insertion immediately after section 39 (f) the following section –

“Requirements of ballot paper for geographic constituencies.

39A (1) every ballot paper for a geographical constituency shall -

(a) contain, serially numbered on the left hand side, and in alphabetical order of the initial letters of each list of a contesting party, the title and symbol of each contesting party; but the serial numbering on the ballot paper under paragraph (a) and the serial numbering on the counterfoil, under

paragraph (c), shall be done in such a manner as to ensure that the two sets of serial numbers cannot be correlated;

- (b) be capable of being folder;
- (c) be attached to a counterfoil bearing, printed on the face, a serial number and the words and dots –

“Elector’s No.in the Official List.

(2) In the printing of the ballot paper –

- (a) no letter, word or design shall be printed on the face except the initial letters, title and symbol of the contesting parties;
- (b) no rules shall be printed on the face except the horizontal rules separating the particulars of the contesting parties from one another and the vertical rules separating those particulars from the numbers on the left hand side and from the spaces on the right where the symbols are shown and separating the spaces for symbols from the spaces on their right where the vote is to be marked;
- (c) the whole space between the top and the bottom of the paper shall be equally divided between the contesting parties by rules separating their particulars;
- (d) the initial letters of each contesting in large capitals and the full titles of each in small capitals.

(3) The symbol shall be printed between the party’s particulars and the vertical rule separating the parties’ particulars from the spaces where the vote is to be marked.

(4) Tendered ballot papers shall be of a different colour from ordinary ballot papers but, subject to difference of colour, this section shall apply to tendered ballot papers as it does to ordinary ballot papers.

(5) The ballot paper shall be in Form 11 in the Schedule”.

(h) in section 43 –

- (i) by the substitution for the words “such voter identification card” in paragraph (b) of the words “such card”;

- (ii) by the substitution for the words “such voter identification card” wherever they occur in paragraphs (a) and (b) of the proviso of the words “such identification card”;
- (iii) by the substitution “for the words “voter identification card” in the ending part of the proviso of the words “identification card”;
- (i) by the substitution for the words “voter identification card” in section 50 (2) of the words “registration card”;
- (j) by the substitution for paragraph (b) in sections 59 (1), 86 (1) and 91 (1) respectively, and for paragraph (b) (i) in section 79 (1) of the following paragraph –
 “(b) members of the Commission”;
- (k) by the insertion immediately after section 62 of the following section –

“Casting of non-resident vote for geographical constituencies.

62A. (1) The ballot officer shall supply to every person entitled to ballot at the balloting place his ballot paper in an unsealed envelope; on the envelope shall be stated his name, polling district, division, code number and polling place.

(2) Upon issuing the unsealed envelope to the person entitled to ballot such person shall cast his ballot and place it in the envelope which he shall seal before placing it in the ballot box provided by the ballot attendant.

(3) Upon receipt of the envelopes containing the ballots cast the Chief Election Officer or his duly authorized representative shall sort the envelopes with the ballot cast therein and place each envelope in a packet for the relevant polling station in the relevant geographical district and prepare a written statement of the number of envelopes so sorted.

(4) The Chief Election Officer shall transmit all sealed envelopes with the cast ballots to the respective returning officers for each geographical district, together with a copy of the written record of the envelopes so dispatched.

(5) Each returning officer shall cause to be distributed to each presiding officer the sealed envelopes containing ballots to be cast at the specific polling station presided over by that presiding officer.

(6) At the commencement of poll and in the presence of polling agents the presiding officer shall verify the number of envelopes and cast the votes contained in those envelopes.

(7) The persons who balloted in accordance with this section shall be deemed to have cast their votes at the election in the districts in which the relevant balloting places are situated.

