

THE OFFICIAL GAZETTE 4TH SEPTEMBER, 2015

LEGAL SUPPLEMENT — C

BILL NO. 9 OF 2015

Friday 4th September, 2015

PARLIAMENT OFFICE
Public Buildings,
Georgetown,
Guyana.

4th September, 2015.

The following Bill which will be introduced in the National Assembly is published for general information.

S.E. Isaacs,
Clerk of the National Assembly.



BILL NO. 9 OF 2015

LOCAL AUTHORITIES (ELECTIONS) (AMENDMENT) BILL 2015

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Amendment of section 2 of the Principal Act.
3. Amendment of section 5 of the Principal Act.
4. Amendment of section 10 of the Principal Act.
5. Amendment of section 11 of the Principal Act.
6. Amendment of section 12 of the Principal Act.
7. Amendment of section 15 of the Principal Act.

8. Amendment of section 18 of the Principal Act.
9. Amendment of section 20 of the Principal Act.
10. Amendment of section 40 of the Principal Act.
11. Amendment of section 41 of the Principal Act.
12. Amendment of section 46 of the Principal Act.
13. Amendment of section 47 of the Principal Act.
14. Amendment of section 48 of the Principal Act.
15. Amendment of section 49 of the Principal Act.
16. Amendment of section 50 of the Principal Act.
17. Amendment of section 51 of the Principal Act.
18. Amendment of section 53 of the Principal Act.
19. Amendment of the Principal Act.
20. Amendment of section 62 of the Principal Act.
21. Amendment of section 63 of the Principal Act.
22. Amendment of section 64 of the Principal Act.
23. Amendment of section 65 of the Principal Act.
24. Amendment of section 74F of the Principal Act.
25. Amendment of section 95 of the Principal Act.
26. Amendment of section 101 of the Principal Act.

**A BILL
Intituled**

AN ACT to amend the Local Authorities (Elections) Act.

A.D. 2015

Enacted by the Parliament of Guyana:-

Short title:
Cap. 28:03.

1. This Act which amends the Local Authorities (Elections) Act may be cited as the Local Authorities (Elections) (Amendment) Act 2015.

Amendment of
section 2 of the
Principal Act.

2. Section 2 of the Principal Act is amended as follows-

(a) by the insertion immediately after the definition of “assistant agent” of the following definition –

““by-election” means a special election held between regular elections to fill a vacancy occurring in the office of a councillor in respect of the first-past-the-post component of councillors in a local authority area.’

(b) by the substitution for the definition of “election officer” of the following definition –

““election officer” means –

(a) the Chief Election Officer;

(b) the Deputy Chief Election Officer;

- (c) the Assistant Chief Election Officer;
- (d) a returning officer;
- (e) a deputy returning officer;
- (f) an election clerk;
- (g) a presiding officer;
- (h) an assistant presiding officer;
- (i) a poll clerk;'

- (c) by the substitution for the definition of "identification card" of the following definition –

Cap. 19:08.

"identification card" means the document relating to the identity of a person issued under the National Registration Act and includes a replacement identification card so issued:

Provided that the identification card tendered to a presiding officer on the day of the election by an elector shall be the latest identification card issued to him by the Commissioner of Registration.'

Amendment of
the section 5 of
the Principal Act.

3. Section 5(2) of the Principal Act is amended by the substitution for the words "a returning officer and an election clerk" of the words "a returning officer, an election clerk and a counting assistant,".

Amendment of
the section 10 of
the Principal Act.

4. Section 10 (2) of the Principal Act is amended as follows-

(a) in paragraph (d), by the substitution for the “full stop” of a “semi-colon”;

(b) by the insertion immediately after paragraph (d) of the following paragraph as paragraph (e)-

“(e) a vagrant is deemed not to be ordinarily resident anywhere or to have a place of residence unless it is proved to the contrary.”.

Amendment of
the section 11 of
the Principal Act.

5. Section 11(1) of the Principal Act is amended by the substitution therefor of the following subsection as subsection (1)-

“(1) The Commissioner of Registration on the direction of the Elections Commission shall cause the electoral registrar to compile the preliminary list of voters for the local authority area by extracting from the National Register of Registrants, the names and other particulars recorded therein of persons whose addresses are within the area; and the electoral registrar shall certify the preliminary list in the prescribed form.”.

Amendment of
the section 12 of
the Principal Act.

6. Section 12(3) of the Principal Act is amended by the insertion immediately after the word “deaths” of the following words “, and post such copies in every Electoral Division”.

