

LAWS OF GUYANA

REPRESENTATION OF THE PEOPLE ACT

CHAPTER 1:03

Act						
Reg. 24/1964						
Amended by						
16	of	1968	3	of	1991	Proc. 2/1980
4	of	1972	11	of	1992	Reg. 8/1980
7	of	1973	22	of	1997	9/1980
19	of	1980	15	of	2000	14/1985
16	of	1985	1	of	2001	2/2001
24	of	1990	2	of	2001	O. 50/1980
25	of	1990	12	of	2006	68/1980
30	of	1990	25	of	2022	

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<i>(inclusive)</i>		<i>by L.R.O.</i>
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**Note
on
Revision**

The following orders are omitted from this publication:

Grouping of Divisions for polling Notice (Gaz. 24/10/1946, Nt. 386F, Gaz. 7/11/1964, Nt. 430B, Gaz. 21/11/1964, 480A, Nt. 1968)

CHAPTER 1:03

REPRESENTATION OF THE PEOPLE ACT

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CHAPTER 1:03

REPRESENTATION OF THE PEOPLE ACT

Reg. 24/1964
O. 50/1980

An Act to make provision for the election of members of the National Assembly under a system of proportional representation and for purposes connected therewith.

[23RD SEPTEMBER, 1964]

PART I PRELIMINARY

Short title.

1. This Act may be cited as the Representation of the People Act.

Interpretation.
[16 of 1968
4 of 1972
Reg. 6/1973
O. 50/1980
O. 80/1980
16 of 1985
15 of 2000
12 of 2006

2. (1) In this Act—

“carriage” includes a mechanically propelled vehicle;

“certificate of employment” means a certificate issued under section 29(4);

c. 1:01

“Commission” means the Elections Commission established by article 161 of the Constitution;

[25 of 2022]
c. 19:08

“Commissioner” means the Commissioner of Registration appointed under the National Registration Act;

[25 of 2022]
c. 19:08

“Deputy Commissioner” means the Deputy Commissioner of Registration appointed under the National Registration Act;

c. 1:01

“disciplined force” has the same meaning as in article 154 of the Constitution;

“district” means a polling district constituted under section 6(1);

“division” means a polling division as defined by section 6(2);

c. 1:01 “election” means an election in accordance with article 60(2) of the Constitution of members to the National Assembly, and elector shall be construed accordingly;

c. 1:01 “election day”, in relation to any election, means the day appointed under article 61 of the Constitution for the holding of the election;

“election expenses declaration” means a declaration as to election expenses as required by section 108;

“election officer” means—

(a) the Chief Election Officer;

(aa) the Deputy Chief Election Officer;

(b) a returning officer;

(c) a deputy returning officer;

[25 of 2022] (ca) a supernumerary returning officer;

[25 of 2022] (cb) a deputy supernumerary returning officer;

(d) an election clerk;

(e) a presiding officer;

(f) an assistant presiding officer;

(g) a poll clerk;

[25 of 2022] (h) a counting assistant;

“elector” in Parts IV, V, VI, VII, VIII and IX, means an elector whose name is on the official list of electors;

“form” means Form in the Schedule;

“geographical constituencies” means one of the ten constituencies into which Guyana is divided under section 11A;

“group of candidates” means the candidates named in a list of candidates;

c. 19:08 “identity paper” means an identification card issued under the National Registration Act and includes a replacement identification card so issued:

[25 of 2022] Provided the identity paper tendered to a presiding officer on the day of an election by an elector shall be the latest identity paper issued to him by the Commissioner under this Act;

c. 1:01 “member”, in relation to a disciplined force, has the same meaning as in article 154 of the Constitution;

“official list of elector” means the official list of electors for a polling division as prescribed by subsection (3);

“official mark” means such official mark as the Chief Election Officer shall approve for the purpose of stamping ballot papers;

“payment” includes any pecuniary or other reward;

“personal expenses”, in relation to the expenses of a candidate, includes his reasonable travelling expenses and the reasonable expenses of his living at hotels or elsewhere for the purposes of and in relation to the election;

“poll” means the poll, by voters whose names are on the official lists of electors, for the purpose of any election;

[25 of 2022] “polling place” means a polling place appointed under section 6(3) and which may be divided into polling stations under section 6(8);

“presiding officer” means—

- (a) a presiding officer of a polling place;
- (b) an assistant presiding officer;

c. 1:01 “region” means any of the ten regions which may be established under article 72(1) of the Constitution;

c. 19:08 “registration record” has the same meaning as in the National Registration Act;

“returning officer means–

- (a) a returning officer of a polling district;
- (b) a deputy returning officer;

[25 of 2022] “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;

[25 of 2022] “supernumerary returning officer” means a supernumerary returning officer of a polling sub-district of polling district Region 3, 4 or 6.

(2) In this Act the expression committee room does not include any house or room occupied by a candidate at an election as a dwelling, by reason solely of the candidate there transacting general business with his agents in relation to the election; nor shall any room or building be deemed to be a committee room for the purposes of this Act by reason only of the candidate or any agent of the group of candidates addressing therein electors, committee men, or others.

[25 of 2022] (3) The official list of electors for any division shall be the preliminary list of the electors with registered addresses in that division, prepared before election day in pursuance of section 14 of the National Registration Act or last prepared in pursuance thereof before such day, as the case may be, but with every such modification as may be necessary to bring that list into conformity with the divisional register–

c. 19:08

- (a) as altered under section 15(6) of the National Registration Act to give effect to claims and

c. 19:08

objections finally determined before the said election day;

[25 of 2022]
c. 19:08

(b) pursuant to any alteration thereto made under section 8 or 8B of the National Registration Act, prior to compliance with section 34(2)(a)(iv) in respect of the said official list, for the purpose of changing the registered address of an elector or the registered name or occupation of any elector; or

c. 19:08

(c) pursuant to the cancellation of any elector's registration therein effected in contravention of section 11(1) of the National Registration Act, or relating to an elector who is dead, under section 8 of the National Registration Act,

and every reference made to the official list of electors in the provisions hereinafter contained shall, in relation to any time on or before election day, be construed as a reference to such preliminary list as aforesaid with such modifications thereto (if any) as, at that time, shall have been made in conformity with this subsection.

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

Electoral system.
[16 of 1968]

3. (1) An election shall be conducted by secret ballot in conformity with this Act.

(2) Throughout Guyana, votes shall be cast in favour of lists of candidates published in accordance with section 19.

Other functions
of Commission.
[16 of 1968]

4. The Commission shall have, in addition to the functions assigned to it by the Constitution, such functions as are assigned to it by this Act and, in the execution of this Act, such authority of

the Commission as is exercised in pursuance of the provisions of the Constitution shall be duly deferred to.

Mode of exercise
of the functions
of the
Commission.
c. 1:01
c. 19:08
[25 of 2022]

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.
[25 of 2022]

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.
c. 1:01
c. 19:08
[25 of 2022]

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.
c. 1:01
c. 19:08
[25 of 2022]

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.
[25 of 2022]

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.

Extension of
time.
[16 of 1968
15 of 2000]

5. Where under this Act any act is required to be done not later than a specified number of days before election day, the Commission may by direction under its hand, if it deems it requisite or desirable so to do, extend the time allowed by reducing the number of days so specified; and the following provisions shall have effect in relation to that power—

- (a) the power may be exercised either generally or specially;
- (b) the power may be exercised so as to make valid anything already done after the expiration of the time allowed;
- (c) the Commission shall, as soon as practicable after any exercise of the power, publish in the *Gazette* a notification thereof, which shall include a brief statement of the reasons for, and the effect of, that exercise.

Polling districts
and divisions,
polling places
and stations.
[16 of 1968
4 of 1972
O. 50/1980
O. 68/1980
15 of 2000
25 of 2022]

6. (1) Guyana shall be divided into polling districts, each of which shall consist of such polling divisions, and be distinguished by such names, as may be specified by order of the Commission:

Provided that no polling district shall extend across the boundary of any region.

c. 19:08

(2) Subject to any orders made by the Commission under subsection (1), every registration division as constituted under section 5(2) of the National Registration Act shall be a polling division for the purposes of this Act.

[25 of 2022]

(3) Subject to subsections (4), (5) and (6), there shall be for each division such polling places as the returning officer of the district in which the division is situate, subject to the approval of the Chief Election Officer, may appoint; and each polling place shall bear such numerical or other designation as may be approved by the Chief Election Officer.

[25 of 2022] (4) Subject to subsections (6) to (12), where the Chief Election Officer is satisfied that it is impracticable to appoint a polling place within a division or any part thereof, he may appoint some other place in another division within the same district as a polling place at which electors of the first-mentioned division or that part thereof shall be entitled to vote.

[25 of 2022] (5) The Chief Election Officer shall publish in the *Gazette* not later than the 21st day before election day a notice of any polling place appointed under subsection (4).

[25 of 2022] (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.

[25 of 2022] (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.

[25 of 2022] (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.

[25 of 2022] (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.

[25 of 2022] (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

(e) any other relevant factor.

[25 of 2022]

(11) There shall not be more than four hundred electors assigned to vote at a polling station.

[25 of 2022]

(12) Electors shall be assigned to a polling station on the basis of the alphabetical order of their names.

Sub-districts of
polling districts.
No. 71 of 1980
[25 of 2022]

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.

7. (1) There shall be—

- (a) a Chief Election Officer;
- (b) for each district a returning officer and an election clerk;

Election Officer
and staff.
[30 of 1990
25 of 2022]

[25 of 2022]

(ba) for each sub-district a supernumerary returning officer and an election clerk;

(c) for each polling place a presiding officer, a poll clerk and a counting assistant;

[25 of 2022]

(d) such deputy returning officers, deputy supernumerary returning officers, assistant presiding officers and other staff as may be necessary or desirable for the implementation of this Act.

[25 of 2022]

(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.

Chief Election Officer subject to direction and control of the Commission.
[25 of 2022]

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.
[25 of 2022]

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.

Oaths.

Form 1

8. (1) Every election officer, before performing any of his functions under this Act, shall take and subscribe an oath in Form 1 before a Justice of the Peace or an election officer.

(2) Every Justice of the Peace and every election officer is authorised and empowered to administer any oath required by or under this Act:

Provided that no election officer shall administer an oath until he has himself taken the oath prescribed in pursuance of subsection (1).

(3) Forthwith upon taking the oath prescribed in pursuance of subsection (1), the returning officer of every district shall establish an office in his district and cause an advertisement to be inserted in a newspaper circulating in the district specifying the place at which he has established his office.

PART II LISTS OF CANDIDATES

Notice of date for submission of lists.
[16 of 1968 Reg. 6/1973]

9. The Commission shall, by notice published in the *Gazette*, appoint the day, being a day not later than the 32nd day before election day, on which lists of candidates may be submitted to the Chief Election Officer; and there shall be included in the notice particulars of the hours between which and the place at which the Chief Election Officer will attend to receive the lists.

Chief Election Officer to receive lists.

10. The Chief Election Officer shall attend in accordance with the notice given under section 9 to receive the lists of candidates; and no list shall be received at any other time or place.

Requirements of lists.
[16 of 1968 Reg. 32/1964 Reg. 6/1973 O. 50/1980 O. 68/1980 22 of 1997 15 of 2000 12 of 2006]

11. (1) A list of candidates comprising registered voters who are eligible to be members of the National Assembly may be submitted by not less than three hundred and not more than three hundred and thirty persons for national top-up lists, and for each geographical constituency not less than one hundred and fifty and not more than one hundred and seventy-five persons whose names appear at the time of submission on the preliminary list mentioned in section 2(3), whether or not that list has at that date been modified as required by that section and shall be handed together with one copy thereof to the Chief Election Officer by the representative or the deputy representative of the list or by two of the persons named as candidates on the list at the time and place appointed; and the Chief Election Officer shall forthwith cause the copy of the list to be posted in a conspicuous place outside his office.

Form 2.

(2) A list of candidates shall be in Form 2; and the submission shall bear the signature of each person submitting the same together with his name and the serial number of his registration record:

Provided that if any such person is unable to sign his name, his mark, made against his name written by some other person, shall be deemed to be his signature for the purposes of this paragraph but not for the purposes of section 12.

(3) A list of candidates shall set out the names, one below the other in such order as each party may determine of the surnames and other names, of at least 42 persons qualified to be elected to the National Assembly and who have consented to the inclusion of their names in the list as candidates for election, together with the address and occupation of each such person.

Form 3.

(4) Each list of candidates shall be accompanied by a statutory declaration, in Form 3, by each person named therein as a candidate of his qualifications and consent, made before a justice of the peace, commissioner of oaths, notary public or other person authorised by law to administer an oath in the place where the declaration is made.

(5) Each list of candidates shall bear a title selected by the persons by whom it is submitted.

(6) Subject to section 11B, no person shall be a candidate on more than one list of candidates and no person shall be a signatory to more than one list.