(8) The votes deemed to have been cast at The election in each district under subsection (7) shall be counted by the respective presiding officer and the provisions of section 83 shall apply mutatis mutandis in relation to the counting of votes under this section;”

(l) by the deletion of subsection (2) in section 65G;

(m) in section 65L –

(i) by the insertion immediately after the word “sealed ballot box” in subsection (1) of the words “containing the sealed enveloped with the marked ballots”;

(ii) by the substitution for the words “shall be responsible for their safe custody until the election day” in subsection (2) of the words “shall deliver them to the Chief Election Officer who shall be responsible for their safe custody”;

(iii) by the deletion of subsections (3) and 4;

(iv) by the insertion of the following subsection immediately after subsection (2) –
“(3) The provisions of section 62 A as they apply in relation to the non-resident electors’ ballot shall apply mutatis mutandis to voting by the disciplined forces”;

(n) by the substitution for the words “voter identification card” in sections 65J (2), 69, 70, 71,(a), 126(d) and 137(1) (a), wherever they occur, of the words “identity papers”;

- (o) by the insertion after the words “papers therein” in section 68 (a) of the words “and allow any authorized person present to make an entry in the poll book attesting to this fact”;
- (p) by the substitution for paragraph (e) in section 71 (1) of the following paragraph -
“(e) return to the elector his identity paper, and also if he has been appointed to vote as proxy on behalf of another Elector the identity paper of that elector unless any such identity paper has been provided at the polling place in pursuance of section 43.”;
- (q) by the insertion after the words “officer shall” in section 72(1) of the words “by demonstration by the use of a specimen ballot paper”;
- (r) in section 73 (2) –
 - (a) by the substitution for the words “Form 22” in the marginal note of the words “Form 21”;
 - (b) by the insertion in the marginal note below the substituted words “Form 21.” Of the words “Form 22”;
 - (c) by the substitution for the words “Form 22 and is Accompanied by a friend” of the words “Form 21 and his accompanied by a friend, who has taken the oath in Form 22”;
- (s) by the substitution for the words “returning officer” in section 74 (2) of the words “presiding officer”;
- (t) by the repeal of section 74A and the substitution therefore of the following section –

“Presiding officer to accept other identification in certain circumstances.

75. The Presiding officer shall, in the event of his needing to be satisfied of the identity of any elector whose name is on the official list of electors accept in lieu of the prescribed identity paper such other identification as is authorized by the Commission and entailing the same stringency for its generation as to leave no doubt as to its authenticity as in the case of the identity paper and permit an elector to vote in the same manner as if his identity paper had been produced’;

- (u) by the insertion immediately after subsection (9) in section 83 of the following subsection -

“(94) The statement of poll prepared in accordance with subsection (9) shall be posted in a conspicuous place outside the polling place as conclusive evidence of the Result of the election for that polling place unless there is a recount of the vote”;

- (v) by the deletion of the words “under sections 65L and 92” in section 96;

- (w) in section 102 –

(i) by the substitution for the words “member of the Police Force in charge of a police station in his district” in subsection (3) of the word “Commission”;

(ii) by the substitution for the words “beginning with the words “to be” and ending with the words “ballot boxes” in subsection (4) of the words “to be deposited in the custody of the Commission”;

- (x) in section 126 –

(i) by the substitution for the comma at the end of paragraph (d) (iii) of a semicolon;

(ii) by the insertion of the following paragraphs immediately after paragraph (d) (iii) –

“(e) for the purpose of affecting the return of a list of candidates causes any person to cast an invalid vote;

(f) conspires with persons known or unknown to deprive a qualified person of the right to be registered or to cause a person not qualified to register as a Voter;

(g) except as otherwise provided in section 29, with intent to vote enters, or who votes in a polling division other than the polling division where he is registered”;

[A.D. 2000

ELECTION LAWS (AMENDMENT)