Amendment of
the section 15 of
the Principal Act.

7. Section 15 (1) (b) of the Principal Act is amended by the substitution for the words “a birth or baptismal certificate” of the words “a birth certificate or a valid passport”.

Amendment of
the section 18 of
the Principal Act.

8. Section 18(1)(b) of the Principal Act is amended by the insertion immediately after subparagraph (ii) of the following subparagraphs as subparagraphs (iiA) and (iiB) respectively –

“(iiA) the Deputy Chief Election Officer;

(iiB) the Assistant Chief Election Officer;”

Amendment of
the section 20 of
the Principal Act.

9. Section 20(9) of the Principal Act is amended by the substitution for the word “Minister” of the word “Commission”.

Amendment of
the section 40 of
the Principal Act.

10. Section 40(2) (b), (c), (d) and the proviso of the Principal Act are deleted.

Amendment of
the section 41 of
the Principal Act.

11. Section 41(1) of the Principal Act is amended by the substitution for the words “21st” of the words “50th” .

Amendment of
the section 46 of
the Principal Act.

12. Section 46 (1) of the Principal Act is amended as follows –

(a) in subsection (1) by the substitution of the words “21st” for the words “49th”;

(b) in subsection (2) by the substitution of the words “21st” for the words “48th”.

Amendment of
the section 47 of
the Principal Act

13. Section 47 of the Principal Act is amended by the substitution of the words “20th” for the words “47th”.

- Amendment of the section 48 of the Principal Act
14. Section 48 (1) of the Principal Act is amended by the substitution therefor of the following subsection –
- “(1) The representative and deputy representative of a list of candidates, or either of them, shall, not later than the 21st day before nomination day apply in writing to the Elections Commission for the approval of a symbol and they may not later than the 50th day before election day, make application in writing addressed to the returning officer for the allocation of the symbol approved by the Elections Commission.”.
- Amendment of the section 49 of the Principal Act.
15. Section 49 of the Principal Act is amended as follows –
- (a) in subsection (1) by the substitution for the words “20th” of the words “46th”;
- (b) in subsection (3) the substitution for the words “20th” of the words “46th”.
- Amendment of the section 50 of the Principal Act
16. Section 50 (1) of the Principal Act is amended by the substitution for the words “20th” of the words “45th”.
- Amendment of the section 51 of the Principal Act.
17. Section 51 of the Principal Act is amended by the substitution for the words “18th” of the words “44th”.
- Amendment of the section 53 of the Principal Act.
18. Section 53 (1) of the Principal Act is amended by the substitution for the words “19th” of the words “48th”.

Amendment of
the Principal Act.

19. The Principal Act is amended by the insertion immediately after section 53 of the following section as section 53A -

“By-Election
resulting from
vacancy for
councillor, etc.

53A.(1) Where a vacancy for a councillor in respect of the first-past-the-post number of councillors in a local authority area occurs as a result of death, resignation or any other cause, the Clerk of the Council shall, after compliance with the provisions of section 43 (1) of the Municipal and Districts Councils Act, inform the Elections Commission, which shall instruct the Chief Election Officer to hold a By-Election and the Chief Election Officer shall carry out the instructions thereof.

Cap, 28:03

(2) The provisions of the Local Authorities (Elections) Act, shall, as they apply to elections generally, apply *mutatis mutandis* to the holding of a by-election.”

Amendment of
the section 62 of
the Principal Act.

20. Section 62(3)(b) of the Principal Act is amended by the substitution of the word “three” of the word “two”.

Amendment of

21. Section 63(b) of the Principal Act is amended by the substitution for the words “7th” of the words “10th”.

Amendment of
the section 64 of
the Principal Act.

22. Section 64(2) of the Principal Act is amended by the insertion immediately after the word “therefor” of the words “not later than four days before election day”.

Amendment of
section 65 of the
Principal Act.

23. Section 65 (b) of the Principal Act is amended by the substitution for the words “7th” of the words “10th”.

Amendment of
the section 74F
of the Principal
Act.

