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THE OFFICIAL GAZETTE 1ST NOVEMBER, 2022
LEGAL SUPPLEMENT – C

BILL No. 24 of 2022

Tuesday 1st November, 2022

PARLIAMENT OFFICE
Public Buildings,
Georgetown,
Guyana.

1st November, 2022

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

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

GUYANA

BILL No. 24 of 2022

REPRESENTATION OF THE PEOPLE (AMENDMENT) BILL 2022

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Amendment of the Principal Act.
3. Revocation.
4. Repeal.

SCHEDULE

A BILL

Intituled

AN ACT to amend the Representation of the People Act.

A.D. 2022 Enacted by the Parliament of Guyana:-

Short title. Cap. 1:03

1. This Act, which amends the Representation of the People Act, may be cited as the Representation of the People (Amendment) Act 2022.

Amendment of the Principal Act. Schedule

2. The provisions of the Principal Act specified in the first column of the Schedule are amended in the manner specified in the corresponding entry in the second column of the Schedule.

Revocation.

3. The provisions of any Regulations inconsistent with the provisions of the Principal Act as amended by this Act are revoked.

Repeal. No. 15 or 2000

4. (1) Subject to subsection (2), the Election Laws (Amendment) Act 2000 is repealed.

No. ... of 2022

(2) The provisions of sections 9, 18, 19 and 22 of the Election Laws (Amendment) Act 2000 shall be repealed on the coming into force of the National Registration (Amendment) Act 2022.

SCHEDULE

s. 2

PROVISIONS OF PRINCIPAL ACT	HOW AMENDED
Section 2	1. In subsection (1) – (a) immediately after the definition of "Commission" insert the following definitions – " "Commissioner" means the Commissioner of Registration appointed under the National Registration Act; "Deputy Commissioner" means the Deputy Commissioner of Registration appointed under the National Registration Act;"; (b) in the definition of "election officer" – (i) immediately after paragraph (c), insert the following paragraphs – "(ca) a supernumerary returning officer; (cb) a deputy supernumerary returning officer;"; and (ii) immediately after paragraph (g), insert the following paragraph – "(h) a counting assistant;";

	(c) in the proviso to the definition of "identity paper" delete the words "as amended by the Election Laws (Amendment) Act 2000"; (d) immediately after the definition of "poll" insert the following definition – " "polling place" means a polling place appointed under section 6(3) and which may be divided into polling stations under section 6(8);"; (e) in the definition of "returning officer" for the full-stop substitute a semi-colon; and (f) immediately after the definition of "returning officer" insert the following definitions – " "sub-district" means a polling sub-district, constituted under section 6A(1), of polling district – (a) Region 3 or the Essequibo Islands/West Demerara Region; (b) Region 4 or the Demerara/Mahaica Region; or (c) Region 6 or East Berbice/Corentyne Region; "supernumerary returning officer" means a supernumerary returning officer of a polling sub-district of polling district Region 3, 4 or 6.". 2. In subsection (3) – (a) in the opening part, for the word "resident" substitute the words "with registered addresses"; and (b) in paragraph (b) –

	(i) immediately after the words "section 8" insert the words "or 8B"; and (ii) for the words "any elector's residence within Guyana" substitute the words "an elector".
New Sections 4A, 4B, 4C and 4E	Immediately after section 4, insert the following new sections –
"Mode of exercise of the functions of the Commission. Cap. 1:01 Cap. 19:08	4A. (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 National Registration Act or any other written law, shall be issued orally or in writing through the Chairman of that Commission or any person authorised by him in writing in that behalf. (2) All communications 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 authorised by him in writing and all communications to that Commission shall be addressed to the Chairman thereof.
Permanent Secretariat of the Commission; appointment of staff.	4B. (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. (2) The Commission shall be responsible for appointing on such terms and conditions as may be determined 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, this Act and any other written law. (3) The staff of the Commission shall be – (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; (b) appointed from among persons who had held appointments in the public service and had retired or resigned therefrom; or (c) appointed from among fit and proper persons who are not public officers. (4) In subsection (3), "appropriate authority" means the authority vested by law with power to appoint the public officer in the public service.

	Expenses of Commission. Cap. 1:01 Cap. 19:08	4C. 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, this Act and the National Registration Act (including the payment of emoluments of persons designated or appointed under section 4B, shall be paid out of funds approved by Parliament.
	Functions of Commission regarding regional democratic councils. Cap. 1:01 Cap. 19:08	4D. (1) The Commission shall have in regard to elections to choose the members 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 and the National Registration Act. (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 councils may be held at the same time as an election of members of the National Assembly.
	Commission to approve local observers.	4E. (1) The Commission may approve of local organisations observing the democratic process involved in any election provided such

	organisations fulfil such conditions as may be stipulated by the Commission. (2) The Commission shall within three months of the holding of any election publish by notice in the *Gazette* the conditions which it may stipulate in relation to organisations to observe the election.".
Section 6	1. For the marginal note substitute the words "Polling districts and divisions, polling places and stations.". 2. In subsection (3), for the words "subsections (4) and (5)" substitute the words "subsections (4), (5) and (6)". 3. In subsection (4), for the words "Where the Chief Election Officer" substitute the words "Subject to subsections (6) to (12), where the Chief Election Officer". 4. In subsection (5), for the words "20th day" substitute the words "21st day". 5. Immediately after subsection (5), insert the following subsections – "(6) There shall be appointed such number of polling places in every village or locality within a division that shall be necessary to accommodate the electors of that village or locality. (7) Where there is no public building available to be appointed as a polling place within a division, or in a village or locality within a division, the Chief Election Officer may rent a separate private building unconnected with a political party or politician, and appoint it as a polling place at which electors of that division, village or locality shall be entitled to vote.

	(8) Where there is a large polling place with adequate space, the returning officer of the district in which the polling place is situate, may, after consideration of the factors set out in subsection (10) and subject to the approval of the Chief Election Officer, divide the polling place into polling stations. (9) Each polling station shall have assigned to it the requisite number of election officers and agents appointed by the election agent as are assigned to a polling place. (10) In determining whether to divide a polling place into polling stations, the following factors shall be taken into consideration – (a) the number of electors on the list for that polling place; (b) the size of the polling place; (c) the availability of internal and external space in the polling place to accommodate electors lining up at reasonable distance apart; (d) the ascessibility of the polling place for persons with disability; and (e) any other relevant factor. (11) There shall not be more than four hundred electors asigned to vote at a polling station. (12) Electors shall be assigned to a polling station on the basis of the alphabetical order of their names.".

New Section 6A	Immediately after section 6, insert the following new section –
"Sub-districts of polling districts. No. 71 of 1980	**6A.** (1) The polling districts Region No. 3 or the Essequibo Islands/West Demerara Region, Region No. 4 or the Demerara/Mahaica Region and Region No. 6 or East Berbice/Corentyne Region constituted under section 6 and specified by the National Assembly Elections (Constitution of Polling Districts) Order 1980, shall be divided into the number of polling sub-districts, each distinguished by the names, as follows – (a) polling district Region No. 3 or the Essequibo Islands/West Demerara Region shall be divided into 3 polling sub-districts distinguished by the names as follows – (i) Essequibo Islands and River sub-district; (ii) St. Lawrence to Cornelia Ida sub-district; and (iii) Hague to Arabio Creek sub-district. (b) polling district Region No. 4 or the Demerara/Mahaica Region shall be divided into 4 polling sub-districts distinguished by the names as follows – (i) East Bank Demerara sub-district; (ii) North Georgetown sub-district; (iii) South Georgetown sub-district; and (iv) East Coast Demerara sub-district; and

	(c) polling district Region No. 6 or East Berbice/Corentyne Region shall be divided into 3 polling sub-districts distinguished by the names as follows – (i) East Bank Berbice to Canje sub-district; (ii) Upper Corentyne sub-district; and (iii) Lower Corentyne sub-district. (2) Each of the polling sub-districts of a polling district specified in subsection (1) shall be defined by such number of the total number of polling divisions which constitute the district under the National Assembly Elections (Constitution of Polling Districts) Order 1980, as may be determined by the Commission by Order. (3) Any reference in this Act to district 3, 4 or 6 shall be construed as a reference to polling district Region No. 3, polling district Region No. 4 or polling district Region No. 6, respectively.".
Section 7	1. For the words "7." substitute the words "7. (1)". 2. Immediately after paragraph (b), insert the following paragraph – "(ba) for each sub-district a supernumerary returning officer and an election clerk;". 3. In paragraph (d), immediately after the words "deputy returning officers," insert the words "deputy supernumerary returning officers,".

