

GUYANA

BILL No. of 2021

REPRESENTATION OF THE PEOPLE (AMENDMENT) BILL 2021

ARRANGEMENT OF SECTIONS

Section

1. Short title.
2. Amendment of the Principal Act.

SCHEDULE

A BILL
Intituled

AN ACT to amend the Representation of the People Act.

A.D. 2021 Enacted by the Parliament of Guyana:-

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| 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 2021. |
| 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. |

SCHEDULE

s. 2

PROVISIONS OF PRINCIPAL ACT	HOW AMENDED
Section 2	<p>1. In the definition of “election officer”, insert immediately after paragraph (c), the following paragraphs –</p> <p style="padding-left: 40px;">“(ca) a supernumerary returning officer;</p> <p style="padding-left: 40px;">(cb) a deputy supernumerary returning officer;”.</p> <p>2. Insert immediately after the definition of “poll”, the following definition –</p> <p style="padding-left: 40px;">“ “polling place” means a polling place appointed under section 6(3) and which may be divided into polling stations under section 6(8);”.</p> <p>3. In the definition of “returning officer”, for the full-stop substitute a semi-colon.</p> <p>4. Insert immediately after the definition of “returning officer” the following definitions –</p> <p style="padding-left: 40px;">“ “sub-district” means a polling sub-district of polling district Region 4 or the Demerara/Mahaica Region constituted under section 6A(1);</p> <p style="padding-left: 40px;">“supernumerary returning officer” means a supernumerary returning officer of a polling sub-district of polling district Region 4.” .</p>
Section 6	<p>1. Insert immediately after subsection (5), the following subsections –</p> <p style="padding-left: 40px;">“(6) There shall be appointed such number of polling places in every village or locality within a division that shall</p>

be necessary to accommodate the electors of that village or locality.

(7) Where there is no public building available to be appointed a polling place within a division, or 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 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 accessibility of the polling place for persons with disability; and

	<p>(e) any other relevant factor.</p> <p>(11) There shall not be more than four hundred electors assigned to vote at a polling station.</p> <p>(12) Electors shall be assigned to a polling station on the basis of the alphabetical order of their names.”.</p>
<p>New section 6A</p>	<p>Insert immediately after section 6, the following new section –</p> <p>“Sub-districts of polling district 4.</p> <p>No. 71 of 1980</p> <p>6A. (1) Polling district Region No. 4 or the Demerara/Mahaica Region, constituted under section 6 and specified by the National Assembly Elections (Constitution of Polling Districts) Order 1980, shall be divided into 4 polling sub-districts distinguished by the names as follows –</p> <p>(a) East Bank Demerara sub-district;</p> <p>(b) North Georgetown sub-district;</p> <p>(c) South Georgetown sub-district; and</p> <p>(d) East Coast Demerara sub-district.</p> <p>(2) Each of the polling sub-districts specified in subsection (1) shall be defined by such number of the total number of polling divisions which constitute district Region 4 under the National Assembly Elections (Constitution of Polling Districts) Order 1980, as may be determined by the Commission by Order.”.</p>
<p>Section 7</p>	<p>1. Insert immediately after paragraph (b), the following paragraph –</p> <p>“(ba) for each sub-district a supernumerary returning officer and an election clerk;”.</p>

	<p>2. In paragraph (d), insert immediately after the words “deputy returning officers,”, the words “deputy supernumerary returning officers,”.</p>
<p>Section 24</p>	<p>1. For subsection (1), substitute the following –</p> <p style="padding-left: 40px;">“(1) An election agent may appoint –</p> <p style="padding-left: 80px;">(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);</p> <p style="padding-left: 80px;">(b) a counting agent for each district and subdistrict;</p> <p style="padding-left: 80px;">(c) a polling agent and an alternate polling agent for each polling place and polling station.”.</p> <p>2. In subsection (2) –</p> <p style="padding-left: 40px;">(a) for the words “and polling agent”, substitute the words, “, polling agent and alternate polling agent”;</p> <p style="padding-left: 40px;">(b) immediately after the words “polling agent”, where the words appear for the second time, insert the words, “or alternate polling agent”.</p> <p>3. For subsection (3), substitute the following –</p> <p style="padding-left: 40px;">“(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</p>