24. Section 74F of the Principal Act is amended as follows –

(a) by the substitution for subsection (3) the following subsection -

“(3) Not later than three days before election day, during such hours as may be fixed for the purpose by the Elections Commission by notification in the *Gazette*, the Elections Commission shall at a place to be determined by the Elections Commission sort, the vote from the sealed ballot boxes referred to in subsection (1), received by the Elections Commission from each ballot officer and 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 council area or local authority area in which the balloting places were situated.”;

(b) in subsection (4) by the substitution for the words “counted separately” of the word “sorted”;

(c) by the substitution for subsection (5) of the following subsection as subsection (5);

“The Chief Election Officer shall transmit all sealed envelopes with the cast ballots to the respective returning officers for each local authority area, together with a copy of the written record of the envelopes so dispatched.”;

(d) by the insertion immediately after subsection (5) of the following subsections as subsections (6), (7) and (8) –

“(6) In the presence of the polling agents the presiding officer shall verify the ballots contained in the envelopes at each polling station and record the number of envelopes with the cast ballots mixing the ballots with the ordinary votes;

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

(8) The votes deemed to have been cast at the election in each local authority area under subsection (7) shall be counted by the respective presiding officer and the provisions of sections 84, 94 and 95 shall apply mutatis mutandis in relation to the counting of votes under this section.”.

Amendment of
the section 95 of
the Principal Act.

25. Section 95 of the Principal Act is amended by the substitution for the words “presiding officer”, wherever they appear, of the words “returning officer”, and for the word “completed” of the word “conducted”.

Amendment of
the section 101
of the Principal
Act.

26. Section 101 of the Principal Act is amended by the insertion immediately after the word “practicable” of the words “but not later than fifteen days,”.

EXPLANATORY MEMORANDUM

This Bill seeks to amend twenty two sections and to insert one new section in the Local Authorities (Elections) Act, Cap. 28:03. The amendments seek to clear the way for the holding of local government elections in December.

Clause 2 of the Bill widens the definition of election officer to include Deputy Chief Election Officer, Assistant Chief Election Officer and Deputy Returning Officer. It also widens the definition of identification card to include a card issued during the continuous registration process and inserts a definition of by-election.

Clause 4 amends section 10(2) of the Act by stating that a vagrant is deemed not to be ordinarily resident anywhere.

Clause 5 substitutes a new subsection (1) to section 11, which states that the preliminary list of voters should be extracted from the National Register of Registrants and not from the 1992 official list of electors.

Clause 7 amends section 15(1)(b) of the Act to provide that an applicant for registration as a voter shall produce a birth certificate or a valid passport.

Clause 8 amends section 18(1)(b) to include the Deputy Chief Election Officer and the Assistant Chief Election Officer as persons who are authorized to enter polling stations.

Clause 9 amends section 20(9) of the Act substituting for the Minister the Commission, with the power to allow a Deputy Registrar to hear and determine applications for claims and objections.

Clause 10 amends section 40(2) of the Act removing bankruptcy as a disqualification for election as a councillor or for continuation in the office of a councillor.

Clauses 11, 12, 13, 14, 15, 16, 17, 18, 21 and 23 amend sections 41(1), 46(1), 47, 48(1), 49, 50(1), 51, 53(1), 63 and 65 respectively to extend the period of time in respect of –

- (a) submission of lists for nomination;
- (b) examination of lists, informing of representatives of any defects,
- (c) corrections to lists;
- (d) application for approval of symbols and allocation of symbols;
- (e) approval of lists;
- (f) appeal against refusal of approval of lists;
- (g) publication of lists;
- (h) notice of withdrawal of candidate;
- (i) application for the appointment of proxies (to be received by the returning officer not later than the tenth day before election day); and
- (j) notice of cancellation of proxy (to be received by the returning officer not later than the tenth day before election day).

Clause 19 amends the Act by inserting a new section 53A which makes provision for a by-election of a councillor.

Clause 20 amends section 62(3)(b) reducing the number of persons that a proxy can vote for from three to two.

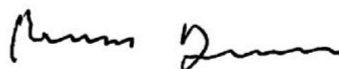
Clause 24 amends section 74F of the Act as follows –

- (a) by substituting for subsection (3) a new subsection providing for the sorting of votes by the Elections Commission;

- (b) in subsection (4) by providing for the sorting of votes;
- (c) by substituting for subsection (5) a new subsection providing for the transmission of sealed envelopes containing cast ballots to the respective returning officers for each local authority area;
- (d) by the insertion of new subsections (6), (7) and (8): subsection (6) gives the polling agents the power to verify ballots; subsection (7) provides that ballots cast are deemed to have been cast where the relevant ballot places are situated; subsection (8) provides that the votes cast will be counted by the presiding officer in each local authority area;

Clause 25 amends section 95 of the Act substituting for presiding officer the returning officer with power to effect recounts.

Clause 26 amends section 101 of the Act providing that as soon as practicable but later than fifteen days the returning officer shall publicly declare the results of the elections.



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Minister of Communities