	4. Immediately after subsection (1) as so amended, insert the following subsection – "(2) Presiding officers, assistant presiding officers, poll clerks, counting assistants and any other staff appointed by the Commission as its polling day staff shall be randomly placed at polling stations within the polling district or polling sub-district in which their names are listed in the official list of electors.".
New Sections 7A and 7B	Immediately after section 7, insert the following new sections – "Chief Election Officer subject to direction and control of the Commission. 7A. The Chief Election Officer shall notwithstanding anything in any written law be subject to the direction and control of the Commission. Supervision of employment of certain officers. 7B. For the removal of doubt it is hereby declared that the power of the Commission to supervise the functioning of any election officer shall include the power to issue directions to any such officer in respect of the employment of any person by him in relation to the conduct of elections.".
New Section 11D	Immediately after section 11C, insert the following new sections – "Application of certain provisions of this Act to geographical constituencies. 11D. (1) The provisions of this Act specified in subsection (2) shall apply in relation to elections for geographical constituencies as they apply in relation to elections and for that purpose shall be construed with any necessary modifications, adaptations, qualifications and exceptions.

	(2) The provisions of the Act specified for the purposes of subsection (1) are – 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).".
Section 24	1. For subsection (1), substitute the following – "(1) An election agent may appoint – (a) an assistant agent for each district and sub-district and such number of other assistant agents as may be necessary to be counterparts of deputy returning officers under subsection (7); (b) a counting agent for each district and subdistrict; (c) a polling agent and an alternate polling agent for each polling place and polling station.". 2. In subsection (2) – (a) for the words "counting agent and polling agent" substitute the words "counting agent, polling agent and alternate polling agent"; and

	(b) immediately after the words "polling agent", where the words appear for the second time, insert the words "or alternate polling agent". 3. For subsection (3), substitute the following – "(3) The returning officer shall upon receiving a notice of an appointment of an assistant agent, counting agent and polling agent give public notice of the name and address of the person appointed not later than the 5th day before election day, and not later than one day after receiving notice of any change of appointment from an election agent under subsection (5).". 4. In subsection (4) – (a) for the words "There shall not be" substitute the words "Subject to subsection (1), there shall not be"; and (b) immediately after the words "one district" insert the words "or sub-district". 5. In subsection (6), immediately after the words "more districts" insert the words "or sub-districts,". 6. Immediately after subsection (6), insert the following subsections – "(7)(a) Election agents may appoint additional assistant agents to be counterparts of deputy returning officers appointed to perform duties assigned under section 7(d). (b) The returning officer shall give notice to the elections agent of the number of deputy returning officers that will be appointed and the duties to be performed by the deputy returning officers at least

	21 days before Election Day so that the election agents may appoint the counterpart assistant agents and give the information of such appointments required under this section to the returning officer. (c) The returning officer shall provide adequate accommodation and facilities for the assistant agents to carry out their functions of monitoring and scrutinising the work of the Deputy Returning Officers. (8) If the polling agent is for any reason unable to perform his duties, the Presiding officer shall permit the alternate polling agent to take the place of the polling agent until the polling agent resumes. (9) A person who obstructs an assistant agent or an alternate polling agent in the performance of his functions by virtue of subsection (7) or (8) commits an offence and is liable on summary conviction to a fine of ten million dollars and to imprisonment for ten years.".
Section 25(1)	Immediately after the word "district", wherever the word appears, insert the words "or sub-district".
Section 29(4)	For the words "not later than the day" substitute the words "not later than two days".
Section 31	1. Immediately after the words "31." insert the words "(1)". 2. In subsection (1), as so amended, in paragraph (b), for the words "10th day" substitute the words "21st day".

	3. Immediately after subsection (1), as so amended, insert the following subsection – "(2) The returning officer shall cause a list of the names of the applicants and the electors to vote as proxies on behalf of the applicants, to be affixed to a conspicuous part of one building in each division of his district, and published daily on the Commission's website, in a newspaper, on television and other media, to bring the contents of the list to the attention of the public for persons to make objections to the returning officer before a decision is made under section 32(1).".
New Part IVA comprising New sections 33A, 33B, 33C and 33D	Immediately after section 33, insert the following new Part with new sections – **"PART IVA** **PREPARATION OF THE OFFICIAL LIST** Preparation of official list of electors and non-resident electors' roll. 33A. (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' roll shall be prepared in accordance with sections 33B and 33C and the National Registration Act. Cap. 19:08 (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 this Act and the National Registration Act shall be construed accordingly. (5) The official list of electors for any polling division prepared 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 this Act to official list of electors and non-resident electors' roll shall be construed accordingly. (6) If the Commission so directs by order, notwithstanding anything contained in any other written law, the list of electors to choose the members of any local democratic organ (other than a regional democratic council) or other local government authority shall consist of names extracted from the official list of electors prepared under this section and

		registered with an address in the area of that local democratic organ or local government authority.
	Non-resident electors' roll. Cap. 19:08	33B. The non-resident electors' roll shall be prepared by the Commissioner in accordance with section 44(2) and the provisions of the National Registration Act referred to therein, with such modifications as may be necessary pursuant to any revision under sections 33C and 45 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.	33C. (1) Where there is an interval of more than three months, but not exceeding six months, after the qualifying date with reference to which the official list of electors, or the non-resident electors' roll is prepared under section 33A(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 regulations – (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 persons 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). (3) Where there is an interval of more than the six months prescribed under subsection (1), there shall be a new official list of electors for every polling division, and a non-resident electors' roll prepared in accordance with section 33A.
	Scrutineers.	33D. (1) In connection with the preparation of the official list of electors under section 33A(1), every organisation or group of persons proposing to submit a list of candidates may, by writing under the hand of such person as may be duly authorised by that organisation or group of persons (hereinafter referred to as the "authorised person") appoint a chief scrutineer for the whole of Guyana, a deputy chief scrutineer and an assistant chief scrutineer for each registration district or part thereof and one scrutineer for each registration division and any subdivision thereof, and the appointment shall terminate on the date on which the preliminary list as revised is published:

	Provided that one scrutineer in each category of scrutineers, one in each registration division and one in any subdivision thereof appointed by – (a) the governing party; and (b) the combined opposition parties, in the National Assembly shall be paid remuneration in accordance with an administrative scheme made by the Elections Commission after the Commission is satisfied from supporting evidence that the scrutineer has satisfactorily performed his duties. (2) The list of scrutineers of the combined opposition of the National Assembly to be remunerated shall be submitted by the Leader of the Opposition after meaningful consultation with the other opposition parties in the National Assembly. (3) The Commissioner shall be given notice in writing of the appointment of a person as scrutineer, by the authorised person appointing him and the Commissioner shall issue to him an identification card, which shall be promptly surrendered by the scrutineer to the Commissioner on the termination of his appointment; and references in the following subsections to a scrutineer shall, unless the context otherwise requires, be deemed to be references to a person appointed as a scrutineer under subsection (1) and to whom an identification card has been issued by the Commissioner.