	<p>(5).”.</p> <p>4. In subsection (4) –</p> <ul style="list-style-type: none">(a) for the words “There shall not be” substitute the words, “Subject to subsection (1), there shall not be”;(b) insert immediately after the word “one district” the words “or sub-district”. <p>5. In subsection (6), insert immediately after the words “more districts” the words “or sub-districts,”.</p> <p>6. Insert immediately after subsection (6), the following subsections –</p> <ul style="list-style-type: none">“(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. <p>(8) If the polling agent is for any reason unable to</p>
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	<p>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.</p> <p>(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.”.</p>
Section 25(1)	Insert immediately after the word “district”, wherever the word appears, 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	<ol style="list-style-type: none"> 1. Insert immediately after the words “31.”, the words “(1)”; 2. In subsection (1), as so amended, in paragraph (b), for the words “10th day”, substitute the words “21st day”; 3. Insert immediately after subsection (1), as so amended, the following subsection – <p style="margin-left: 40px;">“(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 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).”.</p>
Section 34(1)	<p>For the opening part, substitute the following –</p> <p style="margin-left: 40px;">“(1) Not later than the 21st day before election day the returning officer of each district shall, after consultation with</p>

	<p>the election agent of each list of candidates, identify the polling places in the district, and give a notice of poll which shall be in Form 9 and which shall specify – ”.</p>
<p>Section 35</p>	<p>For the section substitute the following –</p> <p>“35. (1) Where more than one polling place is established for any division, or 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.</p> <p>(2) In apportioning the entries in the official list of electors for a division between polling places under subsection (1), the returning officer shall –</p> <p>(a) where a division is divided into villages or localities –</p> <p>(i) apportion to each village or locality within the division, entries comprising electors whose addresses are within the village or locality; and</p> <p>(ii) allot to each polling place in that village or locality, as far as possible, entries comprising electors whose addresses are within a reasonable distance to the polling</p>

	<p style="text-align: center;">place;</p> <p style="text-align: center;">(b) where a division is not divided into villages or localities, allot to each polling place within the division, entries comprising electors whose addresses are within a reasonable distance to a polling place within that division:</p> <p style="text-align: center;">Provided that no elector whose 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.”.</p>
<p>Section 40(1)</p>	<p>1. For the full-stop at the end of paragraph (j), substitute a semi-colon.</p> <p>2. Insert immediately after paragraph (j), the following paragraph –</p> <p style="text-align: center;">“(k) a sufficient number of copies of registration records of the electors.”.</p>
<p>Section 65J(2)</p>	<p>Insert immediately after the word “district”, the words “or sub-district”.</p>
<p>Section 65K</p>	<p>Insert immediately after subsection (6), the following subsection –</p> <p style="text-align: center;">“(6A) Where a person has exercised his right to ballot under this Part, the name of that person, who being no longer entitled to vote again on elections day, shall be removed/deleted from 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 forward to the returning officer of the district a new official list of electors for the polling place excluding the names of persons who balloted under this Part.”.</p>

<p>New section 68A</p>	<p>Insert immediately after section 68, the following new section –</p> <p>“Election material and information given to polling agents.</p> <p>68A. (1) The presiding officer of each polling place shall, on the opening of poll give to each polling agent the following –</p> <ul style="list-style-type: none"> (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; and (c) the number of Statements of Poll Forms 23A issued to the presiding officer; (d) a copy of the registration records of the electors. <p>(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.</p> <p>(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.”.</p>
<p>Section 70</p>	<p>1. In subsection (3), for the words “subsection (2)(h)”, substitute the words “subsections (2)(h) and (3A)”.</p> <p>2. Insert immediately after subsection (3), the following subsections –</p> <p>–</p>