(7) For the avoidance of doubt it is declared that a person may be a signatory to a list of candidates notwithstanding that he is named therein as a candidate.

(8) Stamp duty shall not be chargeable on any declaration made for the purposes of this section.

(9) In the event of the name of the person designated by any list of candidates as a Presidential candidate being deleted pursuant to section 21 from the list—

(a) the representative of the list; or

- (b) if there is no representative or if the representative is unwilling or unable (by reason of absence, illness or any other cause) to act, the deputy representative of the list; or
- (c) in the case of any such unwillingness or inability on the part of the deputy representative or if there is no deputy representative, a majority of persons named as candidates in the list may designate in writing any such person able and willing to act, who

shall forthwith and before election day, by written notice signed by him and delivered to the Commission, amend the list by designating any person whose name remains as a candidate on the list as the Presidential candidate designated by that list.

(10) On receipt of any notice of amendment pursuant to subsection (9), the Commission shall forthwith and before election day give public notice of the amendment in such manner as it may in all the circumstances deem the most practicable and with effect from the time when such notice is given the new Presidential candidate specified in the notice shall be the Presidential candidate designated by that list.

Requirements for
geographical
constituencies.
[15 of 2000
2 of 2001]

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

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

(3) Each of the ten regions of Guyana constituted as a registration district and a polling district under the Local

Democratic Organs (Regional Democratic Councils) Order 1980 shall be deemed to be a geographical constituency.

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

Table

Geographical Constituencies	Number of members of the National Assembly elected
No. 1	2
No. 2	2
No. 3	3
No. 4	7
No. 5	2
No. 6	3
No. 7	2
No. 8	1
No. 9	1
No. 10	2

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

Characteristics
that party lists
must satisfy.
[15 of 2000]

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

(2) Each party shall submit, for each geographical constituency in which it is contesting the general election, a list of names of persons qualified to be elected to the National

Assembly; and each such list shall comprise two more names than the number of members of the National Assembly specified in section 11A(4) for the specific geographical constituency for which the list is submitted.

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

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

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

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

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

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

(8) In the extraction from the lists and declaration of names of the candidates who have been elected account shall be taken—

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

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

Voting and
allocation of
seats in the
National
Assembly.
[15 of 2000
2 of 2001]

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

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

(3) Subject to the proviso to subsection (5) for the country taken as a whole, the total seats allocated to a party for

membership of the National Assembly shall be determined by application of the system of proportional representation to the valid votes for parties countrywide in relation to the sixty-five elected seats of the National Assembly.

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

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

Provided that in the event that the arithmetical calculations of total seats allocated to a party for membership of the National Assembly in accordance with subsection (3) produce the result that a party is allocated a fewer number of seats than those it has already obtained on the basis of the calculations that are in accordance with subsection (2), the allocations based on the distribution of sixty-five seats shall be made; the number of geographical constituency seats already allocated to parties shall not be changed, thereby maintaining the total number of geographical constituency seats at twenty-five; the total number of elected members of the National Assembly shall be increased to accommodate the allocations of the number of non-geographical members and no further calculation based on the increased size of the Assembly shall be done.

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

Application of certain provisions of this Act to geographical constituencies. [25 of 2022]

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).

Representatives of lists. [16 of 1968]

12. (1) The persons submitting a list of candidates may nominate one of their number as representative of the list and another as deputy representative, both of whom shall be candidates named in that list, and—

- (a) where neither a representative nor deputy representative is so nominated, the persons (other than persons who are not candidates) whose signatures appear first and second in the submission shall be deemed to have been nominated as representative and deputy representative respectively;
- (b) where a representative is not so nominated, the person nominated as deputy representative shall be deemed to have been nominated as representative and the person (other than the person nominated as deputy representative and persons who are not candidates) whose signature appears first in the submission shall be deemed to have

been nominated as deputy representative; and

- (c) where a deputy representative is not so nominated, the person (other than the person nominated as representative and persons who are not candidates) whose signature appears first in the submission shall be deemed to have been nominated as deputy representative.

(2) Notwithstanding anything in this Act or in any other written law—

- (a) provisions of subsection (1) shall apply *mutatis mutandis* to the national top-up list;
- (b) the representative and deputy representative of the national top-up list may serve as representative and deputy representative of—
 - (i) each of the lists for the ten geographical constituencies; and
 - (ii) each of the lists for the ten regional democratic councils.

Examination of lists.
[16 of 1968
Reg. 6/1973
15 of 2000]

13. On receipt of the lists of candidates the Chief Election Officer shall examine them for the purpose of ascertaining whether they have been submitted in accordance with section 11 or section 11A, as the case may be, and shall, after examination, deliver them to the Commission together with his report thereon.

Defective lists.
[16 of 1968
Reg. 6/1973
15 of 2000]

14. (1) If it appears to the Commission that a list of candidates is defective, that is to say, that the list or its submission does not comply in all respects with the requirements of section 11(1), (2), (3), (4), (5) or section 11B or bears a misleading title, the Chief Election Officer shall, not later than the 30th day before

election day, so inform the representative and the deputy representative of the list, specifying the defects:

Provided that if the list does not bear a title the Commission may, if it seems to it just and proper to do so, instead of treating the list as defective, allocate a title thereto.

(2) If the name of any person appears as a candidate on two or more lists of candidates the Chief Election Officer shall—

- (a) not later than the 30th day before election day inform the representatives and deputy representatives of the lists concerned;
- (b) delete the name of that person from any list on which the Commission is satisfied he did not consent to the inclusion of his name;
- (c) delete his name from each list on which it appears if the Commission is satisfied that he consented to the inclusion of his name on more than one list.

(3) If the name of any person appears as a signatory to the submission of more than one list, his signature shall be inoperative on any list other than the one first delivered to the Chief Election Officer and the Chief Election Officer shall delete his name from each other list, and if by reason of such deletion it appears to the Commission that any list is defective in that in the case of the national top-up lists there remain less than three hundred signatories thereto or in case of a geographical constituency there remain less than one hundred and fifty of the registered voters as signatories thereto, such list shall be treated as defective.

15. The representative and deputy representative of a list of candidates, or either of them, may, not later than the 29th day before election day, submit to the Chief Election Officer

Correction to
lists.
[16 of 1968
Reg. 6/1973]

corrections of any defects in the list (whether or not those defects are defects which have been notified under section 14); and the Chief Election Officer shall forward the corrections to the Commission together with his report thereon.

Applications for
symbols.
[16 of 1968 Reg.
6/1973]

16. (1) The representative and deputy representative of a list of candidates, or either of them, may, not later than the 32nd day before election day, make application in writing addressed to the Chief Election Officer for the allocation of a symbol which shall be a symbol approved by the Commission.

(2) Applications for symbols shall be considered by the Commission in the order in which they have been received but no right shall be conferred by priority of application to the allocation of the symbol for which application is made or for any particular symbol.

Approval of lists.
[16 of 1968
Reg. 6/1973
O. 50/1980]

17. (1) Subject to section 18 no list of candidates shall be valid unless it has been approved by the Commission not later than the 28th day before election day.

(2) If it appears to the Commission that a list of candidates is not defective or that defects in it have been cured by corrections submitted in accordance with section 15, they shall approve it and allocate thereto such symbol as they in their discretion decide; and if it appears to the Commission that a defective list has not been so corrected, they shall refuse to approve it.

(3) Not later than the 28th day before election day, the Commission shall notify the representative and deputy representative of each list that the list is or is not approved and shall publicly declare the titles of the approved lists and the names of candidates thereon.

(4) The refusal of the Commission to approve a list shall not be called in question in any court except by appeal under section 18, and the approval of a list by the Commission shall not be called in question in any court except in accordance with a law made under article 163 of the Constitution.

Appeal against
refusal of
approval.

18. (1) Where the Commission has refused to approve a list of candidates, the representative and deputy representative of the list, or either of them, may, not later than the 26th day before election day, appeal to the High Court against such refusal.

(2) The High Court shall hear the appeal and deliver judgment within such time before election day as will enable the Commission duly to comply with the requirement of section 19 relating to publication of the list; and the judgment of the Court shall not be subject to appeal.

(3) The Court may—

- (a) dismiss the appeal; or
- (b) approve the list to which the Commission has refused to give its approval; or
- (c) approve that list with such modifications as to Court may seem just;

and when the Court approves a list, with or without modification, the list as approved by the Court shall have effect as if it had been approved by the Commission under section 17.

Publication of
lists.
[16 of 1968
Reg. 6/1973]

19. The Commission shall, not later than the 23rd day before election day, cause to be published in the *Gazette* the titles and symbols of the lists approved by them or the High Court and the names of the candidates on those lists and may cause such further publication of the same, for the information of electors, as the Commission considers desirable.

Withdrawal of
lists.

20. A list of candidates may be withdrawn by notice in writing addressed to the Chief Election Officer and signed by both the representative and deputy representative of the list:

Provided that a list shall not be withdrawn after the Commission has notified the representative and deputy representative thereof that it has been approved.

Death of
withdrawal of
candidate.
[16 of 1968
Reg. 6/1973]

21. (1) If a person whose name is included in a list of candidates which has been submitted to the Chief Election Officer dies or, by notice in writing signed by him and addressed and delivered to the Chief Election Officer, withdraws his candidature, his name shall be deleted from the list and, if the list has already been published under section 19, the Commission shall cause notification of the deletion to be published in like manner:

Provided that no such notice shall be delivered as aforesaid after the 31st day before election day.

(2) The deletion of the name of any candidate by reason of his death from any list of candidates after its approval by the Commission shall not render the list defective; and correction of any defect caused by deletion of a dead candidate's name from any list of candidates may, notwithstanding anything to the contrary provided in section 15, be submitted at any time before the approval of such list:

Provided that where, by reason of any deletion first mentioned in this paragraph no names remain on a list of candidates, such list shall cease to have effect.

Joinder of lists.
[16 of 1968
Reg. 6/1973]

22. (1) Subject to subsection (2), two or more lists of candidates shall be joined for the distribution of seats (but not for the purpose of voting) if the representative and deputy representative of each list to be so joined gives notice accordingly in writing to the Chief Election Officer not later than the 25th day before election day; and lists so joined are hereinafter referred to collectively as a combination of lists.

(2) No list of candidates shall be included in more than one combination of lists and if any notice given under subsection (1) would, if given effect, result in a contravention of this section, that list shall not be included in any combination of lists.

(3) The Commission shall cause a notification of combinations of lists to be published not later than the 23rd day before election day in the *Gazette* and may cause such further

publication of the same, for the information of electors, as the Commission considers desirable.

PART III AGENTS

Appointment of
election agents.
[Reg. 6/1973]

23. (1) The representative of each list of candidates shall not later than the 32nd day before election day give notice in writing to the Chief Election Officer appointing himself or some other person to be the election agent of the candidates in the list and if the appointment of an election agent is revoked or the election agent dies and no further appointment is made, the representative of the list of candidates shall be deemed to have been appointed to be the election agent of the candidates.

(2) The Chief Election Officer shall cause a notice to be published in the *Gazette* of the name and address of the person appointed or deemed to be appointed as election agent.

Appointments of
assistant agents,
counting agents
and polling
agents.
[25 of 2022]

24. (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 sub-district;
- (c) a polling agent and an alternate polling agent for each polling place and polling station.

[25 of 2022]

(2) Notice in writing of every appointment of an assistant agent, counting agent, polling agent and alternate polling agent, stating the name and address of the person appointed shall be given not later than the 7th day before election day by the election agent to the returning officer of the district for which the assistant agent or counting agent is appointed or in

which is situate the polling place for which the polling agent or alternate polling agent is appointed.

[25 of 2022] (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).

[25 of 2022] (4) Subject to subsection (1), there shall not be, at the same time, more than one assistant agent or more than one counting agent of a group of candidates for any one district or sub-district nor shall there be more than one polling agent of that group for any one polling place.

(5) Upon the revocation of the appointment of or upon the death of an assistant agent, counting agent or polling agent the election agent shall forthwith give notice in writing thereof to the returning officer to whom notice of appointment was given and shall give notice in writing of any further appointment made in accordance with subsection (2):

Provided that the appointment of an assistant agent, counting agent or polling agent shall not be vacated solely by reason of the revocation of the appointment or the death of the election agent who appointed him.

[25 of 2022] (6) Nothing in this section shall preclude the appointment of a person as an assistant agent for two or more districts or sub-districts, or as polling agent for two or more polling places or as both assistant agent and counting agent.

[25 of 2022] (7) (a) Election agents may appoint additional assistant agents to be counterparts of deputy returning officers appointed to perform duties assigned under section 7(1)(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.

[25 of 2022]

(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.

[25 of 2022]

(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.

Actions of
assistant agents,
polling agents
and counting
agents.
[25 of 2022]

25. (1) Every election agent may act, in relation to any matter required to be done in any district or sub-district, by the assistant agent for that district or sub-district; and anything done for the purposes of this Act by an assistant agent in his district or sub-district shall be deemed to have been done by the election agent.