	(4) The authorised persons who appointed a scrutineer may revoke the appointment, and intimate such revocation to the Commissioner and the scrutineer and on the receipt of the intimation of such revocation the scrutineer shall promptly surrender to the Commissioner the identification card issued to him under subsection (3). (5) Where a scrutineer is, in the opinion of the Commissioner, guilty of misconduct, the Commissioner, after consultation with the authorised person who appointed the scrutineer, may direct the scrutineer to surrender the identification card issued to him, whereupon the scrutineer shall promptly surrender to the Commissioner the identification card issued to him under subsection (3). (6) A scrutineer 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 appointed, and may make copies or take extracts 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 scrutineer 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 entitled to be so listed, and has an address in that registration division, or objection to the listing of any person without an address in the registration division. (7) Where a claim is submitted by a scrutineer to have the name of any person included in the official list of electors, the scrutineer 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. (8) A chief scrutineer shall in respect of the whole of Guyana, a deputy chief scrutineer and an assistant chief scrutineer shall in respect of the registration district or part thereof, for which he is appointed, be entitled to perform all the functions, and shall have all the rights, of a scrutineer and, subject to the above, references in this Act or the

	Cap. 19:08 National Registration Act to a scrutineer shall be deemed to include references to the chief scrutineer, every deputy chief scrutineer and every assistant chief scrutineer. (9) A scrutineer shall not interfere with the performance, by any person referred to in section 4 of Cap. 19:08 the National Registration Act, of his functions or obstruct any such person in the performance of, his functions. (10) Where a scrutineer, having become liable to surrender to the Commissioner the identification card issued to him under subsection (3), without reasonable cause refuses or fails to surrender the same in accordance with subsection (3), (4) or (5), or represents that he is a scrutineer or performs or attempts or purports to perform any of the functions of a scrutineer or contravenes subsection (9), he shall be liable, on summary conviction, to a fine of five thousand dollars and to imprisonment for six months. (11) Notwithstanding anything in the foregoing provisions of this section, a person appointed as a scrutineer whose appointment stands terminated shall be deemed to be re-appointed for the sole purpose of observing and monitoring the distribution of the identification cards.".
Section 34	1. For subsection (1), substitute the following – (1) The returning officer of each district shall –

	(a) not later than the 30th day before election day, send the list of polling places in the district to the election agent of each list of candidates for any comments to be given by the agent not later than 7 days after receipt of the list of polling places, and address any concern raised by any election agent as regards any polling place; and (b) not later than the 21st day before election day, give a notice of poll which shall be in Form 9 and which shall specify— (i) the day on and the hours between which the poll will be taken; and (ii) the situation of each polling place in the district.". 2. Immediately after subsection (4), insert the following subsection – "(5) Nothing in this section shall be construed as precluding the returning officer from making changes to any polling place in the notice of poll before election day in cases of emergency.".
Section 35	For the section substitute the following – "35. (1) Where more than one polling place is established for any division, or for any village or locality within a division, as provided under section 6, the returning officer of the district in which the division is situate shall apportion, in accordance with subsection (2), between the polling places so established, the entries in the official list of electors for that division and shall compile such lists of electors as comprise the entries allotted to such polling places, respectively; and each list so

	compiled shall be regarded and dealt with as a part of the said official list. (2) In apportioning the entries in the official list of electors for a division between polling places under subsection (1), the returning officer shall – (a) where a division is divided into villages or localities – (i) apportion to each village or locality within the division, entries comprising electors whose registered addresses are within the village or locality; and (ii) allot to each polling place in that village or locality, as far as possible, entries comprising electors whose registered addresses are within a reasonable distance to the polling place; and (b) where a division is not divided into villages or localities, allot to each polling place within the division, entries comprising electors whose registered addresses are within a reasonable distance to a polling place within that division: Provided that no elector whose registered address is within a village or locality within a division, or within a division undivided into villages or localities shall be allotted to a polling place in another village or locality, or division, as the case may be.".

Section 40(1)	1. For the full-stop at the end of paragraph (j), substitute a semi-colon. 2. Immediately after paragraph (j), insert the following paragraph – "(k) a sufficient number of copies of registration records of the electors.".
Section 65J(2)	Immediately after the word "district", insert the words "or sub-district".
Section 65K	Immediately after subsection (6), insert the following subsection – "(6A) Where a person has exercised his right to ballot under this Part, being no longer entitled to vote again on elections day, the Chief Elections Officer shall – (a) strike through with a conspicuous electronic line the name and all the other particulars of that person on the official list of electors for the polling place of the district where the person was entitled to vote had he not voted under this Part, leaving the name and particulars recognisable under the line; and (b) print the official list of electors with the name and particulars struck through under paragraph (a), certify on the printed list the strike through of each name and place the official list of electors in the ballot box for the polling place of the district where the person was entitled to vote.".
New section 68A	Immediately after section 68, insert the following new section – "Election material and information given to polling agents. 68A. (1) The presiding officer of each polling place shall, on the opening of poll give to each polling agent the following – (a) a copy of the official list of electors or part of the list, as the case may

	require, containing the names of the electors entitled to vote at the polling place; (b) a copy of the list of proxies; (c) the number of Statements of Poll Forms 23A issued to the presiding officer; and (d) a copy of the registration records of the electors. (2) The copies of the lists given to each polling agent under subsection (1)(a) and (b) shall remain the property of the polling agent after the close of poll. (3) A presiding officer who fails to comply with any provision of subsection (1) commits an offence and is liable on summary conviction to a fine of five million dollars and to imprisonment for ten years.".
Section 70	1. In subsection (3), for the words "subsection (2)(h)", substitute the words "subsections (2)(h) and (3A)". 2. Immediately after subsection (3), insert the following subsections – "(3A) Where the applicant is without the prescribed identity paper or any other form of identification prescribed under section 75, the presiding officer shall require the applicant to take an oath of identity in the form prescribed, and before the oath of identity is administered to the applicant under this subsection or subsection (2)(h) a comparison shall be made between the particulars recorded in the registration record,

	including the identity picture in the record, and the face and other particulars of the applicant. (3B) A presiding officer shall not allow an applicant to vote who is not eligible to vote, and a polling agent may object to the presiding officer's decision. (3C) A person who allows an applicant to vote who is not eligible to vote commits an offence and is liable on summary conviction to a fine of ten million dollars and to imprisonment for ten years.". 3. In subsection (4) – (a) for the words "subsection (2)" substitute the words "subsections (2) and (3A)"; and (b) delete the words "if available pursuant to any direction given under section 40(1)(i)".
Section 74	Immediately after subsection (3), insert the following subsections – "(4) A person commits an offence if the person wilfully – (a) instead of issuing a tendered ballot to the applicant, issues an ordinary ballot; (b) instead of issuing an ordinary ballot issues a tendered ballot; or (b) uses a tendered ballot for a purpose contrary to this section. (5) A person who commits an offence under this section is liable on summary conviction to a fine of ten million dollars and to imprisonment for ten years.".
Section 75	1. Immediately after the words "75." insert the words "(1)".

	2. In subsection (1), as so amended – (a) for the words "prescribed identity paper" substitute the words "prescribed identity paper, a valid passport or"; (b) immediately after the words "the Commission" insert the words "by notice in the *Gazette*, and daily on the Commission's website, in a newspaper, on television and other media not later than the 20th day before election day,". 3. Immediately after subsection (1), as so amended, insert the following subsection – "(2) A presiding officer who wilfully or without reasonable excuse refuses to accept from an elector, for consideration of the elector's identity, a form of identification prescribed or authorised under subsection (1) commits an offence and is liable on summary conviction to a fine of five million dollars and to imprisonment for ten years.".
Section 78A(1)	1. In paragraph (d), delete the word "or". 2. In paragraph (e), for the comma substitute the words "; or". 3. Immediately after paragraph (e), insert the following paragraph – "(f) an election agent, assistant agent, polling agent or counting agent or any election staff in the exercise of any function conferred upon him under this Act,". 4. In the closing part – (a) for the words "sixty-five thousand dollars" substitute the words "five million dollars"; and (b) for the words "one year" substitute the words "three years".
New section 78B	Immediately after section 78A, insert the following new section –