	<p>“(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 the 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.</p> <p>(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.</p> <p>(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.”.</p> <p>3. In subsection (4), delete the words “if available pursuant to any direction given under section 40(1)(i)”.</p>
<p>Section 74</p>	<p>Insert immediately after subsection (3), the following subsections –</p> <p>“(4) A person commits an offence if the person –</p> <ul style="list-style-type: none"> (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. <p>(5) A person who commits an offence under this section is liable on summary conviction to a fine of ten million dollars</p>

	<p>and to imprisonment for ten years.”.</p>
<p>Section 75</p>	<ol style="list-style-type: none"> 1. Insert immediately after the words “75.”, the words “(1)”. 2. In subsection (1), as so amended – <ol style="list-style-type: none"> (a) for the words “prescribed identity paper”, substitute the words “prescribed identity paper, a valid passport or”; (b) insert immediately after the words “the Commission”, the words “by notice in the <i>Gazette</i>, 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. Insert immediately after subsection (1), as so amended, the following subsection – <p style="margin-left: 40px;">“(2) A presiding officer who refuses to accept from an elector, for consideration of the elector’s identify, 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.”.</p>
<p>Section 78A(1)</p>	<ol style="list-style-type: none"> 1. In paragraph (d), delete the word “or”. 2. In paragraph (e), for the comma substitute the words “; or”. 3. Insert immediately after paragraph (e), the following paragraph – <p style="margin-left: 40px;">“(f) an election agent, assistant agent or polling agent in the exercise of any function conferred upon him under this Act,”.</p> 4. In the closing part – <ol style="list-style-type: none"> (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”.

<p>Section 79(1)(b)</p>	<ol style="list-style-type: none"> 1. Insert in subparagraph (vii), immediately after the word “district” the words “or sub-district”. 2. Insert immediately after subparagraph (vii), the following subparagraph – <ul style="list-style-type: none"> “(viii) counting agents for the district or subdistrict in which the polling place is situate.”.
<p>Section 81(2)</p>	<p>Delete the words “trains and”, wherever the words appear.</p>
<p>Section 83</p>	<ol style="list-style-type: none"> 1. In subsection (1)(g), insert immediately after the word “candidates”, the words “, counting agents”. 2. Insert immediately after subsection (1), the following subsections – <ul style="list-style-type: none"> “(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 fails to comply with subsection (1A) 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), insert immediately after the words “returning officer”, the words “or the supernumerary returning officer in the case of a sub-district”. 4. For subsection (9), substitute the following – <ul style="list-style-type: none"> “(9) After the completion of the counting, the presiding

	<p>officer shall –</p> <ul style="list-style-type: none">(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;(d) prepare and certify a sufficient number of copies of the signed Forms for distribution to –<ul style="list-style-type: none">(i) the returning officer;(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;(vi) the Chairman of the Commission.”. <p>5. For subsection (9A), substitute the following subsections –</p> <p>“(9A) (a) The presiding officer shall distribute to the</p>
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	<p>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.</p> <p>(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.</p> <p>(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.</p> <p>(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</p>
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	<p>years.”.</p> <p>6. In subsection (10)(b) –</p> <p>(a) insert immediately after the words “ballot paper account”, the words “, statement of poll account”; and</p> <p>(b) delete the word “and” immediately after the semi-colon.</p> <p>7. Insert immediately after subsection (10)(b), the following paragraph –</p> <p>–</p> <p>“(ba) place in an envelope the certified copies of the signed forms referred to in subsection (9)(d) for the Chief Election Officer and seal the envelope in the manner referred to in paragraph (b); and”.</p> <p>8. In subsection (10)(c) –</p> <p>(a) insert immediately after words “paragraph (b),” the words, “the sealed envelope referred to in paragraph (ba),”; and</p> <p>(b) insert immediately after the words “returning officer of the district” the words “, except of district Region 4, or to the supernumerary returning officer of the sub-district,”.</p> <p>9. Insert immediately after subsection (10) the following subsection –</p> <p>“(10A) (a) The returning officer of a district, except of district 4, and the supernumerary returning officer of a sub-district, shall each on receipt of the sealed envelope referred to in subsection (10)(ba) deliver it to the Chief Election Officer who shall immediately post an electronic copy of the Statement of Poll contained in the sealed envelope on the Commission’s website to be publicly viewed.</p>
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	<p>(b) The Chief Election Officer commits an offence if he –</p> <p>(i) fails to comply with paragraph (a);</p> <p>(ii) knowingly posts or caused to be posted an electronic copy of a statement of poll that is not a true copy of the certified copy of the statement of poll delivered to him, or that contains a false statement,</p> <p>and is liable on summary conviction to a fine of ten million dollars and to imprisonment for life years.”.</p>
<p>Section 83A</p>	<p>1. In subsection (1) –</p> <p>(a) in the opening part, insert immediately after the words “returning officer”, the words “, except the returning officer of district 4, and a supernumerary returning officer in the case of a sub-district,”.</p> <p>(b) for the proviso, substitute the following –</p> <p>“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 shall either 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.”.</p> <p>2. In subsection (2), insert immediately after the words “returning</p>