(2) Any act or default by an assistant agent which, if he were an election agent, would be an illegal practice or other offence against this Act, shall be an illegal practice or other offence against this Act committed by the assistant agent who shall be liable to punishment accordingly.

(3) Where in this Act any action or thing is required to be done in the presence of candidates, polling agents or counting agents, the non-attendance of any such candidate, polling agent or counting agent at the time and place appointed for the purpose shall not, if any act or thing is otherwise properly done, invalidate the act or thing done.

Liability of candidates for offences by election agents.

26. Where any corrupt or illegal practice or any illegal payment, employment or hiring, or other offence under this Act, is proved to have been committed by an election agent or assistant agent with the consent or connivance of a candidate, such candidate shall also be deemed to have been guilty of such corrupt or illegal practice or illegal payment, employment or hiring or other offence.

PART IV ENTITLEMENT TO VOTE

Electors to have one vote and to vote in person.
[16 of 1968]

27. (1) An elector shall be entitled to vote in a polling place at an election if he complies with this Act and with requirements made and directions given thereunder and if the presiding officer of the polling place at which he applies for a ballot paper is satisfied as to the matters specified in section 79(1).

(2) No person shall be entitled to vote in a polling place at an election unless he is entitled to do so under subsection (1).

(3) Every elector who votes at an election shall, subject to the provisions of this Act relating to voting by proxy and to the marking of ballot papers on behalf of blind and incapacitated electors, vote at a polling place in person.

(4) Without prejudice to the provisions of this Act relating to voting as a proxy and to the marking of ballot papers on behalf of blind and incapacitated electors, no elector shall vote more than once at the election.

Voting to be at polling place where elector's name displayed.
[16 of 1968
Reg. 6/1973
16 of 1985]

28. An elector shall be entitled to vote (whether in person or as a proxy on behalf of another elector) at the polling place where is displayed in pursuance of section 36 the official list of electors or part thereof, as the case may be, on which his name

appears; and no elector shall, subject to section 29, be entitled to vote (either in person or as a proxy on behalf of another elector), at any other polling place.

Right of electors
in certain cases to
vote at other
polling places.
[16 of 1968
O. 50/1980
O. 80/1980
15 of 2000]

29. (1) The Commission may by notice published in the Gazette specify divisions or groups of divisions to which subsections (2) and (3) shall apply:

Provided that divisions which form part of different districts shall not be grouped together.

(2) An elector whose name appears on the official list of electors of a division which is one of a group of divisions specified by the Commission by notice under this section may vote at any polling place in that group of divisions.

(3) An elector whose name appears on the official list of electors of a division which is specified by the Commission by notice under this section may vote at any polling place in that division.

[25 of 2022]

(4) An elector who, in the district in which his address as entered in the official list of electors affixed under section 34(2)(a)(iv) is situate, is employed as an election officer, member of the Police Force or of the Guyana Defence Force for a purpose connected with the election at a polling place other than that where his name is displayed under section 28 may vote at that polling place if, not later than two days before election day, he obtains from the returning officer of that district a certificate under his hand, in Form 4, authorising him to vote at that polling place, which certificate shall state the name of the elector, the number of his identity paper and the fact that he is to be so employed.

Form 4

Entitlement to
vote by proxy.
[16 of 1968
Reg. 21/1968
6 of 1973
16 of 1985]

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

- (a) those unable, or likely to be unable, to go in person to the polling place, at which they are entitled to vote, for any of the following reasons—

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

other physical incapacity, to go in person to the polling place or, if able to go, to vote unaided.

(2) Not more than one person shall be appointed to vote as a proxy on behalf of any one elector.

(3) No person shall be appointed to vote as a proxy—

(a) on behalf of another elector unless he is himself an elector who is entitled to vote at the same polling place as that at which the elector on whose behalf his appointment is sought is entitled to vote;

(b) for more than two electors.

(4) An elector voting as a proxy on behalf of another elector so shall do at the same polling place and at the same time as he votes on his own behalf.

Application for
appointment of
proxy.
[16 of 1968
25 of 2022]
Form 5.

31. (1) Every application for any such appointment of an elector to vote as proxy at an election shall—

(a) be in writing in Form 5;

(b) be addressed to the returning officer of such district as shall comprise the division in which the applicant's name is displayed under section 34(2)(a)(iv), and be sent to that officer so as to be received by him not later than the 21st day before election day;

(c) be accompanied by the consent in writing of the elector, named as proxy therein to his appointment.

[25 of 2022]

(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

[25 of 2022]

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).

Notice of
appointment as
proxy and list of
proxies.
[16 of 1968
15 of 2000
12 of 2006]
Form 6.

32. (1) If a returning officer is satisfied that an application for the appointment of another elector to vote as a proxy on behalf of the applicant has been duly submitted in accordance with section 31 and that the person whose appointment is sought is entitled to vote as a proxy on behalf of the applicant and consents to his appointment, he shall issue to that person a notice of appointment as a proxy in Form 6 and shall notify the applicant accordingly.

(2) If the returning officer refuses the application he shall notify the applicant of his refusal and of his reasons therefor.

Form 7

(3) The returning officer of each district shall keep a list of proxies which shall be in Form 7 and shall set out the names, addresses and the serial numbers of the registration records of the electors for whom the proxies have been appointed and of the electors who have been appointed to vote as proxies on their behalf; and the returning officer shall on the request of an election agent allow him, on the 4th day before election day, to inspect and copy the list.

Cancellation of
appointment as
proxy.
Form 8.

33. An elector may cancel the appointment of another person to vote as a proxy on his behalf by giving notice in writing in Form 8 addressed and sent to the returning officer who issued the notice of appointment so that the notice of cancellation is received by the returning officer not later than the 10th day before election day; and thereupon the notice of appointment shall be void and the returning officer shall—

- (a) so notify the elector whose appointment as a proxy is cancelled;
- (b) delete the names of both electors from the list of proxies.

[25 of 2022]

PART IVA
PREPARATION OF THE OFFICIAL LIST

Preparation of
official list of
electors and non-
resident electors'
roll.
[25 of 2022]

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.

c. 19:08

(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.

(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.
[25 of 2022]
c. 19:08

33B. The non-resident electors' roll which 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.
[25 of 2022]

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.
[25 of 2022]

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 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.

c. 19:08

(9) A scrutineer shall not interfere with the performance, by any person referred to in section 4 of the National Registration Act, of his functions or obstruct any such person in the performance of his functions.

c. 19:08

(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.

PART V PREPARATION FOR THE POLL

Notice of poll.
[Reg. 6/1973
16 of 1985
15 of 2000
25 of 2022]

34. (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.

Form 9

(2) Not later than the 14th day before election day the returning officer shall—

- (a) cause to be affixed to one building in each division of his district the following—
 - (i) a copy of the notice of poll;
 - (ii) a copy of each list of candidates published in accordance with section 19;
 - (iii) notification of joinder of any such lists; and
 - (iv) a copy of the official list of electors for that division;
- (b) cause such further publication of such lists and notification as he may think desirable to bring their contents to the attention of electors in his district.

(3) The hours between which the poll shall be taken shall be from 6 o'clock in the forenoon until 6 o'clock in the afternoon at all polling places in all districts unless the Commission shall prescribe different hours, being twelve consecutive hours, for any polling place.

(4) Nothing in subsection (2) shall be construed as precluding the returning officer from annexing to the copy of the official list of voters affixed under that subsection copies of such supplementary lists as are mentioned in section 2(4).

[25 of 2022]

(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.

Division of
official list of
electors.
[16 of 1968
25 of 2022]

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.

Display of lists at
polling places.
[16 of 1968 O.
68/1980]

36. The returning officer for each district shall cause to be displayed at every polling place therein a copy of the official list of electors for the division in which that polling place is situate or, as the case may be, a copy of such part of the said list as has been allotted to that polling place under section 35 and the foregoing provisions of this section shall apply *mutatis mutandis* in the case of any polling place established under subsections (4) and (5) of section 6.

Preparation of
polling places.
[16 of 1968]

37. The returning officer of each district shall before election day cause every polling place in his district to be provided with—

- (a) such doors, barriers, tables, chairs and other conveniences as are necessary or desirable, or as the Chief Election Officer may direct, for the purpose of implementing this Act;
- (b) such number of compartments as are necessary or desirable and in which electors can vote free from observation.

Printing of
directions for
voting and ballot
papers. Form 10.
Form 11.
Form 12.

38. The Chief Election Officer shall cause to be printed in Forms 10, 11 and 12 and sent to the returning officer of each district before election day a sufficient number of the following documents—

- (a) directions for voting;
- (b) ballot papers;
- (c) tendered ballot papers.

Requirements of
ballot papers.
[16 of 1968]

39. (1) Every such ballot paper shall—

- (a) contain, serially numbered on the left hand side and in alphabetical order of the initial letters of the title

of each list of candidates, the initial letters, title and symbol of each list of candidates;

- (b) be capable of being folded up;
- (c) be attached to a counterfoil bearing, printed on the face, a serial number and the words and dots "Elector's number".

(2) In the printing of the ballot paper—

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

Requirements of
ballot paper for
geographic
constituencies.
[15 of 2000]

39A. (1) Every ballot paper for a geographical constituency shall—

- (a) contain, serially numbered on the left hand side, and in alphabetical order of the initial letters of each list of a contesting party, the title and symbol of each contesting party; but the serial numbering on the ballot paper under paragraph (a) and the serial numbering on the counterfoil, under paragraph (c), shall be done in such a manner as to ensure that the two sets of serial numbers cannot be correlated;
- (b) be capable of being folded;
- (c) be attached to a counterfoil bearing, printed on the face, a serial number and the words and dots—
“Elector’s No.....in the
Official List”

(2) In the printing of the ballot paper—

- (a) no letter, word or design shall be printed on the face except the initial letters, title and symbol of the contesting parties;
- (b) no rules shall be printed on the face except the horizontal rules separating the particulars of the contesting parties from one another and the vertical rules separating those particulars from the numbers on the left hand side and from the spaces on the right where the symbols are shown and separating the spaces for symbols from the

spaces on their right where the vote is to be marked;

- (c) the whole space between the top and the bottom of the paper shall be equally divided between the contesting parties by rules separating their particulars;
- (d) the initial letters of each contesting party shall be printed in large capitals and the full titles of each in small capitals.

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

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

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

Form 11
Schedule

40. (1) The returning officer of each district shall supply to every presiding officer in his district the following—

Supplies of
election material.
[16 of 1968
O. 68/1980]

- (a) a sufficient number of ballot papers and tendered ballot papers, together with a statement showing the numbers supplied and their serial numbers;
- (b) a sufficient number of copies of the directions for voting;

- c. 1:01 (c) a sufficient number of copies of this Act (including any amendments made thereto for the purpose of holding any election pursuant to article 60(2) of the Constitution but not yet incorporated in the text thereof as published in any revision thereof made pursuant to the Law Revision Act);
- c. 2:02 (d) a sufficient number of copies of the official list of electors or part thereof, as the case may require, containing the names of the electors entitled to vote at the polling place;
- (e) a sufficient number of copies of the list of proxies;
- (f) a ballot box and materials for affixing thereto or stamping thereon the seal of the presiding officer;
- (g) the several forms of oaths to be administered to electors;
- (h) a poll book;
- (i) the necessary envelopes and such other forms, documents and supplies as may be authorised by, or furnished at the direction of, the Chief Election Officer;
- [25 of 2022] (j) a sufficient number of copies of each list of candidates published in accordance with section 19;
- [25 of 2022] (k) a sufficient number of copies of registration records of the electors.

(2) The ballot box shall be of convenient size and so constructed that the ballot papers can be placed therein, but cannot be withdrawn therefrom, without the box being unlocked.

Form 13.

(3) The poll book shall be in Form 13.

Display of lists of candidates and directions for voting.

41. The presiding officer of each polling place shall before the opening of the poll, post up in a conspicuous position outside the polling place a copy of—

- (a) the directions for voting;
- (b) the lists of candidates published in accordance with section 19.

Safe custody of election material.

42. The presiding officer of each polling place shall, until the opening of the poll, keep the documents supplied to him in pursuance of section 40 (other than those required to be posted up by section 41) locked in the ballot box or other depository and shall take every precaution to prevent any person having unauthorised access thereto.