	"Misleading an elector. **78B.** Any person who with the intention of misleading an elector on the day of poll – (a) deliberately provides misleading information to the elector; or (b) deliberately makes a misleading statement of a material nature to the elector, commits an offence and is liable on summary conviction to a fine of five million dollars and imprisonment for three years.".
Section 79(1)(b)	1. In subparagraph (vii), immediately after the word "district" insert the words "or sub-district". 2.Immediately after subparagraph (vii), insert the following subparagraph – "(viii) counting agents for the district or subdistrict in which the polling place is situate.".
Section 81(2)	Delete the words "trains and" wherever the words appear.
Section 83	1. In subsection (1)(g), immediately after the word "candidates" insert the words ", counting agents". 2. Immediately after subsection (1), insert the following subsections – "(1A) At every stage of the procedure set out in subsection (1), the presiding officer shall give every opportunity to the duly appointed candidate, counting agent and polling agent or alternate polling agent entitled to be present as attended to verify or ascertain every count, to examine every ballot and information recorded and to make objections or ask questions

	where necessary; and the polling agent or alternate polling agent shall remain in the polling station throughout every procedure. (1B) A presiding officer who wilfully or without reasonable excuse denies a duly appointed candidate, counting agent, polling agent or alternate polling agent referred to in subsection (1A) the opportunity to – (a) to verify or ascertain any count; (b) to examine any ballot or any information recorded; or (c) to make objections or ask questions, as provided under subsection (1), commits an offence and is liable on summary conviction to a fine of ten million dollars and to imprisonment for ten years.". 3. In subsection (4), immediately after the words "returning officer" insert the words ", except the returning officers of districts 3, 4 and 6 in which districts, the review shall be done by the supernumerary returning officer of each subdistrict". 4. For subsection (9), substitute the following – "(9) After the completion of the counting, the presiding officer shall – (a) complete the ballot paper account in Form 23, the Statement of Poll in Form 23A and the Statement of Poll account in Form 23B; (b) give opportunity to the duly appointed candidates, counting agents and the polling agents or alternate polling agents present to ascertain the accuracy of the information recorded on the Forms 23, Form

	23A and Form 23B and to sign the Forms after being satisfied as to their accuracy; (c) sign each of the Forms after the Forms have been signed by the duly appointed candidates and the polling agents as are present; and (d) prepare and certify a sufficient number of copies of the signed Forms for distribution to – (i) the returning officer, except the returning officers of districts 3, 4 and 6; (ii) the supernumerary returning officer; (iii) the assistant presiding officer; (iv) such of the duly appointed candidates, counting agents and the polling agents or alternate polling agents as are present; (v) the Chief Election Officer; and (vi) the Chairman of the Commission.". 5. For subsection (9A), substitute the following subsections – "(9A) (a) The presiding officer shall distribute to the persons specified in subsection (9)(d)(iii) and (iv), certified copies of the signed ballot paper account in Form 23, the statement of poll in Form 23A and the statement of poll account in Form 23B.

	(b) Immediately after the distribution of the copies under paragraph (a), the presiding officer shall, in the presence of the persons specified in subsection (9)(d)(iii) and (iv), post the original statement of poll in Form 23A signed by the presiding officer, and the duly appointed candidates and the polling agents as are present and from which the copies have been prepared, 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 votes. (c) A person who removes a Statement of Poll posted outside the polling place commits an offence and is liable on summary conviction to a fine of ten million dollars and to imprisonment for ten years. (9B) A presiding officer who denies a duly appointed candidate, counting agent, polling agent or alternate polling agent his right to ascertain the accuracy of the information recorded on the Forms 23, Form 23A and Form 23B under subsection (9) or fails to comply with subsection (9A)(a) commits an offence and is liable on summary conviction to a fine of five million dollars and to imprisonment for five years.". 6. In subsection (10)(a), immediately after the semi-colon, delete the word "and". 7. In subsection (10)(b), immediately after the words "ballot paper account and" insert the words "statement of poll account signed in accordance with subsection (9), the".

	8. For subsection (10)(c), substitute the following paragraph – "(c) deliver to the returning officer of the district in which the polling place is situated, except the returning officers of districts 3, 4 and 6 for which districts, deliver to the supernumerary returning officer of each subdistrict in which the polling place is situated – (i) the sealed ballot box, the sealed packets referred to in paragraph (b), and together with the certified copies of the Statement of the Poll in Form 23A, the ballot paper account in Form 23 and the statement of poll account in Form 23B referred to in subsection (9)(d) and an envelope containing the key of the ballot box placed in one envelope sealed in the manner referred to in paragraph (b); and (ii) two envelopes each containing the certified copies of the signed forms referred to in subsection (9)(d) for the Chief Election Officer and the Chairman of the Commission, sealed in the manner referred to in paragraph (b), for their immediate dispatch to the Chief Election Officer and the Chairman of the Commission in the manner determined by the Commission.".
Section 83A	1. In subsection (1) – (a) in the opening part, immediately after the words "returning officer," insert the words "except the returning officers of districts 3, 4 and 6, or to a supernumerary returning officer in

	the case of a subdistrict, in pursuance of section 83(10)(c),"; and (b) for the proviso, substitute the following – "Provided that where the conveyance carrying the ballot boxes can accommodate only one or some of the polling agents or duly appointed candidates for a polling place, desirous of accompanying the ballot boxes from that polling place, the returning officer of the district (including the returning officers of district 3, 4 and 6) shall provide other conveyance to carry the other polling agents or duly appointed candidates, or allow the polling agents or duly appointed candidates to follow in private conveyance.". 2. In subsection (2), immediately after the words "returning officer" insert the words "or supernumerary returning officer in pursuance of section 83(10)(c)".
New section 83B	Immediately after section 83A, insert the following new section –
"Posting online of electronic copy of Statement of Poll.	83B. (1) The returning officer of a district, except the returning officers of districts 3, 4 and 6, and the supernumerary returning officer of a sub-district shall each, on receipt of a certified Statement of Poll delivered in pursuance of section 83(10)(c)(i), immediately post an electronic copy of that Statement of Poll on the Commission's website, controlled by the Chief Election Officer, to be publicly viewed. (2) Where a returning officer or supernumerary officer referred to in subsection (1) cannot for any reason successfully post a

	Statement of Poll to the Commission's website, or has posted an incorrect copy of a Statement of Poll, the Chief Election Officer shall post an electronic copy of the certified copy of the Statement of Poll received by him in pursuance of section 83(10)(c)(ii). (3) A returning officer or a supernumerary officer who wilfully or without reasonable excuse fails to comply with subsection (1) commits an offence and is liable on summary conviction to a fine of ten million dollars and to imprisonment for ten years. (4) A returning officer, a supernumerary officer or the Chief Election Officer who – (a) posts or caused to be posted an electronic copy of a statement of poll knowing that it is not a true copy of the certified copy of the statement of poll delivered to him; or (b) posts or caused to be posted an electronic copy of a statement of poll knowing that it contains a false statement, commits an offence and is liable on summary conviction to a fine of ten million dollars and to imprisonment for ten years.".
Section 84	1. For subsection (1) substitute the following –

	"(1) As soon as practicable after the receipt of all the ballot boxes and the envelopes and packets delivered to each of them in pursuance of section 83(10)(c), the Returning Officer, except the Returning Officers of districts 3, 4 and 6, and the supernumerary returning officer in the case of a sub-district shall each, in the presence of such of the persons entitled under section 86(1) to be present as attend, ascertain in accordance with the procedure set out in subsection (1B), the total votes cast in favour of each list in the district or sub-district by adding up the votes recorded in favour of the list in accordance with the Statements of Poll, and thereupon publicly declare the total votes recorded for each list of candidates: Provided that the Returning Officer or the supernumerary returning officer shall proceed to ascertain the total votes cast without the arrival of the ballot boxes at the authorised destination.". 2. For subsection (1A), substitute the following subsections – "(1A)(a) Where a material error on a Statement of Poll from a polling station for a polling district or polling sub-district is discovered by – (i) an election officer or a counting agent for that polling district or polling sub-district; (ii) a polling agent for that polling station; or (iii) a duly appointed candidate, he shall inform the presiding officer for that polling station forthwith, and the presiding