No. 15/

(y) by the insertion immediately after section 139 of the following sections –

<p>“Terror intimidation causing any withdrawal of candidate.</p>	<p>139A. Any person who through intimidation, terror or force causes any other person to withdraw from being a candidate at any election shall be guilty of an offence and shall be liable on summary conviction to a fine of forty thousand dollars together with imprisonment for one year.</p>
<p>Abetment of offence under this Act.</p>	<p>139B. Save as otherwise provided in this Act, every person who aids, abets, counsels, causes, or procures, the commission of any offence under this Act shall be liable to be proceeded against and convicted for that offence, either together with the principal offender or before or after his conviction, and shall be liable on summary conviction to the same punishment as that to which the principal offender is liable by law.</p>
<p>Attempt and incitement to commit offence under this Act.</p>	<p>139C. Every person who attempts to commit or incites to any person to commit any offence under this Act shall be liable to one-half of the punishment prescribed for that offence”.</p>
<p>Application of certain provisions of the Representation of the People Act to geographical constituencies. Cap: 1:03</p>	<p>13. (1) The provisions of the Representation of the people Act specified in subsection (2) shall apply in relation to elections for geographical constituencies as they apply in relation to elections before the commencement of this Act and for that purpose shall be construed with any necessary modifications, adaptations, qualifications and exceptions.</p> <p>(2) The provisions of the Act specified for the purposes of subsection (1) are –</p> <p>sections, 1, 3 to 10 (inclusive), 12, 15 to 31 (inclusive), 33, to 38 (inclusive), 40, 41, 42, 44 to 49 (inclusive, but excepting section 47), 51 to 58 (inclusive), 60 to 67 (inclusive), 76 to 82 (inclusive), 84 to 90 (inclusive), 99 to 101 (inclusive), 103 to 110 (inclusive), 112 to 125 (inclusive), 127 to 136 (inclusive, 138 to 151 (inclusive).</p>

Amendment of the
National Registration
Act.
Cap. 19:08

14. The National registration Act is hereby amended in the following respects –

- (a) in section 3 –
- (i) by the substitution for the word “responsible” in subsection (3) (a) of the words “responsible to the Commission”;
 - (ii) by the substitution for the words “may issue to persons employed under the Commissioner directions” in subsection (s) (b) of the words “may on the authority of the Commission, issue to persons employed by the Commission directions”;
 - (iii) by the substitution for the word “shall” in subsection (3) (c) of the words “shall in accordance with the directions of the Commission”;
- (b) by the substitution for the word “Commissioner” in section 5 (2) of the words “Commissioner”, with the approval of the Commission”;
- (c) by the substitution for the words “Minister, on the advice of the Elections Commission” in section 6 (1) of the word “Commission”;
- (d) in section 9 for words ‘prescribed by the Minister, on the advice of the Elections Commission’ wherever they occur substitute the words “prescribed by the Commission”, and in section 9 (2) for the word “registrar”;
- (e) by the substitution for the word “Minister” in section 14 (1) and (3) of the word “Commission”;
- (f) by the substitution for the word “Minister” in section 15 (1) of the word “Commission”;
- (g) by the substitution for the words “69 (1) (b)” in section 16 (1) of the words “162”;
- (h) in section 19 –

[A.D. 2000

ELECTION LAWS (AMENDMENT)

No. 15/

- (i) by the substitution for the words “Minister may on the advice of the Elections Commission” in the opening part of subsection (1) of the words “Commission may”;
 - (ii) by the substitution for the word “Minister” in subsection (1) (g) of the word “Commission”;
 - (iii) by the deletion of the words “any Minister hereinbefore mentioned” in subsection (3) d;
 - (iv) by the deletion of the words “such Minister or” and the words “orally or in writing’ in subsection (3) (e);
 - (v) by substitution for the words “any such Minister or” in subsection (3) 9g) of the words “the Commission or any”;
- (i) by the substitution for the words “two hundred and fifty dollars” in Sections 19 (2), 20 (1) and (2), 21, 22, 23 (1) and (2), 25 (3) and (4) and 27 of the words “five thousand dollars” respectively;
- (j) by the substation for the words “one hundred dollars” in section 24 of the words “two thousand dollars”;
- (k) in section 26 –
- (i) by the insertion of the words “or appointed as a scrutineers,” after the words “section 3 or 4”;
 - (ii) by the substitution for the words “two hundred and fifty Dollars” of the words “five thousand dollars”;
- (l) in the Schedule, by numbering the oath of office as Form 1 and by the insertion of the following as Form 2 –