	<p>officer”, the words “or supernumerary returning officer”.</p>
<p>Section 84</p>	<p>1. For subsection (1) substitute the following –</p> <p style="padding-left: 40px;">“(1) As soon as practicable after the receipt of all the ballot boxes and the envelopes and packets delivered to him in pursuance of section 83(10), the Returning Officer, except the returning officer of district 4, or the supernumerary returning officer of a sub-district shall, 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:</p> <p style="padding-left: 40px;">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.”.</p> <p>2. In subsection (1A) –</p> <p style="padding-left: 40px;">(a) in paragraph (a) –</p> <p style="padding-left: 80px;">(i) insert immediately after the words “election officer”, the words “, a duly appointed candidate or a counting agent”;</p> <p style="padding-left: 80px;">(ii) insert immediately after the words “polling district”, wherever the words appear, the words “or polling sub-district”;</p> <p style="padding-left: 80px;">(iii) insert immediately after the words “Returning Officer”, where the words appear for the first</p>

	<p>time, the words “or the Supernumerary Returning Officer”;</p> <p>(iv) insert immediately after the words “Returning Officer”, where the words appear for the second time, the words “or the Supernumerary Returning Officer, and the Chief Election Officer and distributed to the other persons entitled under section 83(9)(d)(iii) and (iv)”;</p> <p>(b) in paragraph (b) –</p> <p>(i) insert immediately after the words “mistake is discovered”, the words “by an election officer, a counting agent, duly appointed candidate or polling agent entitled to be present as attend”;</p> <p>(ii) insert immediately after the words “Returning Officer”, wherever the words appear, the words “or the Supernumerary Returning Officer”;</p> <p>(c) in paragraph (c) –</p> <p>(i) insert immediately after the words “Returning Officer” the words, “or the Supernumerary Returning Officer”;</p> <p>(ii) insert immediately after the words “subsection (1)”, the words “and send a certified copy of the corrected Statement of Poll to the Chief Election Officer”.</p> <p>3. Insert immediately after subsection (1A), the following subsections</p> <p>–</p> <p>“(1B) In ascertaining the total votes cast in favour of each list in the district or subdistrict, as required by subsection</p>
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	<p>(1), the Returning Officer, except the returning officer of district 4, or the supernumerary returning officer in the case of a sub-district, shall –</p> <ul style="list-style-type: none">(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;(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
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	<p>Form, as the case may be.</p> <p>(1C) As regards the total votes cast in favour of each list in district Region 4 –</p> <p>(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 deliver manually, by the quickest available means, a certified copy of the Sub-District Tabulation Form on which the votes are recorded to the Returning Officer of district Region 4;</p> <p>(b) in receipt of all the Sub-District Tabulation Forms, the Returning Officer of district Region 4, in ascertaining the total votes cast in favour of each list in district Region 4, shall –</p> <p>(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 Tabulation Form;</p> <p>(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;</p> <p>(iii) give opportunity for objections from any duly appointed candidate or counting agent and shall not move on to display another</p>
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	<p>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;</p> <p>(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; and</p> <p>(c) immediately after ascertaining the total votes cast in favour of each list of candidates under paragraph (b), the Returning Officer of district Region 4 shall publicly declare the total votes recorded for each list of candidates in district Region 4 on the District Tabulation Form.”.</p> <p>4. For subsection (2), substitute the following –</p> <p>“(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 request the Returning Officer to conduct 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.</p> <p>(b) Where any counting agent for the district or subdistrict or duly appointed candidate seeks a</p>
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	<p>final count of the votes already counted by the presiding officers in the district or subdistrict under section 83, the Returning Officer or the Supernumerary Returning Officer in the case of a subdistrict 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 subsection (1) and (1B).</p> <p>(c) 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, 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.</p> <p>(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.</p> <p>(e) Conduct of the recount shall be done by the Deputy Returning Officer or Deputy Supernumerary Returning Officer, if the Returning Officer or Supernumerary Returning</p>