Application of section 12 of the National Registration Act. c. 19:08 [16 of 1968 Reg. 30/1968 22 of 1997 15 of 2000 12 of 2006]

43. Section 12 of the National Registration Act shall apply in relation to every person who is an elector but, in such application, shall have effect as if—

- (a) the words, “and cause them to be issued in such manner as he thinks fit to”, had been deleted therefrom; and
- (b) the words “and shall cause every such registration record to be issued in such manner as the Commissioner thinks fit to the person for whom it has been prepared, or to be made available for his procurement in such manner as the Commissioner may specify by notice published in the *Gazette*” had been inserted immediately after the word “Act” therein:

Provided that if the Commissioner of Registration finds it for any reason impracticable—

- (a) for a print of the photograph of any elector to be affixed to such identification card of that elector as may be required for the purposes of this Act;
- (b) for any such identification card of an elector as aforesaid to be prepared in conformity with regulation 20(2)(b) of the National Registration (Residents) Regulations,

c. 19:08

the lack of any such print or preparation, as the case may be, shall not invalidate the identification card for the said purposes.

PART VI PREPARATION FOR NON-RESIDENT ELECTORS' BALLOT

Interpretation of
Part VI.
[Reg. 25/1968
Reg. 6/1973
16 of 1985
3 of 1991
11 of 1992
12 of 2006]

44. (1) In this Part—

“ballot officer” means—

- (a) an ambassador or High Commissioner resident in any country and representing Guyana therein;
- (b) any person appointed to be a ballot officer in any other country in which an ambassador or High Commissioner is accredited but is not resident therein;

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

“non-resident electors' roll” means the non-resident electors' roll as prescribed by subsection (2).

c. 19:08 (2) The non-resident electors' roll shall be the preliminary list of the electors not resident in Guyana comprising the persons specified in subsection (2A), prepared before election day in pursuance of section 14 of the National Registration Act or last prepared in pursuance thereof before such day, as the case may be, but with every such modification as may be necessary to bring that list into conformity with the central register (to the extent to which it consists of the registration records of electors aforesaid)–

c. 19:08 (a) as altered under section 15(6) of the National Registration Act to give effect to claims and objections finally determined before the said election day;

c. 19:08 (b) pursuant to any alteration thereto made under section 8 of the National Registration Act, prior to the date of publication in the *Gazette* under section 19 of the names of candidates, for the purpose of changing the registered address, name or occupation of an elector;

c. 19:08 (c) pursuant to the cancellation therein under section 8 aforesaid of an elector's registration effected in contravention of section 11(1) of the National Registration Act, or of relating to an elector who does not exist by reason of death or otherwise ought not to be registered;

and every reference made to the non-resident electors' roll in the provisions hereinafter contained shall, in relation to any time on or before election day, be construed as a reference to such preliminary list as aforesaid with such modifications thereto (if any) as, at that time, shall have been made in conformity with this subsection.

(2A) The preliminary list of electors not resident in Guyana shall consist of the names of every elector not resident in Guyana who is—

- (a) an Ambassador or a High Commissioner;
- (b) the wife or husband or child of an Ambassador or a High Commissioner;
- (c) a member of the staff of an Embassy or High Commission;
- (d) the wife or husband or child of a member of the staff of an Embassy or High Commission.

(3) In subsection (2) or (2A) reference to a preliminary list is a reference to such list read in conjunction with any supplementary list prepared for a revision of that preliminary list pursuant to regulations made under the National Registration Act for the purpose of showing the aforementioned modifications.

c. 19:08

Display of non-resident electors' roll.
[3 of 1991]

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

45A. [Repealed by Act No. 3 of 1991]

Printing of ballot officers' supplies.
[16 of 1985]

46. The Chief Election Officer shall cause to be printed and supplied to each ballot officer a sufficient number of the following—

- (a) copies of directions for balloting by non-resident electors;
- (b) ballot papers;

- (c) such envelopes and forms as are requisite;

to enable the ballot officer to carry out his functions under this Act; and the Chief Election Officer shall make the necessary arrangements to be provided with a sufficient number of the same for the purpose of carrying out his like functions under Part VII.

Non-resident
electors' ballot
papers.
[16 of 1985]

47. (1) Ballot papers supplied to ballot officers and used by non-resident electors shall be of a different colour from all other ballot papers conforming to the requirements of section 39 but, subject to such difference of colour, shall conform to those requirements in the like manner as such other ballot papers.

(2) Reference in subsection (1) to ballot papers supplied to ballot officers shall be construed to include reference to ballot papers with which the Chief Election Officer is provided under section 46.

Additional
supplies for
ballot officers.
[16 of 1985]

48. In addition to the supplies to be furnished under section 46, the Chief Election Officer shall provide every ballot officer with—

- (a) a sufficient number of copies of this Act;
- (b) a sufficient number of copies of the non-resident electors' roll in so far as it comprises entries relating to electors resident in the country in which that ballot officer is accredited to represent Guyana or appointed to be a ballot officer, as the case may be;
- (c) a statement showing the number of ballot papers supplied to him under section 46(b) and their serial numbers; and
- (d) such other documents and supplies as the Chief Election Officer may consider expedient;

for use by that ballot officer in the execution of his functions; and the Chief Election Officer shall record every such statement and the number of ballot papers with which he is provided under arrangements mentioned in section 46 and the serial numbers of the ballot papers so provided.

Safe custody of officers' supplies.

49. Every officer shall be responsible for the safe custody of all supplies with which he is furnished or provided under section 46 or 48 and shall take every precaution to prevent any person having unauthorised access thereto.

PART VII NON-RESIDENT ELECTOR'S BALLOT

Interpretation of Part VII.
[Reg. 31/1968
16 of 1985
22 of 1997
15 of 2000
12 of 2006]

50. (1) In this Part—

“ballot attendant” means an officer appointed under section 53(1);

“ballot officer”, “non-resident elector” and “non-resident electors’ roll” shall have the meanings assigned to them, respectively, by section 44.

(2) Reference in this Part to the serial number of a non-resident elector shall be construed as reference to the serial number of his registration record.

(3) A ballot officer may exercise any powers, and perform any duties, of a ballot attendant under any provisions of Part VII and references in any such provisions to a ballot attendant shall be construed accordingly with such modifications to the context as may be necessary for the purpose.

Issue of ballot papers to non-resident electors.
[Reg. 6/1973
16 of 1985]

51. Not later than the 14th day before election day, there shall be posted to every non-resident elector—

- (a) by such ballot officer as shall be provided under section 48(b) with copies of entries in the non-resident electors’ roll which include the name of that non-resident elector; or

- (b) in any case where there is no such ballot officer, by the Chief Election Officer,

a sealed envelope, which shall be directed to the non-resident elector at his address appearing on the non-resident electors' roll and shall contain the following—

- (i) an unsealed envelope (hereafter referred to in this Part as the addressed envelope) addressed in the name, and to the office, of the officer issuing the same, which shall be recognisable by him on its return as having been issued under this paragraph;
- (ii) a declaration of identity in Form 14 which shall bear the serial number of the non-resident elector on its reverse side;
- (iii) an unsealed envelope (hereinafter referred to in this Part as the ballot envelope) addressed with the words "To the Chief Election Officer" and capable of containing a ballot paper and of being enclosed, together with the last-mentioned form, in the addressed envelope;
- (iv) a copy of the directions for balloting by non-resident electors as set out in Form 15;
- (v) a ballot paper stamped with the official mark.

Form 14

Form 15

Notes of ballot
papers issued.
[16 of 1985]

52. Upon issuing a ballot paper to any non-resident elector under section 51, a ballot officer or the Chief Election Officer, as the case may be, shall—

- (a) show that a ballot paper has been issued to the non-resident elector, but without showing the particular ballot paper issued, place a mark on such copy of entries in the non-resident electors' roll as shall be used by him for the purposes of this paragraph; and
- (b) enter on the counterfoil of the ballot paper the serial number of the non-resident elector.

Ballot attendants.
[16 of 1985]

53. (1) There shall be appointed such number of officers as the Chief Election Officer may consider requisite for the performance in any country of the functions of ballot attendants under this Act.

(2) The Chief Election Officer shall cause notice of the name and address of every ballot attendant to be published in the *Gazette* and may cause such further publication of the same, for the information of non-resident electors, as the Chief Election Officer considers desirable; and the address of the office of each ballot officer shall be notified under the foregoing provisions of this subsection as being also the address of a ballot attendant.

(3) The ballot attendant at every such office as aforesaid shall permit any person having authority by virtue of section 30(1)(f) for promotion of the election of a group of candidates, and designated in writing by their election agent, to attend the balloting there by non-resident electors in the presence of the ballot attendant and shall afford that person, if and when he attends, all such reasonable facilities for observing the said balloting as that attendant can afford consistently with the orderly conduct of the proceedings, the discharge of his duties in connection therewith and the maintenance of the secrecy of the ballot.

(4) There shall not be more than one person designated as aforesaid by the election agent of each list of candidates to attend at the same office.

Recording of
non-resident
elector's vote.
[16 of 1985]
Form 13.

54. Every non-resident elector in receipt of the addressed and ballot envelopes, Form 13 and ballot paper issued to him under section 51(i), (ii), (iii) and (v)–

(a) may upon satisfying any ballot attendant as to his identity by way of production of his passport, travel document or other proof of such identity, and of the envelope directed to him under section 51, not later than the 9th day before election day–

Form 14

(i) exhibit the said envelopes, Form 14 and ballot paper (unmarked) to the ballot attendant;

(ii) secretly mark and fold the ballot paper in the like manner as provided by section 72(2), enclose it in the ballot envelope and seal that envelope, in the presence of the ballot attendant, but so that the ballot attendant does not observe the said manner of marking the ballot paper; and

(iii) give the ballot envelope so sealed and Form 14 to the ballot attendant, who shall forthwith complete the said Form in the presence of the non-resident elector and issue to him a receipt in Form 16:

Form 16

Provided that–

- (a) if the non-resident elector is incapacitated by blindness or other physical cause from personally complying with the foregoing provisions of this paragraph, the ballot attendant may, at the request of the non-resident elector, comply or permit a person appointed by the non-resident elector to comply with any such provisions on his behalf, in his presence and according to his directions;
- (b) the person so appointed shall be a non-resident elector, who shall, before the form of declaration is given to the ballot attendant under subparagraph (iii) of this paragraph, endorse on the reverse side of the form a certificate in the following terms—

“I,.....
 (names in block letters) hereby certify that the non-resident elector whose serial number appears next hereto is physically incapacitated and voted with my assistance rendered at his request.

.....
 (Signature) “;

Or

- (a) if he prefers so to do, or if no ballot attendant is available, may—
 - (i) secretly mark and fold the ballot paper in the like manner as provided by section 72(2) and enclose it in the ballot envelope;

Form 13

- (ii) seal the ballot envelope;
- (iii) complete Form 13 and enclose it, together with the ballot envelope, in the addressed envelope for posting under section 55(b).

Transmission of
non-resident
elector's vote to
ballot officer.
[16 of 1985]

55. For the purpose of causing the vote recorded by him to be cast in the manner provided by section 62(1), every non-resident elector—

- (a) having complied with section 54(a), shall thereupon surrender to the ballot attendant the addressed envelope exhibited under subparagraph (i) of that paragraph to such attendant, who shall—
 - (i) forthwith, in the presence of the non-resident elector, enclose therein the ballot envelope, and the declaration in the form, given by him under subparagraph (iii) of the said paragraph and seal the addressed envelope;
 - (ii) until its delivery to the officer mentioned in the next following subparagraph, keep the addressed envelope so sealed in safe custody and take every precaution to prevent its being opened or unauthorised access being had thereto; and
 - (iii) be responsible for delivering the addressed envelope not later than the 5th day before election day to the officer to whose office it is so addressed;

- (b) having complied with section 54(b), shall seal the addressed envelope containing its enclosures under that paragraph and post it so as to be received by the officer to whose office it is so addressed not later than the 7th day before election day.

Safe custody of
votes returned.
[16 of 1985]

56. (1) Each officer to whom the addressed envelope issued by him in pursuance of section 51(a) or (b) to any non-resident elector is returned as having been duly sealed by a ballot attendant, or as a sealed envelope presumably with enclosures under section 54(b), shall keep it in safe custody, and take every precaution to prevent its being illegally opened or unauthorised access being had thereto, prior to the discharge of his other duties and responsibilities in respect thereof:

Provided that any such envelope returned after the time allowed for its delivery or receipt under section 55(a)(iii) or (b), as the case may be, shall be kept separately from all other such envelopes returned in due time; and every ballot officer to whom any such envelope is returned after the time allowed as aforesaid shall cause it to be delivered to the Chief Election Officer as soon as practicable after such return thereof.

(2) For the purposes of section 137, and without prejudice to the generality of the provisions thereof, every envelope which has been sealed by a ballot attendant under section 55(a)(i), or has been returned to any officer as a sealed envelope mentioned in subsection (1) of this section, shall be deemed to be, until removal of the ballot paper therefrom according to law, a packet referred to in section 137(1)(d).