Form 2

Guyana Identification Card Identity No.		
Surname	<div style="border: 1px solid black; width: 100px; height: 100px; margin: 0 auto;"> <p style="text-align: center;"><i>(photo)</i></p> </div>	
Forenames		
Sex		
Date of Birth		
Height		cm
Colour of Eyes		
Distinguishing Marks		
Nationality		
		Date of Issue
Signature: _____		Facsimile Signature

Note

Forenames is a concatenation of first name and middle names

(REVERSE SIDE)

GUYANA
(Insert Coat of Arms)
IDENTIFICATION CARD
Commissioner, National Registration

(m) Every reference in any subsidiary legislation made under the Act to the twentieth century beginning with the words “19” shall be read and construed also as a reference to the twenty-first century beginning with the words “20”.

Amendment of the
local democratic
organs Act 1980.
No. 12 of 1980

15. (1) The Local Democratic Organs Act 1980 is hereby amended in the following respects –

(a) by the deletion of the word “for the election of members of the National Assembly by regional democratic counsels and the National Congress of local Democratic Organs, for thereby and otherwise” in the long title;

(b) in section 2 (1) –

(i) by the deletion of the words “of the National Congress of Local Democratic Organs or” in the definition of “clerk”;

(ii) by the deletion of the definition “Congress”;

(c) by the deletion of section 2 (2);

(d) by the deletion of paragraph (b) in section 17 (2);

(e) by the insertion immediately after subsection (2) of section (2) of section 18 the following subsection –

“(3) In an election to election members of a regional democratic council, a list of candidates referred to in this section shall by submitted by not less than one hundred and seventy-five persons”;

(f) by the repeal of sections 34 to 62 inclusive, and sections 64 and 65;

(g) by the deletion of the words “or section 64, as the case may be” in section 63 (1);

(2) For the removal of doubt it is hereby declared that, notwithstanding the introduction of proportional representation through geographical constituencies, election of members of regional democratic counsels may be held at the same time as an election of members of the National Assembly.

[A.D. 2000

ELECTION LAWS (AMENDMENT)

No. 15/

- | | | |
|--|-------------------|--|
| <p>Mode of exercise of functions of commission.</p> <p>Cap. 1:03</p> <p>Cap. 19:08</p> | <p>16.</p> | <p>(1) All directions or instructions of the Commission, in exercise of the functions conferred on it by article 162 of the Constitution, this Act, the Representation of the People Act or the National Registration Act, shall, be issued orally or in writing through the Chairman of that Commission or any person authorized by him in writing in that behalf.</p> <p>(2) All communication or instruments from or made by the Commission shall be issued or made under the signature of the Chairman of that Commission or any person authorized by him in writing and all communications to that Commission shall be addressed to the Chairman thereof.</p> |
| <p>Permanent Secretariat of the commission; appointment of staff.</p> | <p>17.</p> | <p>(1) There shall be a Permanent Secretariat to the Commission to ensure institutional memory and capacity and the Commission shall be responsible for the efficient functioning of the Secretariat.</p> <p>(2) The Commission shall be responsible for appointing on such terms and conditions as may be determine by the Commission such permanent and temporary staff to the offices of the Commission as are considered by the Commission to be necessary for the discharge of its functions under the constitution and any written law.</p> <p>(3) The staff of the Commission shall be –</p> <p>(a) designated by the Commission on such terms and conditions as it deems fit with the consent of the appropriate authority, from among persons holding appointments in the public service;</p> <p>(b) appointed from among persons who had held appointments in the public service and had retired or resigned therefrom; or</p> <p>(c) appointed from among fit and proper persons who are not public officers.</p> <p>(4) In subsection (3), “appropriate authority” means the authority vested by law with power to appoint the public officer in the public service.</p> |
| <p>Chief Election Officer and Commissioner of Registration subject to direction and control of Commission.</p> | <p>18.</p> | <p>The Chief Elections Officer and the Commissioner of Registration shall notwithstanding anything in any written law be subject to the direction and control of the Commission.</p> |