	officer, if the Statement of Poll has not yet been sent to the Returning Officer or the Supernumerary Returning Officer in pursuance of section 83(10)(c), in the presence of the persons who signed the original Statement of Poll, shall prepare a corrected Statement of Poll, signed by himself and the other original signatories present and certify signed copies of the corrected Statement of Poll to be sent to the Returning Officer, except the returning officers of districts 3, 4 and 6, or Supernumerary Returning Officer in the case of a sub-district, as the case may be, and for distribution to the other persons entitled under section 83(9)(d) in the same manner provided for the original Statement of Poll under section 83(10). (b) Where the mistake is discovered by the election officer, counting agent, duly appointed candidate or polling agent when the Statement of Poll is in the possession of the Returning Officer, except the returning officer of districts 3, 4 or 6, or the Supernumerary Returning Officer in the case of a sub-district, in pursuance of section 83(10)(c), the presiding officer shall be informed of the mistake and the Returning Officer or the Supernumerary Returning Officer shall summon the presiding officer and the other persons who signed the original Statement of Poll, for the purpose of effecting the necessary correction to the Statement of Poll by the

	presiding officer in the presence of the other persons summoned under this paragraph, as attend, and copies of the corrected statement of poll signed by the presiding officer and the other signatories of the original Statement of Poll, as attend, shall be certified by the presiding officer and sent to the Chief Election Officer and to the Chairman of the Commission. (c) The presiding officer shall post the original signed corrected Statement of Poll next to the original signed incorrect Statement of Poll at his polling station, and the Returning Officer or the Supernumerary Returning Officer shall post an electronic copy of the certified corrected Statement of Poll on the Commission's website, and use the certified corrected Statement of Poll in making the public declaration under subsection (1). (1B) In ascertaining the total votes cast in favour of each list in each district except districts 3, 4 and 6 and each subdistrict, as required by subsection (1), the Returning Officer and the supernumerary returning officer in the case of a sub-district, shall each – (a) display, using an electronic mechanism, each Statement of Poll for all the persons entitled under section 86(1) to be present as attend, to see clearly the information on the Statement of Poll; (b) record on the empty District Tabulation Form or Sub-District Tabulation Form, as the case may be,

	displayed for all to see, the votes cast in favour of each list, taken from the information recorded on each Statement of Poll as it is being displayed; (c) give opportunity for objections from any duly appointed candidate or counting agent and shall not move on to display another Statement of Poll unless all the information required from the Statement of Poll being displayed is dealt with to the satisfaction of every person present; (d) add the votes recorded on the District Tabulation Form or Sub-District Tabulation Form in favour of each list of candidates to ascertain the total number of votes for each list; (e) record on the District Tabulation Form or Sub-District Tabulation Form the total number of votes for each list of candidates; and (f) publicly declare, as required by subsection (1), the total votes recorded in favour of each list of candidates in the district or subdistrict on the District Tabulation Form or Sub-District Tabulation Form, as the case may be. (1C) As regards districts 3, 4 and 6, the total votes cast in favour of each list of candidates in each of those districts shall be ascertained as follows – (a) immediately after the supernumerary returning officer of a sub-district has declared the total votes cast in favour of each list of candidates in the sub-district recorded on the Sub-District Tabulation

	Form, he shall certify a copy of the Sub-District Tabulation Form on which the votes are recorded and deliver it manually, by the quickest available means, to the Returning Officer of the district; (b) in receipt of all the Sub-District Tabulation Forms, the Returning Officer of the district shall – (i) display, using an electronic mechanism, each Sub-district Tabulation Form for all the persons entitled under section 86(1) to be present as attend, to see clearly the information on the Form; (ii) record on an empty District Tabulation Form displayed for all to see, the total votes recorded in favour of each list of candidates in each sub-district on the Subdistrict Tabulation Form as it is being displayed; (iii) give opportunity for objections from any duly appointed candidate or counting agent and shall not move on to display another Sub-district Tabulation Form unless all the information required from the Sub-district Tabulation Form being displayed is dealt with to the satisfaction of every person present; and (iv) add together the total votes recorded for each list of candidates in each sub-district on the District Tabulation Form and

	record each total on the District Tabulation Form; (c) immediately after ascertaining the total votes cast in favour of each list of candidates under paragraph (b), the Returning Officer of the district shall publicly declare the total votes recorded for each list of candidates in that district on the District Tabulation Form; and (d) any variation of the votes for each list of candidates recorded on the sub-district tabulation form for any subdistrict on the basis of a recount made under subsection (2)(b), shall be used to ascertain the total votes under this subsection, or to vary any declaration made under paragraph (c) of the total votes recorded for each list of candidates in that district.". 3. For subsection (2), substitute the following – "(2) (a) Where before twelve noon of the day following the declaration under subsections (1) and (1B) any counting agent for the district or sub-district or duly appointed candidate does not make a request to the Returning Officer (including the Returning Officer of district 3, 4 or 6, in the case of a sub-district) for the conduct of a final count of the votes counted by the presiding officers in the district or subdistrict under section 83, the declaration of the votes obtained by the lists under subsections (1) and (1B) shall be final.

	(b) Where any counting agent for the district or subdistrict or duly appointed candidate seeks a final count of the votes already counted by the presiding officers in the district or subdistrict under section 83, the Returning Officer, except the returning officers of districts 3, 4 and 6, or the Supernumerary Returning Officer in the case of a subdistrict, as the case may be, shall count such votes in accordance with the provisions contained in the following subsections and section 87 and on the basis of such recount confirm or vary the declaration of the votes recorded in the district or sub-district for each list of candidates under subsections (1) and (1B). (c) The request for a recount shall be submitted in writing by hand to the Returning Officer of the district or if the Returning Officer is unavailable, the Deputy Returning Officer shall receive and grant the request, or in the case of a subdistrict, if both the Returning Officer and the Deputy Returning Officer are unavailable, the supernumerary returning officer of the subdistrict shall receive and grant the request. (d) Where all the persons required to receive and grant a request for recount under paragraph (c) are unavailable, the request may be submitted in writing by hand to the Chief Election Officer or the Chairman of the Commission who shall receive and grant the request.

	(e) Conduct of the recount shall be done by the Deputy Returning Officer if the Returning Officer is not available, and by the Deputy Supernumerary Returning Officer, if the Supernumerary Returning Officer is not available.".
	4. In subsection (3) –
	(a) immediately after the words "the district" insert the words "or sub-district, or duly appointed candidate"; and
	(b) immediately after the words "Returning Officer" insert the words ", except the returning officers of districts 3, 4 and 6, or the supernumerary returning officer in the case of a sub-district, as the case may be,".
	5. In subsection (4) –
	(a) immediately after the words "Returning Officer", where the words appear for the first time, insert the words "or the supernumerary returning officer in the case of a sub-district, as the case may be,"; and
	(b) for the words "Returning Officer", where the words appear for the second time, substitute the words "that Returning Officer or supernumerary returning officer".
	6. In subsection (5), immediately after the words "Returning Officer" insert the words "or the supernumerary returning officer in the case of a sub-district, as the case may be,".
	7. In subsection (6), immediately after the words "Returning Officer" insert the words "or the supernumerary returning officer in the case of a sub-district, as the case may be,".