(3) Where the addressed envelope, form (whether completed or not), marked or unmarked ballot paper and the ballot envelope therefor, or any of the foregoing, issued by any officer in pursuance of section 51(a) or (b) are returned to him in such manner or condition as to preclude the application of subsection (1) in relation thereto, such officer shall nevertheless keep them in safe custody, and take every precaution to prevent unauthorised access being had thereto or any such envelope (if

sealed) from being illegally opened, prior to the discharge of his other duties and responsibilities in respect thereof and, if he is a ballot officer, shall cause the same to be delivered to the Chief Election Officer as soon as practicable after their return as aforesaid.

Officers'
responsibilities
[16 of 1985]

57. (1) Each officer referred to in section 56 shall make up into separate packets, sealed with his seal—

- (a) all the addressed envelopes returned to him as mentioned in section 56(1) and to which the proviso to that paragraph does not apply;
- (b) such copy of entries in the non-resident electors' roll as has been used by him for the purposes of section 52(a);
- (c) the counterfoils with entries made thereon by him under section 52(b);
- (d) any ballot papers with which he was furnished under section 46 and which have not been issued to non-resident electors pursuant to section 51;
- (e) a statement in writing, to be called "the non-resident electors' ballot papers account" prepared by him in Form 17,

Form 17.

and, if he is a ballot officer, shall deliver such packets, so sealed, not later than the day next preceding election day to the Chief Election Officer and be responsible for their safe custody until such delivery.

(2) The Chief Election Officer shall keep each packet sealed by him under subsection (1)(a), or delivered to him pursuant to compliance with paragraph (a) aforesaid, in safe custody and shall take every precaution to prevent any person

from having unauthorised access to it, or from opening it except for the purposes of section 61.

(3) For the purposes of section 137, and without prejudice to the generality of the provisions thereof, each packet made up in pursuance of subsection (1)(a) of this section shall be deemed to be, until it is opened for the purposes of section 61, a packet referred to in section 137(1)(d).

Balloting by non-resident electors in particular cases.
[Reg. 6/1973
16 of 1985
12 of 2006]

58. (1) Notwithstanding anything in the foregoing provisions of this Part, where any non-resident elector present in Guyana has reason to apprehend his being unable to vote (apart from subsection (4)) on account of his absence from the address to which any sealed envelope is required by section 51 to be directed to him by post, such address being situated outside Guyana, the non-resident elector may apply to the Chief Election Officer for a ballot paper.

Form 18.

(2) Such application shall be in Form 18 and shall be posted to the office of the Chief Election Officer so as to be received by him not later than the 7th day before election day.

(3) Unless the Chief Election Officer is not satisfied as to the identity of the applicant upon comparison of his signature with that of the said non-resident elector on his registration record, which shall be made available for the purpose by the Commissioner of Registration, the Chief Election Officer shall grant the application and comply with sections 51 and 52, whether or not previously complied with, in relation to that non-resident elector as if—

- (a) for the reference in section 51 to the 14th day before election day there had been substituted a reference to the 5th day before election day; and
- (b) his address appearing in the non-resident electors' roll were, by virtue of section 44(2)(b), such address in Guyana as shall be given by him in the said application.

(4) Where a non-resident elector is in receipt of a sealed envelope directed to him at an address in Guyana by virtue of the last preceding subsection, sections 54 and 55 apply in relation to such non-resident elector as if—

- (a) reference in section 54(a) to proof of identity in lieu of (but not in so far as it may be requisite in addition to) a passport or travel document had been omitted;
- (b) for every reference in section 54 or 55 to a ballot attendant there had been substituted a reference to the returning officer for the district in which that non-resident elector's address given as mentioned in subsection (3)(b) is situated;
- (c) for the reference in section 54(a) to the 9th day before election day there had been substituted a reference to the second day next before election day;
- (d) for the reference in section 55 to the 5th day before election day there had been substituted a reference to election day:

Provided that section 54(b) or 55 does not apply to any non-resident elector in receipt of a sealed envelope directed to him as aforesaid.

(5) For the purposes of section 56(2), a returning officer acting by virtue of subsection (4)(b) of this section shall be deemed to be a ballot attendant.

(6) Where after the 10th day before election day a non-resident elector who apprehends his being unable to vote, apart from this subsection, on account of no ballot paper having been received by him, satisfies as to his identity the ballot attendant at the office of any ballot officer required to have issued a ballot

paper to the non-resident elector that ballot officer shall cause such a sealed envelope as is mentioned in section 51 to be thereupon handed to the non-resident elector and this Act applies to the envelope so handed to the non-resident elector and its contents as if they had been posted to him by the ballot officer not later than the 14th day before election day:

Provided that—

- (a) section 54(b) or 55 does not apply as aforesaid and no ballot attendant, other than the ballot attendant so satisfied, shall be deemed referred to by subsection (a) of either such section in its application as aforesaid;
- (b) the addressed envelopes duly returned to the ballot officer by virtue of the foregoing provisions of this paragraph shall be parcelled together, separately from the other enclosures, in his packet containing addressed envelopes under section 57(1)(a).

Time and place
for casting non-
resident electors'
votes.
[Reg. 32/1968
O. 68/1980
12 of 1996]
15 of 2000
12 of 2006]

59. (1) The provisions of the following sections of this Part shall be executed at such place in Guyana, and during such period commencing on election day, as may be specified by the Chief Election Officer by notice published in the *Gazette* and no person, other than—

- (a) the Chief Election Officer and such staff appointed under section 7(d) as he may designate to assist him in the execution of those provisions;
- (b) members of the Commission;
- (c) candidates appointed under subsection (2);
- (d) election agents;

- (e) of the Police Force, the Guyana Defence Force on duty;
- (f) such other persons as, in the opinion of the Chief Election Officer, have good reason to be present, shall be present at the execution of any such provisions:

Provided that notwithstanding anything provided by any law or specified as aforesaid, but without prejudice to section 4, the execution of the provisions of the following sections of this Part may, in so far as the Chief Election Officer finds necessary for the purpose of ensuring the casting of the votes of non-resident electors duly delivered to him in accordance with this Act, be continued and completed after the expiration of the said period whether it expired during or with election day.

(2) The election agent of each group of candidates may appoint one of the candidates for the purposes of subsection (1)(c).

(3) Notice in writing of such appointment, stating the name and address of the candidate, shall be signed by the election agent and delivered to the Chief Election Officer not later than the 7th day before election day.

(4) There shall not be more than one candidate appointed from the same list of candidates for the said purposes.

60. At the commencement of the period mentioned in section 59, the Chief Election Officer shall—

- (a) open a ballot box, which shall confirm to the requirements of section 40(2) but shall not be used for the purpose of casting the votes of any electors other than non- resident electors;
- (b) ensure that there are no ballot papers or other papers in the ballot box;

Commencement
of proceedings
on election day
for casting non-
resident electors'
votes.
[40 of 1964
O. 50/1980
16 of 1985]

- (c) lock the ballot box, retain the key thereof and place his seal upon the ballot box in such manner as to prevent it being opened without breaking the seal;
- (d) place the ballot box on a table in full view of all present where it shall remain until the ballot papers have been removed therefrom under section 92(1)(b).

Opening packets
of non-resident
electors' ballot
papers.
[O. 50/1980
16 of 1985
12 of 2006]

61. (1) The Chief Election Officer shall open each packet made up in pursuance of section 57(1)(a) and the addressed envelopes contained therein or delivered to him by virtue of section 58(4)(d); and in the course of execution of the foregoing provisions of this paragraph, the Chief Election Officer shall count and record the number of envelopes contained in each packet aforesaid and the number of envelopes so delivered to him.

(2) Upon opening any such envelope under subsection (1) of this section, the Chief Election Officer shall, if requested so to do by a candidate appointed under section 59 or election agent, satisfy himself as to the identity of the signatory of any declaration therein, made in Form 14, or of any certificate on the reverse side of any such Form, by comparing such signature with—

Form 14.

- (a) the signature made on his registration record by the non-resident elector or in cases where in his opinion having regard to all the circumstances the request is unreasonable; or
- (b) the signature (of which a specimen shall for purposes of record to enable the due execution of the provisions of this paragraph, have previously been required by the Chief Election Officer) of the ballot attendant or returning officer, as the case may be,

who the said signatory represents himself to be:

Provided that—

- (a) the Chief Election Officer shall not accede to any such request if he has decided that, for any reason, section 62 does not require a vote to be cast from the addressed envelope in question or in cases where in his opinion having regard to all the circumstances the request is unreasonable;
- (b) every decision taken by the Chief Election Officer under the foregoing provisions of this section shall be final unless and until it is reversed by the High Court on an election petition presented under the National Assembly (Validity of Elections) Act.

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(3) The Commissioner shall cause to be made available such registration records as are required by the Chief Election Officer for the purposes of subsection (2)(a).

Casting non-resident electors' votes.
[Reg. 25/1968
O. 50/1980
16 of 1985]

62. (1) The casting of every vote dealt with in accordance with section 55 shall be effected by way of the ballot paper being removed without being unfolded from the envelope which contained it and being placed in the ballot box by the Chief Election Officer as soon as he shall have opened the addressed envelope so dealt with and, in the event of any request having been duly made in that behalf, satisfied himself under section 61(2) that the identity of the signatory of the declaration enclosed with the ballot envelope conforms to the requirements of this Act; and upon every such casting, the Chief Election Officer shall place a mark on his copy of the non-resident electors' roll against the name of the non-resident elector whose serial number appears on the reverse side of the declaration enclosed as aforesaid.

(2) For the purposes of the preceding subsection, a vote shall be deemed to have been dealt with in accordance with section 55 notwithstanding that the ballot envelope containing the same is found open except the ballot envelope appears to the Chief Election Officer to have been tampered with after having been sealed.

(3) Notwithstanding anything in the foregoing provisions of this section, a vote shall not be cast if upon opening the addressed envelope containing the same, there is disclosed a declaration bearing under section 51(ii) the like serial number—

- (a) as was entered on any counterfoil under section 52(b) and by virtue of section 58(3), the addressed envelope aforesaid not having been delivered as mentioned in section 61(1); or
- (b) as belongs to any non-resident elector against whose name an additional mark has been placed under section 52(a) and by virtue of section 58(6), the addressed envelope aforesaid not having been among parcelled enclosures referred to in the proviso to the last-mentioned subsection.

Casting of non-resident vote for geographical constituencies.
[15 of 2000
2 of 2001]

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

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

(3) Upon receipt of the envelopes containing the ballots cast the Chief Election Officer or his duly authorised representative shall sort the envelopes with the ballot cast therein and place each envelope in a packet for the relevant polling

station in the relevant geographical district and prepare a written statement of the number of envelopes so sorted.

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

(5) The Elections Commission shall in respect of each geographical constituency publish the names of polling stations in each polling district where the sealed envelopes with the cast ballots shall be sent by the Returning Officer for the votes to be cast at such polling stations before the close of poll.

(6) In the presence of the polling agents the presiding officer shall verify and record the number of envelopes with the cast ballots before casting the ballots contained in the envelopes at each polling station.

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

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

Further duties of
Chief Election
Officer in
relation to
packets.
[Reg. 25/1968
16 of 1985]

63. (1) The Chief Election Officer shall not leave outside any addressed envelope opened under section 61(1) such contents thereof as are not placed in the ballot box under section 62(1); and he shall make up into separate packets, sealed with his seal—

- (a) all such envelopes from which votes have not been cast by reason of their containing declarations or certificates in respect of which the Chief Election Officer, having been duly requested to satisfy himself as to the identities of the signatories thereof, is not satisfied as mentioned in section 62(1);

- (b) all such envelopes which contained votes cast under section 62(1);
- (c) all other such envelopes from which such casting was not effected by reason of their having been found, upon being opened as aforesaid, to contain enclosures which appear not to have been dealt with in accordance with section 55;
- (d) all the addressed envelopes from which votes were precluded by virtue of section 62(3) from being cast;
- (e) all the addressed envelopes returned as mentioned in the proviso to section 56(1), or delivered under that proviso, to him on or before election day;
- (f) everything returned in such manner (not being the manner provided by virtue of section 58(4)(b) or condition as mentioned in section 56(3), or delivered in pursuance of that subsection, to him on or before election day;
- (g) the copy of the non-resident electors' roll marked under section 62(1).

(2) The Chief Election Officer shall, for the purpose of compliance with section 62(3), open the packet made up by each officer in pursuance of section 57(1)(b), and the packet made up by him in pursuance of subsection (c) of that section and containing counterfoils with entries made under section 52(b) and by virtue of section 58(3), and shall reseal every packet so opened as soon as its contents cease to be in use for the said purpose.

(3) The Chief Election Officer shall open the packet made up by each officer pursuant to section 57(1)(d), and the

packet containing the non-resident electors' ballot papers account prepared by that officer under section 57(1)(e), for the purpose of verification of the said account by comparing it with the contents of the packet made up by him as aforesaid and with the relevant records made under sections 48 and 61(1) and the Chief Election Officer shall thereafter reseal both such packets.