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	<p style="text-align: center;">Officer is unavailable.”.</p> <p>5. In subsection (3) –</p> <ul style="list-style-type: none">(a) insert immediately after the words “the district”, the words “or duly appointed candidate”;(b) insert immediately after the words “Returning Officer”, the words “, except the returning officer of district Region 4, or the supernumerary returning officer of a subdistrict, as the case may be,”. <p>6. In subsection (4) –</p> <ul style="list-style-type: none">(a) insert immediately after the words “Returning Officer”, where the words appear for the first time, the words “, except the returning officer of district Region 4, or the supernumerary returning officer of a subdistrict”;(b) insert immediately after the words “Returning Officer”, where the words appear for the second time, the words “or the supernumerary returning officer in the case of a subdistrict”; <p>7. In subsection (5), insert immediately after the words “Returning Officer”, the words “or the supernumerary returning officer in the case of a subdistrict”.</p> <p>8. In subsection (6), insert immediately after the words “Returning Officer”, the words “, except the returning officer of district Region 4, or the supernumerary returning officer of a subdistrict”.</p> <p>9. In subsection (7) –</p> <ul style="list-style-type: none">(a) insert immediately after the words “Returning Officer”, where the words appear for the first time, the words “or the supernumerary returning officer in the case of a
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	<p>subdistrict”;</p> <p>(b) insert immediately after the words “Returning Officer”, where the words appear for the second time, the words “or the supernumerary returning officer”.</p> <p>10. In subsection (8), insert immediately after the words “Returning Officer”, the words “or the supernumerary returning officer in the case of a subdistrict”.</p> <p>11. In subsection (9), insert immediately after the words “Returning Officer”, the words “or the supernumerary returning officer in the case of a subdistrict”.</p> <p>12. In subsection (10), insert immediately after the words “Returning Officer”, the words “, except the returning officer of district Region 4, or the supernumerary returning officer of a subdistrict, as the case may be,”.</p> <p>13. For subsection (11), substitute the following subsections –</p> <p>“(11) On ascertaining the total votes cast in each district, including district Region 4, and sub-district for each list of candidates in accordance with the preceding subsections, the returning officer of each district, including of district region 4, 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 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.</p> <p>(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</p>
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	<p>Election Officer under subsection (1) 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.</p> <p>(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 it on the Commission’s website.</p> <p>(14) The Chief Election Officer who knowingly posts or caused to be posted on the Commission’s website a District Tabulation Form or a Sub-District tabulation Form that is not a true copy of the certified copy of the Form or that contains a false statement, commits an offence and is liable on summary conviction to a fine of ten million dollars and to imprisonment for life.</p> <p>(15) A person who 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 life.</p> <p>(16) A person who fails to deliver to the returning officer of district Region 4 a true certified copy of the Sub-district Tabulation Form or who delivers the Sub-district Tabulation Form with falsified information commits an offence and is liable on summary conviction to a fine of ten million dollars and to imprisonment for life.</p> <p>(17) A person who fails to deliver to the Chief Election Officer a true certified copy of a Tabulation Form referred to in</p>
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	<p>subsection (11) or who delivers a Tabulation Form with falsified information commits an offence and is liable on summary conviction to a fine of ten million dollars and to imprisonment for life.</p> <p>(18) A person who 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 an offence and is liable on summary conviction to a fine of ten million dollars and to imprisonment for life.</p> <p>(19) A person who 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.</p> <p>(20) A person who denies 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.”.</p>
<p>Section 86</p>	<p>1. In subsection (1) –</p> <p>(a) insert in paragraph (a), immediately after the words “returning officer”, the words “or supernumerary returning officer in the case of a sub-district”;</p> <p>(b) in paragraph (e), insert immediately after the words “returning officer”, the words “or the supernumerary officer, in the case of a sub-district”.</p> <p>2. For subsection (2), substitute the following –</p>