	8. In subsection (7) – (a) immediately after the words "the district" insert the words "or sub-district"; (b) immediately after the words "Returning Officer", where the words appear for the first time, insert the words "or the supernumerary returning officer in the case of a subdistrict, as the case may be,"; and (b) immediately after the words "Returning Officer", where the words appear for the second time, insert the words "or the supernumerary returning officer". 9. In subsection (8), immediately after the words "Returning Officer" insert the words "or the supernumerary returning officer in the case of a sub-district". 10. In subsection (9), immediately after the words "Returning Officer" insert the words "or the supernumerary returning officer in the case of a sub-district". 11. In subsection (10), immediately after the words "Returning Officer" insert the words ", except the returning officers of districts 3, 4 and 6, or the supernumerary returning officer in the case of a sub-district, as the case may be,". 12. For subsection (11), substitute the following subsections – "(11) Having declared the total votes cast for each list of candidates in each district and sub-district under subsection (1B), and in districts 3, 4 and 6 under subsection (1C), the returning officer of each district, including the returning officers of districts 3, 4 and 6, and supernumerary returning officer of each sub-district shall deliver manually, by the quickest available means to the Chief Election Officer, a certified copy

	of the District Tabulation Form or the Sub-District Tabulation Form (if confirmed or varied, the confirmed or varied copy of the Form) from which the returning officer or supernumerary returning officer has made his declaration of the total number of valid votes cast in the district or sub-district for each list of candidates. (12) The returning officer of each district and supernumerary returning officer of each sub-district shall give a certified copy of each tabulation Form sent to the Chief Election Officer under subsection (11) to the duly appointed candidates and the counting agents entitled under section 86(1) to be present at the count as attended and the Chairman of the Commission. (13) The Chief Election Officer shall, as he receives each District Tabulation Form from the returning officer, and each Sub-District Tabulation Form from the supernumerary returning officer, as required under subsection (11) immediately post an electronic copy of it on the Commission's website. (14) If the Chief Election Officer – (a) posts or caused to be posted on the Commission's website a District Tabulation Form or a Sub-District tabulation Form that he knows is not a true copy of the certified copy of the Form; or (b) posts or caused to be posted on the Commission's website a District Tabulation Form or a Sub-District tabulation Form that he knows contains a false statement,

	he commits an offence and is liable on summary conviction to a fine of ten million dollars and to imprisonment for ten years. (15) A person who wilfully or without reasonable excuse fails to follow the procedure set out in this section in ascertaining or to ascertain the total votes cast in a district or subdistrict for each list of candidates commits an offence and is liable on summary conviction to a fine of ten million dollars and to imprisonment for ten years. (16) A person who – (a) wilfully or without reasonable excuse fails to deliver to the returning officer of district 3, 4 or 6 a true certified copy of the Sub-district Tabulation Form; or (b) delivers to the returning officer of district 3, 4 or 6 a Sub-district Tabulation Form with falsified information knowing the information to be false, commits an offence and is liable on summary conviction to a fine of ten million dollars and to imprisonment for ten years. (17) A person who – (a) wilfully or without reasonable excuse fails to deliver to the Chief Election Officer a true certified copy of a Tabulation Form referred to in subsection (11); or (b) delivers a Tabulation Form referred to in subsection (11) with falsified information knowing the information to be false,

	commits an offence and is liable on summary conviction to a fine of ten million dollars and to imprisonment for ten years. (18) A person who wilfully or without reasonable excuse fails to give a certified copy of a Tabulation Form sent to the Chief Election Officer, to the Chairman of the Commission under subsection (12) commits and offence and is liable on summary conviction to a fine of ten million dollars and to imprisonment for ten years. (19) A person who wilfully or without reasonable excuse denies a duly appointed candidate or a counting agent the opportunity to make objections or obstructs the candidate or agent in the process of making his objections commits an offence and is liable on summary conviction to a fine of five million dollars and to imprisonment for ten years. (20) A person who wilfully or without reasonable excuse denies a person entitled to be present at the count entry into the office of the Returning officer or supernumerary officer where the count is taking place commits an offence and is liable on summary conviction to a fine of five million dollars and to imprisonment for ten years.".
Section 86	1. In subsection (1) – (a) in paragraph (a), immediately after the words "returning officer" insert the words "or supernumerary returning officer in the case of a sub-district"; and (b) in paragraph (e), immediately after the words "returning officer" insert the words "or the supernumerary officer, in the case of a sub-district". 2. For subsection (2), substitute the following –

	"(2) Every returning officer and supernumerary returning officer, in the case of the sub-districts, shall – (a) ensure that the device and system used in the proceedings to display statements of poll, tabulation forms or any other information are in proper working condition that enables legible display; (b) ensure there is available constant and sufficient lighting in the place where counting is done; and (c) give the duly appointed candidates and counting agents entitled under subsection (1) to be present as attend – (i) all such reasonable facilities for overseeing the proceedings, including adequate seating positions to facilitate them seeing the information in every statement of poll and tabulation form being displayed; (ii) the opportunity to make objections to statements of poll or tabulation forms which they have reason to believe are falsified; and (iii) all such information with respect to the provisions of subparagraphs (i) and (ii) as he can give them consistent with the orderly conduct of the proceedings and with the discharge of

	his duties in connection with the proceedings. (3) The Commission shall provide the necessary devices, systems and facilities necessary for the performance by the returning officers and supernumerary officers of their duties of under subsection (2).".
Section 87	1. In subsection (1), immediately after the words "returning officer" insert the words "or a supernumerary officer, in the case of a sub-district". 2. In subsection (2), immediately after the words "returning officer" insert the words "or the supernumerary officer, in the case of a sub-district". 3. In subsection (4), immediately after the words "returning officer" insert the words "or the supernumerary officer, in the case of a sub-district". 4. In subsection (5), immediately after the words "returning officer" insert the words "or the supernumerary officer, in the case of a sub-district".
Section 88	Immediately after the words "returning officer", where the words appear for the first time, insert the words "or a supernumerary officer, in the case of a sub-district", and where the words appear for the second time, insert the words "or supernumerary officer".
Section 89	1. In subsection (1) – (a) in the opening part, immediately after the words "returning officer" insert the words "or the supernumerary officer, in the case of a sub-district"; and

	(b) in paragraph (d), for the words "on request allow any counting agent present to make a copy thereof" substitute the words "give a signed copy to everyone entitled to be present as attend". 2. In subsection (2), immediately after the words "returning officer" insert the words "or the supernumerary officer, in the case of a sub-district". 3. For subsection (3), substitute the following – "(3) The returning officer or supernumerary officer, as the case may be, shall give a copy of the return made under subsection (1)(f) to the duly appointed candidates and counting agents entitled to be present as attended.".
Section 96	1. For subsection (1), substitute the following – "(1) The Chief Election Officer shall, after calculating the total number of valid votes of electors which have been cast for each list of candidates, on the basis of the information contained in the District Tabulation Forms received from the returning officers, including the District Tabulation Forms from the returning officers of districts 3, 4 and 6, under section 84(11), ascertain the result of the election in accordance with sections 97 and 98. 2. In subsection (2), immediately after the words "Chief Election Officer shall" insert the words ", within twelve hours of the calculation of the results of the election being completed,". 3. Immediately after subsection (2), as so amended, insert the following subsection –

	"(3) If the Chief Election Officer wilfully or without reasonable excuse – (a) fails to calculate the total number of votes on the basis of information contained in the District Tabulation Forms, as required by subsection (1); (b) prepares the report, required under subsection (2), with falsified information; (c) fails to prepare the report required under subsection (2); or (d) fails to prepare the report required under subsection (2) within the time specified under subsection (2), he commits an offence and is liable on summary conviction to a fine of ten million dollars and to imprisonment for ten years.".
Section 97	For the word "fifty-three", substitute the word "sixty-five".
New section 139F	Immediately after section 139E, insert the following new section – "General penalty provision. 139F. Any person who wilfully or without reasonable excuse contravenes any provision of this Act for which a penalty is not provided is liable on summary conviction to a fine of ten million dollars and to imprisonment for ten years.".
New section 150B	Immediately after section 150A, insert the following new section – "Election manual. 150B. (1) Any election manual made for use at any election shall be posted on the Commission's website and copies of it given to the political parties, within thirty days of the

	date of the President's proclamation of the election date. (2) No provision of an election manual shall be inconsistent with any provision of this Act or any other law. (3) Any provision of a manual that is inconsistent with any provision of this Act or any other law shall to the extent of the inconsistency be null and void. (4) All election manuals, by whatever name called, existing at the commencement of this section are revoked.".
New Section 153	Immediately after section 152, insert the following new section –
"Removal of difficulties.	153. (1) If any difficulty arises in connection with the application of this 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. (2) Any order under 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 from the date of the election.".

Explanatory Memorandum

This Bill seeks to amend the Representation of the People Act, Cap. 1:03.

Clause 2 of the Bill provides for the provisions of the Principal Act specified in the first column of the Schedule to the Bill to be amended in the manner specified in the corresponding entry in the second column.