Ballot boxes.
[Reg. 25/1968]

64. More than one ballot box may be used for the purposes of this Part if the Chief Election Officer considers or finds a single ballot box to be inadequate, or the use thereof to be inexpedient, for those purposes; and the provisions of section 60 shall, in so far as they are applicable, be complied with in relation to every ballot box which the Chief Election Officer decides shall be used as aforesaid.

Delegation of
Chief Election
Officer's
functions.
[Reg. 25/1968]

65. The Chief Election Officer may depute officers belonging to the staff appointed under section 7(d) to carry out his functions, or any of them, (including, without prejudice to the generality of the foregoing, the exercise of his authority for the casting of any vote), under such provisions of the foregoing sections of this Part as are to be executed in conformity with section 59(1); and the officers so deputed, who shall be called overseas presiding officers, shall subject to any general or special directions given by the Chief Election Officer, have and exercise all the powers and perform all the duties, delegated under this section to them, respectively.

65A.- 65F. [PART VIIA - Sections 65A-65F repealed by Act No. 3 of 1991].

PART VIIB PROCEDURE FOR VOTING BY SPECIFIED DISCIPLINED FORCES

Definitions.
[16 of 1985
15 of 2000]

65G. (1) In this Part—

“ballot attendant” means a person appointed as such under section 65I;

“ballot officer” means a person appointed as such under section 65I;

“balloting place” means a place appointed as a balloting place under section 65I;

“specified disciplined force” means a disciplined force specified for the purposes of this Part by order under section 65H.

[Subsection (2) repealed by Act No. 15 of 2000]

Application of
Part.
[16 of 1985
12 of 1996]

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

Appointment of
ballot officers,
ballot attendants
and balloting
places for the
purposes of this
Part.
[16 of 1985]

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

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

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

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

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

List of electors
entitled to vote
under this Part.
[16 of 1985
12 of 1996
22 of 1997
15 of 2000]

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

[25 of 2022]

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

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

(4) The Chief Election Officer shall forward those parts of the copy of the list referred to in subsection (3) as are relevant in respect of the divisions in any district to the returning officer of that district and the returning officer shall cause to be displayed at each polling place in the district the names and other particulars included in the copy of the list, referred to in subsection (1), of those who are, but for this Part, entitled to vote at that polling place.

Balloting.
[16 of 1985]

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

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

(2) The Chief Election Officer shall forward to each ballot officer sufficient number of ballot papers having regard to the names in the copy of the list forwarded by that ballot officer to the Chief Election Officer under section 65J(3).

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

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

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

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

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

his name shall not be included in the list referred to in subsection (3) or in the copy of the list referred to in section 65J(3) and forwarded by the ballot officer to the Chief Election Officer.

[25 of 2022]

(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.

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

Ballot attendant
to hand over
ballot box to
ballot officer. [16
of 1985
30 of 1990]
15 of 2005]

65L. (1) As soon as possible after the expiry of the hour appointed for the closing of balloting in relation to a balloting place, on the day of the balloting, the ballot attendant shall deliver personally the sealed ballot box containing the sealed envelopes with the marked ballots and the sealed packets referred to in section 83(10)(b) together with the key of the ballot box to the ballot officer.

(2) The ballot attendant shall be responsible for the safe custody of the ballot box and the aforesaid sealed packets until they are delivered to the ballot officer under subsection (1) and thereafter the ballot officer shall deliver them to the Chief Election Officer who shall be responsible for their safe custody.

(3) The provisions of 62A as they apply in relation to the non-resident electors' ballot shall apply *mutatis mutandis* to voting by the disciplined forces.

(4) [Repealed by Act No. 15 of 2000]

Application of certain provisions relating to penalties to balloting under this Part.
[16 of 1985]

65M. (1) The provisions of sections 119, 122(1)(a), 126(a) in so far as it relates to voting on his own behalf, 126(d)(i) and (ii), 127(a) and (b), 129, 130, 131(a), (b), (c), (d), (h) and (i), 131(e) and (f) in so far as they relate to vote of any elector at an election, 132 in so far as it relates to voting in person and 138, shall apply in relation to balloting under this Part subject to the modification that references therein to—

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

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

Modification, etc. of provisions of Act.
[16 of 1985
12 of 1996]

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

with such adaptations, modifications, exceptions or qualifications as may be specified in the order.

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

Over-riding
effect of this Part.
[16 of 1985]

65O. The provisions of this Part shall have effect notwithstanding anything contained in any other Part of this Act.

PART VIII THE POLL

Place and time of
poll.
[Reg. 24/1964]

66. The poll shall be taken at each polling place on election day in accordance with this Part during the hours specified in the notice of poll:

Provided that if at the hour of the closing of the poll there are any electors waiting at the polling place to vote, the poll shall remain open for sufficient time to enable those electors to vote.

Appointment of
candidate to
attend poll.

67. (1) The election agent of each group of candidates may appoint one of the candidates, hereinafter in this Part referred to as the “duly appointed candidate” to attend the poll at a polling place.

(2) Notice in writing of the appointment of a duly appointed candidate, stating his name and address, shall be signed by the election agent and delivered to the returning officer of the district in which the polling place is situate not later than the 7th day before election day.

(3) There shall not be more than one duly appointed candidate of the same list of candidates for any one polling place.

(4) Nothing in this section shall preclude a candidate being a duly appointed candidate for two or more polling places whether or not in the same district.

Opening of poll.
[15 of 2000]

68. At the hour specified in the notice of poll for the opening of the poll the presiding officer, in the presence of such

persons, if any, (being persons entitled to enter the polling place) as are present, shall—

- (a) open the ballot box and ensure that there are no ballot papers or other papers therein and allow any authorised person present to make an entry in the poll book attesting to this fact;
- (b) lock the ballot box, retain the key thereof and place his seal upon the ballot box in such manner as to prevent it being opened without breaking the seal;
- (c) place the ballot box on a table in full view of all present where it shall remain until the poll is closed;
- (d) call upon the electors to vote.

Election material
and information
given to polling
agents.
[25 of 2022]

68A. (1) The presiding officer of each polling place shall, on the opening of poll give to each polling agents 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.

Applicant to vote
to hand identity
paper to poll
clerk.
[Reg.30/1968
22 of 1997
15 of 2000]

69. (1) Each applicant to vote shall, upon entering the room where the poll is held, and after procuring his identity paper if made available for his procurement at the polling place in pursuance of section 43, state to the poll clerk his name, address and occupation and hand to him—

- (a) his identity paper; and
- (b) if he has been appointed to vote as a proxy on behalf of another elector, the identity paper of that elector and his notice of appointment to vote as proxy; and
- (c) if he claims to be entitled to vote at the polling place by virtue of section 29(4) his certificate of employment.

(2) The poll clerk shall ascertain if the name of the applicant and that of any elector on whose behalf he holds a notice of appointment to vote as a proxy appear on the official list of electors, or part thereof, for the polling place and shall further ascertain whether any notice of appointment to vote as proxy is recorded in the copy of the list of proxies.

(3) Where there is contained in the official list of electors, or part thereof, a name or other particulars which correspond so closely with the name or other particulars entered on the identity paper of an applicant to vote as to suggest that the entry in the official list or part thereof is intended to refer to him, the applicant shall, upon taking an oath of identity in Form 19, be deemed to be the person so named in the official list or part thereof.

Form 19.

(4) Where an applicant to vote hands to the poll clerk both his identity paper and his certificate of employment, the poll

clerk shall add his name to the official list of electors or part thereof and shall make an appropriate entry in the poll book.

(5) The poll clerk shall, after the foregoing provisions of this section have been complied with, return to the applicant to vote his identity paper together with any other documents he has received from the applicant and direct him to hand the same to the presiding officer and apply to him for a ballot paper.

Duty of
presiding officer
upon application
for a ballot
paper.
[Reg. 32/1964
16 of 1968
22 of 1997
15 of 2000
12 of 2006]

70. (1) Upon receipt of the identity paper and other documents as directed under section 69(5) and upon application made to him for a ballot paper the presiding officer shall satisfy himself as to following—

- (a) that the applicant has not already voted;
- (b) the identity of the applicant and his entitlement to vote at the polling place;
- (c) the authority of the applicant to vote as a proxy on behalf of another elector (if he applies so to vote).

(2) For the purposes of subsection (1) the presiding officer may—

- (a) examine the applicant's fingers to ascertain if there appears on them any stain of electoral ink;
- (b) compare the signature of the applicant with that on his identity papers;
- (c) compare any photograph on his identity paper with his face;
- (d) compare the thumb print or other finger print recorded on his identity paper with that of the applicant;

- (e) [Repealed by Act No. 22/1997];
- (f) examine his notice of appointment (if any) to vote as a proxy on behalf of another elector and compare the particulars in the notice with those recorded in the copy of the list of proxies;
- (g) make such further comparisons as are reasonably necessary between the particulars recorded on his identity paper and those of the applicant;
- (h) require the applicant to take an oath of identity in Form 19 pursuant to section 69(3).

Form 19

(3) An applicant shall—

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- (a) comply with any requirement of the presiding officer made pursuant to subsections (2)(h) and (3A);
- (b) comply with such requirements of the presiding officer for the examination of his fingers, the taking and recording of his thumb or finger print, of his signature and of his height as are reasonably necessary for the purposes of subsection (1);
- (c) answer such questions as the presiding officer may ask as are reasonably necessary to ask for the aforesaid purposes.

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(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.

[25 of 2022] (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.

[25 of 2022] (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.

[25 of 2022] (4) References in subsections (2) and (3A) to the identity of any applicant shall be construed to include references to his registration record.

Issue of ballot paper to elector.
[16 of 1968
Reg. 30/1968
22 of 1997
15 of 2000]

71. (1) The presiding officer shall refuse to issue a ballot paper to any applicant therefor who does not hand to him his identity paper and other documents as directed under section 69(5) and he shall refuse to issue a ballot paper to any applicant if he is not satisfied as required by section 70(1); but if such identity paper and other documents are handed to him and he is so satisfied he shall—

- (a) deliver to the elector a ballot paper stamped with the official mark;
- (b) enter on the counterfoil of the ballot paper the serial number of the elector on the official list of electors;
- (c) add to his copy of the official list of electors or part thereof the name of an elector who has produced to him a certificate of employment;
- (d) place a mark on his copy of the official list of electors, or part thereof, to show that a ballot paper has been delivered to the elector but without

showing the particular ballot paper issued;

- (e) return to the elector his identity paper, and also if he has been appointed to vote as proxy on behalf of another elector the identity paper of that elector unless any such identity paper has been provided at the polling place in pursuance of section 43.

(2) If the elector has been appointed to vote as a proxy on behalf of another elector the presiding officer shall—

- (a) deliver to him, in addition to his own ballot paper, a ballot paper for each elector on whose behalf he has been appointed to vote as a proxy and shall enter on the counterfoil of such ballot paper the number on the official list of electors of the elector on behalf of whom he has been appointed and place a mark as prescribed by subsection (1)(d) on his copy of the official list of electors, or part thereof, to show that a ballot paper has been issued on behalf of each such elector;
- (b) retain the notice of appointment to vote as proxy of the elector.

Mode of voting.
[6 of 1997
15 of 2000]

72. (1) The presiding officer shall by demonstration by the use of a specimen ballot paper ensure that the elector understands how and where to place his mark (without indicating that the elector should vote for any particular list of candidates) and how to fold the ballot paper and shall direct him to return with it when marked, folded as shown.

(2) The elector shall enter one of the polling compartments and there record his vote by secretly marking his

ballot paper within the space opposite the name and symbol of the list of candidates for whom he wishes to vote and shall then fold his ballot paper so as to conceal the vote; and if he has been appointed to vote as a proxy he shall record the vote of the elector on whose behalf he has been so appointed, for the list of candidates for whom that elector wishes to vote by secretly marking, in the manner aforesaid, the ballot paper issued to him for that elector and shall then similarly fold that ballot paper.

(3) The elector shall, having recorded his vote (and if such be the case that of an elector for whom he has been appointed a proxy), show the folded ballot paper (or papers) to the presiding officer so as to disclose the official mark appearing on the reverse thereof and shall place it (or them) so folded in the ballot box in the presence of the presiding officer:

Provided that the presiding officer shall not permit any elector whether voting on his own behalf or as a proxy on behalf of another elector to put a ballot paper in the ballot box unless, immediately before he does so, one of his fingers has been stained by immersion in a container of electoral ink.

(4) Notwithstanding the proviso to subsection (3), where the presiding officer is satisfied that an elector is suffering from an injury to any finger of such a nature as to render it undesirable for that finger to be stained with electoral ink, he shall not require that finger to be stained but shall stain another finger.

(5) If an elector fails or refuses to comply with a lawful requirement of the presiding officer for the staining of one of his fingers, the presiding officer shall order him to return to him any ballot paper issued to him and to leave the polling place forthwith; and the presiding officer shall destroy any ballot paper so returned and make an entry in the poll book as to the facts of such failure or refusal.