	<p>“(2) The returning officer or supernumerary officer, in the case of a sub-district, shall –</p> <ul style="list-style-type: none">(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;(c) give the duly appointed candidates and counting agents entitled under subsection (1) to be present as attend –<ul style="list-style-type: none">(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
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	with the proceedings.”.
Section 87	<ol style="list-style-type: none"> 1. In subsection (1), insert immediately after the words “returning officer”, the words “or a supernumerary officer, in the case of a sub-district”. 2. In subsection (2), insert immediately after the words “returning officer”, the words “or the supernumerary officer, in the case of a sub-district”. 3. In subsection (4), insert immediately after the words “returning officer”, the words “or the supernumerary officer, in the case of a sub-district”. 4. In subsection (5), insert immediately after the words “returning officer”, the words “or the supernumerary officer, in the case of a sub-district”.
Section 88	Insert immediately after the words “returning officer”, where the words appear for the first time, the words “or a supernumerary officer, in the case of a sub-district”, and where the words appear for the second time, the words, “or supernumerary officer”.
Section 89	<ol style="list-style-type: none"> 1. In subsection (1) – <ol style="list-style-type: none"> (a) in the opening part, insert immediately after the words “returning officer”, 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), insert immediately after the words “returning officer”, the words “or the supernumerary officer, in the case of a sub-district”.

	<p>3. For subsection (3), substitute the following –</p> <p>“(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.”.</p>
<p>Section 96</p>	<p>1. For subsection (1) the section substitute the following –</p> <p>“(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 District Tabulation Form from the returning officer of district Region 4, under section 84(11), ascertain the result of the election in accordance with sections 97 and 98.</p> <p>2. In subsection (2), insert immediately after the words “Chief Election Officer shall”, the words “, within twelve hours of the calculation of the results of the election being completed,”.</p> <p>3. Insert immediately after subsection (2), as so amended, the following subsection –</p> <p>“(3) The Chief Election Officer commits an offence if he –</p> <p>(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);</p> <p>(b) prepares the report, required under subsection (2), with falsified information; or</p> <p>(c) fails to prepare the report required under subsection (2) or fails to prepare the report</p>

	<p>within the time specified under subsection (2), and is liable on summary conviction to a fine of ten million dollars and to imprisonment for life.”.</p>
Section 97	For the word “fifty-three”, substitute the word “sixty-five”.
New section 139F	<p>Insert immediately after section 139E, the following new section –</p> <p>“General penalty provision. 139F. 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 life.”.</p>
New section 150B	<p>Insert immediately after section 150A the following new section –</p> <p>“Election manual. 150B. (1) All election manuals, by whatever name called, existing at the commencement of this section are revoked.</p> <p>(2) Any election manual to be made for use at any election shall be made, posted on the Commission’s website and copies given to the political parties, within thirty days of the date of the President’s proclamation of the election date.</p> <p>(3) No provision of an election manual shall be inconsistent with any provision of this Act or any other law.</p> <p>(4) Any provision of a manual that is inconsistent with any provision of this Act or any other law shall to the extent of the</p>

	inconsistency be null and void.”.
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