Section 2, which is the interpretation section of the Principal Act, is amended to insert certain new definitions of new terms to be used in the Act. The section is amended to extend the definition of "election officer" to include "a supernumerary returning officer" and "a deputy supernumerary returning officer". Section 2 is also amended by the insertion of definitions for the terms "polling place", "sub-district" and "supernumerary returning officer".

The Principal Act is amended by the insertion of **new sections 4A, 4B, 4C, 4D and 4E**, which include sections 16, 17, 21, 11 and 20, respectively, of the Election Laws (Amendment) Act 2000, No. 15 of 2000, being brought over to this Act in pursuance of consolidation and ease of reference of election laws. These provisions provide for additional functions of the Commission.

Section 6 of the Principal Act is amended to provide for every village or locality to have such number of polling places necessary to accommodate the electors of that village or locality. The Chief Election Officer may rent a private building unconnected with a political party or politician within a division where there is no public building available, and appoint it as a polling place. The Act currently makes reference to polling stations in many instances and contemplates the operation of the polling stations as though they are polling places. The amendment to section 6 also expressly provides for the division of polling places into polling stations and the assignment of election officers and agents to polling stations. Factors are provided for consideration when determining whether to divide a polling place into polling stations.

The Principal Act is amended by the insertion of a **new section 6A** which provides for the division of polling districts Region No. 3, Region No. 4 and Region No. 6. District Region No. 3 shall be divided into 3 sub-districts, Region No. 4, into 4 sub-districts and Region No. 6 into 3 sub-districts. Each polling sub-district of a polling district shall be defined by such number of the total number of polling divisions which constitute the district as the Commission determines by Order.

Section 7 is amended to provide for the existing provision to be subsection (1) and to insert a new subsection (2). In subsection (1), as so amended, new paragraph (ba) is inserted to provide for each sub-district to have a supernumerary returning officer and an election clerk, and in paragraph (d) provision is made for the appointment of deputy supernumerary returning officers as may be necessary. New subsection (2) provides for polling day staff to be randomly placed at polling stations within the polling district or polling sub-district in which their names are listed in the official list of electors.

New sections 7A and 7B are sections 18 and 19 of the Election Laws (Amendment) Act 2000 with consequential modifications. Sections 7A and 7B provide for the Chief Election Officer to be subject to the direction and control of the Commission, and an election officer to be supervised by the Commission.

New section 11D is section 13 of the Election Laws (Amendment) Act 2000. This section identifies provisions of the Principal Act that shall apply with any necessary modifications, adaptations, qualifications and exceptions in relation to elections for geographical constituencies as they apply in relation to elections.

Section 24 has several amendments to provide substantively and consequentially in subsections (1), (2), (3) (4) and (6) for a sub-district to have the same number of assistant agents and counting agents appointed by the election agent for a district and for the appointment of a polling agent and an alternate polling agent for each polling place and polling station.

Section 24 is also amended by the insertion of new subsections (7), (8) and (9). Subsection (7) provides that election agents may appoint additional assistant agents to be counterparts of deputy returning officers appointed to perform certain duties assigned to them. The returning officer shall notify the election agent of the number of deputy returning officers that will be appointed and the duties to be performed by the deputies at least 21 days before Election Day so that the election agent can appoint the counterpart assistant agents. The assistant agents who will be counterparts to the Deputy returning officers shall be provided with accommodation and facilities for them to carry out their functions of monitoring and scrutinising the work of the deputy returning officers.

Subsection (8) provides for alternate polling agents to take the place of a polling agent who is for any reason unable to perform his duties, until the polling agent resumes. Subsection (9) provides that it is an offence for a person to obstruct an assistant agent or an alternate polling agent in the performance of his functions. A person who commits this offence is liable to a fine of five million dollars and to imprisonment for ten years.

Section 25(1) is amended by the insertion of the word "sub-district" after the word "district", wherever the word "district" appears.

Section 29(4) is amended to give a person who may vote at a polling place where he is employed for a purpose connected with election other than the polling place where his name is displayed, two days before Election Day instead of one to obtain the certificate of the rerunning officer authorising his voting at the other place.

Section 31 is amended to extend the time period for sending an application for appointment of a proxy from not later than the 10th day before election day to not later than the 21st day. It also is amended to insert a new subsection (2) which provides that the returning officer shall cause to be affixed to one building in each division of his district a list of the names of the applicants and the electors to vote as proxies on behalf of the applicants, and further published in the media to bring the contents of the list to the attention of the public for persons to make objections.

The Principal Act is amended to insert a new Part IVA consisting of new sections 33A, 33B, 33C and 33D which include sections 5, 6, 7, and 8 of the Election Laws (Amendment) Act 2000. These sections provide for the preparation of the official list of electors. Section 33C provides for a revision of the official list of electors after an interval of three months but not exceeding six months after the qualifying date with respect to which the list was prepared. The interval was under section 7 of the ELA 2000 more than six months after that qualifying date.

Section 34(1) is amended to provide that not later than the 30th day before election day, the returning officer shall complete sending of the list of polling places to the election agents for any comments, giving them 7 days to respond and addressing any concern. Notice of poll shall be given not later than the 21st day before Election Day instead of the 20th day.

Section 35 is amended to specify that a returning officer when apportioning the entries in the official list of electors of a division between polling places in the division he shall allot to each polling place, as far as possible, entries comprising electors whose registered addresses are within a reasonable distance to the polling place.

Section 40(1) is amended to insert a new paragraph (k) which provides that a sufficient number of copies of registration records shall be supplied by the returning officer to every presiding officer in his district.

Section 65J(2) is amended consequently to provide for "sub-district" as it does for "district" in the provision dealing with list of electors entitled to vote.

Section 65K is amended by the insertion of new subsection (6A) which provides that where a person has exercised his right to ballot as a member of the disciplined force under Part VIIB of the Act, the name of that person shall be struck through with a conspicuous electronic line on the official list of electors at the polling place in the district where the person was entitled to vote on elections day; and the Chief Election Officer shall certify the strike through of the name on the official list of electors before he places it in the ballot box for the polling place of the district where the person was entitled to vote.

The Principal Act is amended by the insertion of **new section 68A** which provides for the election materials and information which shall be given to polling agents by the presiding officer on the opening of poll, namely, a copy of the official list of electors containing the names of the electors entitled to vote at the polling place, a copy of the list of proxies, the number of Statements of Poll Forms 23A issued to the presiding officer, and a copy of the registration records of the electors. At the close of poll the copies of the lists of electors and lists of proxies shall remain the property of the polling agents.

Section 70 is amended by the insertion of three new subsections (3A), (3B) and (3C). Subsection (3A) provides that where an applicant for a ballot paper is without the prescribed identity paper or prescribed form of identification, a comparison must be made between the particulars recorded in the registration record including the identity picture in the record and the face and other particulars

of the applicant before the oath of identity is administered. Subsections (3B) and (3C) provide for an offence for a presiding officer to allow an applicant to vote who is not eligible to vote.

Section 74 is amended to provide offences in relation to the use of tendered ballot papers.

Section 75 is amended to specify that a presiding officer, in the event of needing to be satisfied of the identity of any elector, may accept in lieu of the prescribed identity paper, a valid passport. The amendment also provides that the Commission shall publish by notice in the *Gazette*, newspaper, television or other media any other form of identification it has authorised for the purpose. A presiding officer commits an offence who refuses to accept from an elector, for consideration of the elector's identify, a form of identification prescribed or authorised.

Section 78A(1) is amended to insert a new paragraph (f) which adds an election agent, assistant agent, a polling agent, a counting agent or an election staff to the category of persons under which it is an offence to obstruct or otherwise interfere with in the exercise of their functions, and increases the penalty for the commission of the offence.

New section 78B provides for the offence of misleading an elector on the day of poll by providing misleading information or a misleading statement to the elector.

Section 79(1)(b) is amended to include counting agents as a category of persons not to be excluded from a polling place.

Section 81(2) is amended to delete references to "trains" in the Act.

Section 83 has several amendments. Added to the list of persons to whom tally sheets are distributed are counting agents.