(6) An elector who refuses or fails to return a ballot paper when so ordered under subsection (5) shall be liable on summary conviction to a fine of thirty-two thousand five hundred dollars or to imprisonment for six months.

(7) An elector who has inadvertently dealt with a ballot paper in such a manner that it cannot conveniently be used as a valid ballot paper may, on delivering such ballot paper to the presiding officer and after satisfying him that it has been spoiled by inadvertence, obtain another ballot paper in its place and the spoiled ballot paper and its counterfoil shall be marked as cancelled.

(8) An elector shall not show the marks which he has placed on his ballot paper to any person and if he does so the ballot paper shall be treated as a spoiled ballot paper:

Provided that this subsection shall not apply if an elector shows a ballot paper to a presiding officer solely for the purpose of ascertaining if he has carried out his duties correctly.

(9) An elector shall vote without delay and shall leave the polling place as soon as he has put his ballot paper and that of any person on whose behalf he has voted as a proxy in the ballot box.

Form 20.

(10) Whenever in the opinion of the presiding officer an elector does not understand the language spoken to him he may appoint and swear, in Form 20, an interpreter; and the interpreter, so sworn, shall be the means of communication between the presiding officer and the elector with regard to all matters required to enable the elector to vote.

Blind and
incapacitated
electors.
[22 of 1997
15 of 2000]
Form 21.

73. (1) The presiding officer shall, on the application of any elector who is incapacitated by blindness or other physical cause from voting in the manner prescribed by section 72 and who takes an oath in Form 21, mark the ballot paper of such elector in his presence and in the manner directed by him.

Form 21.

Form 22.

(2) The presiding officer may, at the request of any elector incapacitated in the manner prescribed in subsection (1) and who has taken the oath in Form 21 and is accompanied by a friend who has taken the oath in Form 22, permit such friend, if he is an elector entitled to vote at the polling place, immediately after he has voted on his own behalf, and notwithstanding that his finger has been immersed in electoral ink, to accompany the

elector into the voting compartment and mark his ballot paper for him:

Provided that no person may mark the ballot paper of more than one elector as his friend under this subsection or mark such ballot paper unless he first takes an oath in the form prescribed.

(3) Whenever the ballot paper of an elector has been marked in accordance with this section, the poll clerk shall enter in the poll book opposite the name of the elector the fact that the ballot paper was so marked, the reason therefor and, if marked by a friend, the name and the number in the official list of electors of that friend.

Tendered ballot
papers.
[16 of 1968
22 of 1997
15 of 2000]

74. (1) If an applicant to vote represents himself to be an elector whose name appears on the official list of electors or part thereof for a polling place and there has already been placed a mark against the name of such elector on the presiding officer's copy of such list or part thereof, the presiding officer shall issue to such applicant a tendered ballot paper if—

- (a) the applicant hands to him his identity paper;
- (b) the applicant takes an oath of identity in the form prescribed; and
- (c) the presiding officer is satisfied as to the matters set out in section 70(1).

(2) A tendered ballot paper shall not be put in the ballot box but shall be given to the presiding officer and endorsed by him with the name of the elector and his number in the official list of electors; and the tendered ballot paper shall be set aside in a separate packet and shall not be counted by the returning officer.

(3) The poll clerk shall enter in the poll book the name of every elector to whom a tendered ballot paper is given and a note of his having marked such a ballot paper.

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(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
- (c) uses a tendered ballot for a purpose contrary to this section.

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(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.

74A. [74A repealed by Act No. 15 of 2000]

Presiding officer to accept other identification in certain circumstances.
[22 of 1997
15 of 2000
25 of 2022]

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

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(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.

Entries in poll book.

76. The poll clerk shall—

- (a) make in the poll book such entries as are required by this Act or directed by the presiding officer;

- (b) enter in the poll book the word "SWORN" opposite the name of each elector to whom any oath is administered and "REFUSED TO BE SWORN" or "REFUSED TO ANSWER" opposite the name of each elector who has refused to take an oath or who has refused to answer any question when legally so required.

Maintenance of
secrecy at polling
place.
[6 of 1997]

77. (1) Every person specified in section 79(1)(b) attending the polling place shall maintain and aid in maintaining the secrecy of the voting and shall not, except for a purpose authorised by law, communicate to any person before the poll is closed any information as to—

- (a) the name of any elector who has or has not applied for a ballot paper or voted whether on his own behalf or as a proxy on behalf of another elector;
- (b) the number in the official list of electors of any elector who, or whose proxy on his behalf, has or has not applied for a ballot paper or voted;
- (c) the official mark.

(2) No person shall—

- (a) except in the performance of his duty under this Act interfere with or attempt to interfere with an elector when casting his vote or, as a proxy, that of another elector;
- (b) obtain or attempt to obtain in a polling place information as to the list of candidates for whom an elector in that polling place is about

to vote or has voted either on his own behalf or as a proxy on behalf of another elector;

- (c) communicate at any time to any person any information obtained in a polling place as to the list of candidates for whom an elector in that polling place is about to vote or has voted either on his own behalf or as a proxy on behalf of another elector;
- (d) directly or indirectly induce an elector to display his ballot paper or that of another elector for whom he has voted as a proxy after he has marked it, so as to make known the list of candidates for whom he has or has not voted either on his own behalf or on behalf of an elector for whom he has voted as a proxy.

(3) No person having undertaken to assist an elector incapacitated by blindness or other physical cause to vote shall communicate at any time to any person any information as to the list of candidates for whom that elector intends to vote or has voted.

(4) Any person who contravenes any of the provisions of this section shall be liable on summary conviction to a fine of sixty-five thousand dollars and to imprisonment for six months.

Molestation of
electors.
[6 of 1997]

78. (1) No person shall anywhere within a distance of two hundred yards of a polling place annoy, molest or otherwise interfere with an elector or attempt to obtain any information as to the list of candidates for whom any elector in the polling place is about to vote or has voted either on his own behalf or as a proxy on behalf of another elector.

(2) Any person who contravenes any of the provisions of this section shall be liable on summary conviction to a fine of sixty-five thousand dollars and to imprisonment for six months.

Obstruction.
[Reg. 13/1973
6 of 1997]

78A. (1) Any person who, without due authority, obstructs, or otherwise interferes with—

- (a) access to, or egress from, a polling place;
- (b) the voting at an election by any person registered as an elector;
- (c) the conveyance of documents, supplies and other material pertaining to an election, including ballot boxes and ballot papers;
- [25 of 2022] (d) the counting of the votes cast at an election;
- [25 of 2022] (e) an election officer in the exercise of any function conferred upon him by this Act; or
- [25 of 2022] (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,

shall be liable on summary conviction to a fine of five million dollars together with imprisonment for a term of three years and shall, in addition, be incapable during a period of five years from the date of conviction—

- (i) of being registered as an elector; and
- (ii) of being elected as a member of the National Assembly.

(2) Section 128(2), as the same applies in relation to a person convicted of an illegal practice, applies *mutatis mutandis* in relation to a person convicted of an offence under this section.

Misleading an
elector.
[25 of 2022]

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.

Preservation of
order.
Reg. 37/1964
[16 of 1968
O. 68/1980
12 of 1996
15 of 2000
12 of 2006]

79. (1) The presiding officer may, for the purpose of maintaining order at the polling place—

- (a) regulate the admission of electors and may, if he deems it advisable, direct that not more than one elector for each compartment shall at the same time enter the room where the poll is held;
- (b) exclude all other persons except—
 - (i) members of the Commission;
 - (ii) election officers;
 - (iii) duly appointed candidates;
 - (iv) polling agents for the polling place;
 - (v) members of the Police Force, the Guyana Defence Force;
 - (vi) election agents;
 - (vii) assistant agents for the district or sub-district in

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which the polling place is situate;

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(viii) counting agents for the district or sub-district in which the polling place is situate;

(c) issue such directions as may be necessary for such purpose.

(2) If any person (whether entitled to enter or not) misconducts himself at a polling place or fails to obey any lawful direction, requirement or order of the presiding officer, whether given or made under this or any other section, he may immediately, by order of the presiding officer, be removed therefrom by a member of the Police Force or by any other person authorised in writing by the presiding officer to remove him, and the person so removed shall not, without the permission of the presiding officer, again enter the polling place on election day:

Provided that the powers conferred by this subsection shall not be so exercised as to prevent an elector entitled to vote at a polling place having an opportunity to vote thereat.

(3) Any person removed from a polling place under subsection (2) may, if charged with the commission of an offence at or anywhere within a distance of two hundred yards of the polling place, be dealt with as a person taken into custody by a police officer for an offence without warrant.

Closing of spirit shops.
[6 of 1997]
c. 82:21

80. (1) All premises to which spirit shop licences, off licences and railway station or stelling licences have been issued under the Intoxicating Liquor Licensing Act shall be closed and kept closed on election day.

c. 82:21(2) No intoxicating liquor shall be sold, offered for sale, or given away at any premises to which a licence issued under the Intoxicating Liquor Licensing Act applies, at any time between the opening of and the closing of the poll on election day.

c. 269

(3) No intoxicating liquor shall be supplied to any person at any premises to which a licence issued under the Club Registration Ordinance applies at any time between the opening of and the closing of the poll on election day.

(4) Any person who contravenes any of the provisions of this section shall be liable on summary conviction to a fine of sixty-five thousand dollars and to imprisonment for six months.

Employers to
allow employees
period for voting

81. (1) Every employer shall permit every elector in his employ, other than any elector on whose behalf another elector has been appointed to vote as a proxy, to be absent from his work on election day for a reasonable time, in addition to the normal midday meal hour, for the purpose of voting at the election; and no employer shall make any deduction from pay or other remuneration of any such elector or impose on him or exact from him any penalty by reason of his absence during such period.

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(2) Employees of the Transport and Harbours Department shall be deemed to be employees for the purposes of this section except such as are actually engaged in running vessels and to whom time cannot be allowed without interfering with the running of the vessels; and the General Manager of the Transport and Harbours Department shall be deemed to be the employer of such employees.

Penalty for
breach of section
81.
[6 of 1997]

82. Any employer who, directly or indirectly, refuses or who by intimidation, undue influence or in any other way interferes with the granting to any elector in his employ of the period for voting prescribed by section 81, shall on summary conviction be liable to a fine of thirty- two thousand five hundred dollars or to imprisonment for six months.

Procedure on
closing of poll.
[30 of 1990
15 of 2000]

83. (1) The presiding officer, as soon as practicable after the closing of the poll, in the presence of such of the persons entitled under section 79(1)(b) to be present, as attend shall—

- (a) count the number of spoiled ballot papers and tendered ballot papers, if any, and place them in separate special envelopes supplied for that

purpose, indicate thereon the number of the spoiled ballot papers and tendered ballot papers and seal the envelopes;

- (b) count the used tendered ballot papers without unfolding them and place them back in the special envelope supplied for that purpose, indicate thereon the number of the used tendered ballot papers and seal the envelope;
- (c) count the unused ballot papers and tendered ballot papers, undetached from the books of ballot papers and tendered ballot papers, place them with the counterfoils of all used ballot papers and tendered ballot papers in separate special envelopes supplied for that purpose, indicate thereon the number of unused ballot papers and tendered ballot papers and seal the envelopes;
- (d) check the number of ballot papers and tendered ballot papers supplied by the returning officer against the number of spoiled ballot papers and tendered ballot papers, if any, the number of unused ballot papers and tendered ballot papers and the number of destroyed ballot papers and tendered ballot papers, as recorded in the poll book, and the number of electors who voted at the polling place as reflected from the counterfoils of the ballot papers and tendered ballot papers issued at the polling place, in order to ascertain that all ballot papers are accounted for;

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- (e) record the number of ballot papers and tendered ballot papers received by the presiding officer, issued to electors, unused, and spoiled, in the ballot paper account and tendered ballot paper account in Form 23;
- (f) open the ballot box and empty its contents upon a table;
- (g) distribute tally sheets to the assistant presiding officer, the poll clerk and the duly appointed candidates, counting agents and polling agents present;
- (h) count and record the number of ballot papers that were in the ballot box;
- (i) sort out the ballot papers on the basis of lists for which the votes have been cast; and
- (j) count the number of votes recorded for each list of candidates on his tally sheet, giving full opportunity for those present to examine each ballot paper.

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(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 attend 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.

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(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) verify or ascertain any count;
- (b) examine any ballot or any information recorded; or
- (c) 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.

(2) Subject to the provisions of this section, section 87 shall *mutatis mutandis* apply to the counting of votes under subsection (1).

(3) In counting the votes the presiding officer shall, wherever his decision on a ballot paper is questioned, record the fact by writing the letter “Q” at the back of the ballot paper and appending his initials.

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(4) The decision of the presiding officer as to the validity or otherwise of a ballot paper shall be final subject to review by the returning officer, 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 sub-district.