[A.D. 2000

ELECTION LAWS (AMENDMENT)

No. 15/

- | | | |
|--|------------|--|
| Supervision of employment of certain officers. | 19. | For the removal of doubts is hereby declared that the power of the Commission to supervise the functioning of any Election Officer and the Commissioner or Deputy Commissioner shall include the power to issue directions to any such officer of the Commissioner or Deputy Commissioner in respect of the employment of any person by them in relation to the registration of electors or the conduct of elections. |
| Local observers. | 20. | The Commission may approve of local organisations observing the democratic process involved in any election provided such organisations fulfill such conditions as may be stipulated by the Commission. |
| Expenses of commission

Cap. 1:03
Cap. 19:08 | 21. | The expenses incurred by the Commission, or with its approval, for, or in connection with the exercise and discharge of the functions conferred on the Commission by articles 62 and 162 of the Constitution, the Act, the Representation of the People Act and the National Registration Act (including the payment of emoluments of persons designated or appointed under section 17), shall be paid out in funds approved by Parliament. |
| Removal of difficulties
Cap. 1:03

Cap. 19:08 | 22. | <p>(1) If any difficulties arises in connection with the application of this Act, the Representation of the People Act or the National registration Act or any relevant subsidiary legislation, the Commission shall, by order, make any provision, including the amendment of the said legislation, that appears to the Commission to be necessary or expedient for removing the difficulty; and any such order may modify any of the said legislation in respect of any particular matter or occasion so far as may appear to the Commission to be necessary or expedient for removing the difficulty.</p> <p>(2) Any order subsection (1) shall be subject to negative resolution of the National Assembly, only if parliament is not dissolved and not otherwise, and shall not be made after the expiry of three months the date of the election.</p> |

[A.D. 2000	ELECTION LAWS (AMENDMENT)	No. 15/
<p>Overriding effect of this Act. Cap. 1:03 Cap. 19:08</p>	23.	<p>(1) The Representation of the People Act and the National Registration Act and the regulations made under these Acts shall, to the extent to which any provision thereof is inconsistent with any provision of this Act, be construed as amended or modified by this Act.</p>
Cap. 19:08		<p>(2) Subject to subsection (1) and the preceding provisions of this Act, the provisions of the National Registration Act and the regulations made hereunder, shall mutatis mutandis apply to, and in relation to the registration of electors, preparation of preliminary lists, claims and objections, appeals from decisions in respect of claims and objections and all other matters, dealt with in the preceding sections of this Act of connected therewith, and offences and penalties relation to any such matter, in the same manner as they apply to an in relation to, the Registration of persons and the preparation of a central registrar under the National Registration Act.</p>
Cap. 19:08		
Repeal.	24.	<p>(1) The Election Laws (Amendment) Act 1996, the Election Laws (Amendment) Act 1997, and the Election Laws (Amendment) Act 2000 are hereby repealed.</p>
<p>No. 12 of 1996 No. 22 of 1997 No. 9 of 2000</p>		<p>(2) Section 12 of the National Registration Act and regulations 2, 20(2), and 41 of the National Registration (Residents) Regulations made thereunder, as amended by the Election Laws (Amendment) Act 1997 for the purpose of producing voter identification cards, shall stand repealed on the enactment of this Act.</p>

Passed by the National Assembly on 23rd November, 2000

F.A. NARAIN
Clerk of the National Assembly

(Bill No. 12/2000)