It is also amended by the insertion of new subsections (1A) and (1B). Subsection (1A) provides that at every stage of the procedure on the close of poll set out in subsection (1), the presiding officer shall give every opportunity to the duly appointed candidate, counting agent and polling agent or alternate polling agent entitled to be present as attend to examine every ballot and information recorded, to verify or ascertain every count and to make objections or ask questions where necessary. The polling agent or alternate polling agent shall remain in the polling station throughout every procedure. The new subsection (1B) makes it an offence for a presiding officer

to fail to comply with subsection (1A), and the offence carries a penalty of a fine of ten million dollars and imprisonment for ten years.

The amendment to subsection (9) adds to the procedure that a presiding officer shall follow upon the completion of count. The presiding officer shall give opportunity to the duly appointed candidates, counting agents and the polling agents or alternate polling agents present to ascertain the accuracy of the information recorded on the relevant Forms.

Subsection (9A) is amended to provide that the Presiding officer distribute to the assistant presiding officer, duly appointed candidates and counting agents, polling agents or alternate polling agents as are present, certified copes of the signed ballot paper account form, the statement of poll form and the statement of poll account form. It is an offence to remove a statement of poll posted outside the polling place and the offence attracts a penalty of ten million dollars and ten years imprisonment. Subsection (9B) makes it an offence for a presiding officer to deny a duly appointed candidate, counting agent, polling agent or alternate polling agent his right to ascertain the accuracy of the information recorded in the Forms and the offence attracts a penalty of a fine of five million dollars and imprisonment for five years.

An amendment to subsection (10) provides for the certified forms, which includes the statement of poll, required to be distributed to the Chief Election Officer and the Chairman of the Commission under section 83(9), to be placed in an envelope, sealed and delivered to the returning officer and supernumerary returning officer for immediate dispatch to the Chief Election Officer and Chairman.

Section 83A is amended to provide for the returning officer to provide other conveyance to carry polling agents and duly appointed candidates desirous of accompanying ballot boxes if the conveyance carrying the ballot boxes cannot accommodate all of them.

New section 83B provides for the returning officer and the supernumerary returning officer in the case of a sub-district on receipt of the statement of poll to post an electronic copy of it on the Commission's website to be publicly viewed. Failure to post a copy of the statement of poll or posting a copy that is not a true copy of the certified copy is an offence.

Section 84 has several amendments. Subsection (1) is amended to provide for the procedure set out in subsection (1B), to be followed in ascertaining the total votes cast in favour of each list in a district, except districts 3, 4 and 6 and the total votes cast in favour of each list in a sub-district. Subsection (1C) provides the procedure for ascertaining the total votes cast in favour of each list in districts 3, 4 and 6.

Subsection (1A) is amended to increase the number of persons who can inform the presiding officer of a material error on the Statement of Poll to include a duly appointed candidate, a counting agent and a polling agent. When a mistake on a statement of poll, discovered when the statement of poll is in the possession of the returning officer or supernumerary officer, is corrected, copies the corrected statement of Poll shall be sent to the Chief Election Officer and the Chairman of the Commission.

Subsection (1B) provides the procedure to be used for the ascertainment of the total votes cast in favour of each list in a district, except districts 3, 4 and 6 and in a sub-district of districts region, 3, 4 and 6. The procedure includes displaying, using an electronic mechanism, each Statement of Poll for the persons entitled to be present to see clearly the information on the Statement of Poll.

Subsection (1C) provides the procedure to be used to ascertain the total votes cast in favour of each list in districts 3, 4 and 6. This procedure involves the totalling of the total votes for each sub-district of districts 3, 4 and 6.

Subsection (2) is amended to make applicable the provisions of that subsection to districts, except districts 3, 4 and 6 and to sub-districts. Requests for recount under subsection (2) shall be submitted in writing by hand to the Returning Officer of the district or if the Returning Officer is unavailable, the Deputy Returning Officer shall receive and grant the request, or in the case of a subdistrict, if both the Returning Officer and the Deputy Returning Officer are unavailable, the supernumerary returning officer of the subdistrict shall receive and grant the request. Where all the persons required to receive and grant a request for recount are unavailable, the request may be submitted in writing by hand to the Chief Election Officer or the Chairman of the Commission who shall receive and grant the request.

Subsection (11) is amended to provide for the delivery to the Chief Election Officer of a certified copy of the District Tabulation Form and the Sub-District Tabulation Form from which each returning officer, including the returning officer of districts 3, 4, and 6 and each supernumerary returning officer have made their declaration of the total number of valid votes cast in the district or sub-district for each list of candidates.

Under new subsection (12), a certified copy of each Tabulation Form sent to the Chief Election Officer shall be given to the duly appointed candidates and the counting agents entitled to be present as attended the counts and the Chairman of the Commission. Subsection (13) provides for the Chief Election Officer to post on the Commission's website, an electronic copy of every District Tabulation Form and Sub-District Tabulation Form.

New subsections (14) through (20) provide for offences relating to contravention of section 84.

Section 86 is amended to extend the category of persons entitled to be present at the counting of the votes to include a supernumerary returning officer. Amendment also provides for the device and system used in proceedings to display statements of poll and tabulation forms to be in proper working condition and for persons entitled to be present to be given reasonable facilities to enable them to oversee the proceedings.

Sections 87, 88 and 89 are consequentially amended to provide for supernumerary returning officers similarly as are provided for returning officers under those sections. Section 89(3) is amended to also provide that the returning officer or supernumerary officer give to each counting agent a copy of the return in respect of the final count.

Section 96 is amended to provide in subsection (1) that the Chief Election Officer calculate the total number of valid votes of electors which have been cast for each list of candidates, on the basis of the information contained in the District Tabulation Forms received from the returning officers, including District Tabulation Forms from the returning officers of districts 3, 4 and 6.

Subsection (3) provides that the Chief Election Officer commit offences where he fails to calculate the total number of votes on the basis of information contained in the District Tabulation Forms; where he prepares the report which shall be the basis for the Commission to declare the election

results with falsified information, or fails to prepare the report. The penalty for any of the offences is a fine of ten million dollars and imprisonment for ten years.

Section 97 is amended by the substitution for the word "fifty-three" of the words "sixty-five" the number by which the total number of votes cast for all the lists of candidates shall be divided.

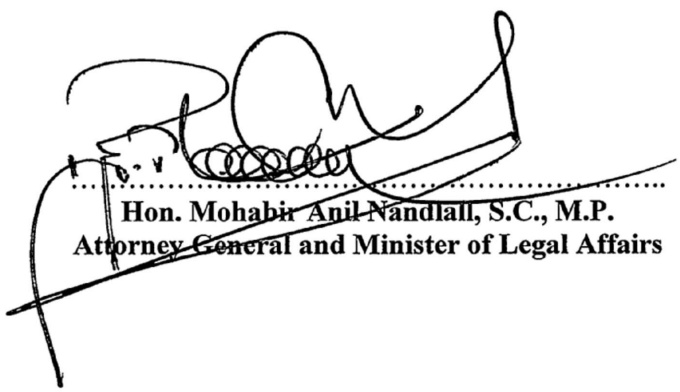
The Principal Act is amended by the insertion of a **new section 139F** which provides a general penalty provision for contraventions of the Act by stipulating that any person who contravenes any provision of this Act for which a penalty is not provided is liable on summary conviction to a fine of ten million dollars and to imprisonment for ten years.

A **new section 150B** provides for an election manual to be posted on the Commission's website and copies given to political parties within 30 days of the date of the President's proclamation of the election date.

New section 153 is section 22 of the Election Laws (Amendment) Act 2000 which provides for the Commission to have the power to remove any difficulty in connection with the application of the Principal Act.

Clause 3 of the Bill provides for the revocation of the provisions of any regulations inconsistent with the provisions of the Principal Act as amended by this Act.

Clause 4 of the Bill provides for the repeal of the Election Laws (Amendment) Act 2000 except sections 9, 18, 19 and 22 which shall be repealed on the coming into force of the National Registration (Amendment) Act 2022.



Hon. Mohabir Anil Nandlall, S.C., M.P.
Attorney General and Minister of Legal Affairs