(5) The presiding officer shall place the ballot papers cast for each list of candidates and counted under this section in a separate envelope, whether or not any such ballot paper is a questioned ballot paper.

(6) All rejected ballot papers shall be placed in a separate envelope by the presiding officer.

(7) The envelopes referred to in subsections (5) and (6) shall be endorsed as to indicate their contents and shall be sealed by the presiding officer and the number of any questioned ballot papers and the total number of ballot papers contained in the envelopes shall be indicated on their outside.

(8) The presiding officer shall affix his seal to the envelopes referred to in the preceding subsections and shall invite

such of the duly appointed candidates and the polling agents as are present to do likewise.

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(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 Form 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.

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- (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.

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(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 Form 23, Form 23A or 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.

(10) The presiding officer shall then—

- [25 of 2022] (a) place the sealed envelope containing the counted and rejected ballot papers in the ballot box, and secure and seal, with his seal and with the seals of such of the duly appointed candidates and polling agents as desire to affix their seals, to the ballot box in such manner that it cannot be opened and that nothing can be inserted therein or taken therefrom without breaking the seals;
- [25 of 2022] (b) make up in separate packets, the marked copies of the official list of electors or part thereof, notices of appointments to vote as proxy and copies of the lists of proxies, the poll book, the ballot paper account and statement of poll account signed in accordance with subsection (9), the tendered ballot paper account and such other election documents as may be decided upon by the Commission, and seal the packets with his seal and with the seals of such of the duly appointed candidates and polling agents as are present and desire to affix their seals; and
- [25 of 2022] (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 sub-district 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.

(11) A presiding officer may in writing delegate all or any of his functions under this section to a counting assistant and where any function of a presiding officer is delegated to a counting assistant, in respect of the function so delegated references in the preceding subsections to the presiding officer of a polling place shall be deemed to be references to the counting assistant of the same polling place.

Accompanying
ballot boxes.
[30 of 1990
25 of 2022]

83A. (1) Subject to the availability of space in the conveyance carrying ballot boxes from polling places for delivery to a returning officer, except the returning officers of districts 3, 4 and 6, or to a supernumerary returning officer in the case of a sub-district, in pursuance of section 83(10)(c), the polling agents or the duly appointed candidates for the polling places, who are

desirous of accompanying the ballot boxes, may travel in such conveyance:

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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 districts 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.

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(2) Nothing in this section shall be deemed to affect the right of any polling agent or duly appointed candidate for a polling place to follow, in a separate conveyance, a conveyance carrying ballot boxes from the polling place for delivery to a returning officer or supernumerary returning officer in pursuance of section 83(10)(c).

Posting online of
electronic copy
of Statement of
Poll.
[25 of 2022]

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 a supernumerary returning 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 returning 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 returning 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.

PART IX COUNTING OF VOTES POLLED

Counting of
votes.
[Reg. 30/1968
31 of 1968
30 of 1990
3 of 1991
12 of 2006
25 of 2022]

84. (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.

[25 of 2022]

- (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 district 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).

[25 of 2022]

(1B) In ascertaining the total votes cast in favour of each list in each district except districts 3, 4 and 6 and each sub-district, 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 sub-district on the District Tabulation

Form or Sub-District Tabulation
Form, as the case may be.

[25 of 2022]

(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 Sub-district 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 sub-district 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.

[25 of 2022]

- (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

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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 sub-district 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 sub-district or duly appointed candidate seeks a final count of the votes already counted by the presiding officers in the district or sub-district 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 sub-district, 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 sub-district, if both the returning officer and the deputy returning officer are unavailable, the supernumerary returning officer of the sub-district 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 or 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.

[25 of 2022]

(3) Where any counting agent for the district or sub-district, or duly appointed candidate requests a final count, he shall indicate whether he requests a general count or a limited count, and in the latter case shall specify the polling places in respect of which the final count is to be conducted and the Returning Officer, 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, shall conduct the count as requested.

[25 of 2022]

(4) Where a limited final count is conducted, the Returning Officer or the supernumerary returning officer in the case of a sub-district, as the case may be, shall review only the decisions of the presiding officers as regards questioned and rejected ballot papers at the polling places specified in the request for the final count, and in such a case all ballot papers marked "Q" by the presiding officers of those polling places and all ballot papers rejected by them shall be examined by that returning officer or supernumerary returning officer.

[25 of 2022]

(5) Where in a limited final count the Returning Officer or the supernumerary returning officer in the case of a sub-district, as the case may be, agrees with the decision of a presiding officer as regards any questioned or rejected ballot paper, he shall write the word "confirmed" at the back of the ballot paper, and where he disagrees with the decision of the presiding officer as

regards any such ballot paper, he shall write the word “varied” at the back of the ballot paper.

[25 of 2022] (6) Where a general final count is conducted, the Returning Officer or the supernumerary returning officer in the case of a sub-district, as the case may be, shall review all used ballot papers, including rejected ballot papers, received from all polling places, and where he agrees with the decision of a presiding officer as regards any questioned or rejected ballot paper, he shall write the word “confirmed” at the back of the ballot paper and where he disagrees with the decision of any presiding officer as regards any such ballot paper, he shall write the word “varied” at the back of the ballot paper.

[25 of 2022] (7) Where a duly appointed candidate or any counting agent for the district or sub-district disagrees with the Returning Officer or the supernumerary returning officer in the case of a sub-district, as the case may be, as regards any ballot paper, the Returning Officer or the supernumerary returning officer shall write the letter “Q” on the back of the ballot paper.

[25 of 2022] (8) All ballot papers marked in any way by the Returning Officer or the supernumerary returning officer in the case of a sub-district in a final count shall be marked with his initials.

[25 of 2022] (9) All markings on a ballot paper by the Returning Officer or the supernumerary returning officer in the case of a sub-district shall be made on the back of the ballot paper in ink different in colour from that used by the presiding officer.

[25 of 2022] (10) At the conclusion of any final count, the Returning Officer, 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, shall comply with section 89 in respect of the polling places to which the final count related.

[25 of 2022] (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.

[25 of 2022] (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 attend and the Chairman of the Commission.

[25 of 2022] (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.

[25 of 2022] (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.

[25 of 2022] (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 sub-district 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.

[25 of 2022]

(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.

[25 of 2022]

(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.

[25 of 2022]

(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 an offence and is liable on summary conviction to a fine of ten million dollars and to imprisonment for ten years.

[25 of 2022]

(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.

[25 of 2022]

(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 returning 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.

Candidates
appointed to
attend count.

85. (1) The election agent of each group of candidates may appoint one of the candidates, hereinafter in this Part referred to as the “duly appointed candidate” to attend at the counting of the votes in a district.

(2) Notice in writing of appointments made under subsection (1), stating the names and addresses of the candidates appointed shall be signed by the election agent and delivered to the returning officer of the district not later than the 7th day before election day.

(3) There shall not be more than one duly appointed candidate of the same list of candidates for any one district.

Attendance at
count.
Reg. 37/1964
[16 of 1968
12 of 1996]

[25 of 2022]

86. (1) No person shall be present at the counting of the votes except—

- (a) the returning officer or supernumerary returning officer in the case of a sub-district and such other election officers as he may appoint to assist him in the counting;
- (b) members of the Commission;
- (c) duly appointed candidates;
- (d) counting agents;

[25 of 2022]

- (e) such other persons as, in the opinion of the returning officer or the supernumerary returning officer, in the case of a sub-district, have good reason to be present.

[25 of 2022]

(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.

[25 of 2022]

(3) The Commission shall provide the necessary devices, systems and facilities necessary for the performance by the returning officers and supernumerary returning officers of their duties under subsection (2).

Method of
counting.
[30 of 1990
25 of 2022]

87. (1) Where a returning officer or a supernumerary returning officer, in the case of a sub-district is required to have a final count of the votes cast for all, or some, of the polling places, he shall in the presence of such of the persons entitled under section 86(1) to be present as attend—

- (a) open each ballot box;
- (b) take out the ballot papers;
- (c) count and record the number of ballot papers taken from each ballot box;
- (d) [Repealed by Act No. 30 of 1990].
- (e) count the votes recorded for each list of candidates.

[25 of 2022]

(2) In counting the votes the returning officer or the supernumerary returning officer, in the case of a sub-district shall, subject to subsection (3), reject as invalid and not count any ballot paper—

- (a) which does not bear the official mark;
- (b) which has not been marked for any list of candidates or is void for uncertainty;

- (c) on which votes have been given for more than one list of candidates;
- (d) on which there is any writing or mark by which the elector can be identified.

(3) A ballot paper on which the vote is marked—

- (a) elsewhere than in the proper place;
- (b) otherwise than by means of a cross;
- (c) by more than one mark,

shall not be rejected solely by reason thereof if—

- (i) an intention that the vote shall be for one or other of the lists of candidates clearly appears; and
- (ii) the elector is neither identified nor can be identified by the manner in which the ballot paper is marked.

[25 of 2022]

(4) The returning officer or the supernumerary returning officer, in the case of a sub-district shall endorse the word “rejected” on any ballot paper which he may reject as invalid and shall add to the endorsement the words “rejection objected to” if any objection to his decision be made by a duly appointed candidate or a counting agent present during the counting.

[25 of 2022]

(5) The decision of the returning officer or the supernumerary returning officer, in the case of a sub-district as to any question arising in respect of any ballot paper shall be final.

Recounts.
[25 of 2022]

88. A duly appointed candidate, or counting agent present when the counting or any recount of votes is completed, may request the returning officer or a supernumerary returning

officer, in the case of a sub-district to have the votes recounted or again recounted; but the returning officer or supernumerary returning officer may refuse such request if in his opinion it is unreasonable.

Procedure on
conclusion of
count.
[30 of 1990
25 of 2022]

89. (1) Upon the conclusion of the final counting, under section 84, of the votes the returning officer or the supernumerary returning officer, in the case of a sub-district, in the presence of such of the persons entitled under section 86(1) to be present as attend, shall—

- (a) seal in separate packets the counted and rejected ballot papers;
- (b) verify the ballot papers account given by each presiding officer by comparing it with—
 - (i) the number of ballot papers recorded under section 87(1)(c);
 - (ii) the unused and spoiled ballot papers in his possession; and
 - (iii) the record of tendered votes contained in the poll book;
- (c) reseal the packets of unused and spoiled ballot papers;
- (d) prepare a written statement as to the result of the verification of the ballot papers account and give a signed copy to everyone entitled to be present as attend;
- (e) publicly declare the result of the final counting;
- (f) deliver to the Chief Election Officer a return in writing in respect of the

[25 of 2022]

Form 24.

final counting in Form 24 which shall set out the number of—

- (i) valid votes cast for each list of candidates as aforesaid;
- (ii) rejected ballot papers together with, in each case, the reason for rejection;
- (iii) spoiled ballot papers delivered to him;
- (iv) tendered ballot papers;
- (v) persons who appear to have voted.

[25 of 2022]

(2) The returning officer or the supernumerary returning officer, in the case of a sub-district shall not open the sealed packets containing tendered ballot papers, marked copies of the official list of electors or part thereof or counterfoils of used ballot papers.

[25 of 2022]

(3) The returning officer or supernumerary returning 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 attend.

Maintenance of
secrecy at count.

90. Every person attending at the counting of votes shall maintain and shall not communicate any information obtained at the count as to the list of candidates for which any vote has been given.

PART X

COUNTING NON-RESIDENT ELECTORS' VOTES

Persons who
may be present
at count.

[Reg. 25/1968
12 of 1996
15 of 2000]

91. (1) No person, other than—

- (a) the Chief Election Officer and such staff appointed under section 7(d) as he may designate to assist him in the counting;

- (b) members of the Commission;
- (c) candidates appointed under subsection (2);
- (d) election agents;
- (e) such other persons as, in the opinion of the Chief Election Officer, have good reason to be present,

shall be present at the counting of the votes cast under Part VII.

(2) The election agent of each group of candidates may appoint one of the candidates for the purposes of subsection (1)(c).

(3) Notice in writing of such appointment, stating the name and address of the candidate, shall be signed by the election agent and delivered to the Chief Election Officer not later than the 7th day before election day.

(4) There shall not be more than one candidate appointed from the same list of candidates for the said purposes.

(5) The Chief Election Officer shall give persons present by virtue of subsection (1)(c) or (d) all such reasonable facilities for overseeing the proceedings and all such information with respect thereto as he can give them consistent with the orderly conduct of the proceedings and with the discharge of his duties in connection therewith.

Method of
counting non-
resident electors'
votes.
[Reg. 25/1968
O. 50/1980]

92. (1) The Chief Election Officer shall, as soon as practicable after the discharge of his functions assigned by Part VII with reference to election day, in the presence of such of the persons entitled under section 91(1) to be present as attend—

- (a) open each ballot box used for the purposes of that Part;
- (b) take out the ballot papers;
- (c) [deleted by O. 50/1980]

- (d) mix together the ballot papers which were contained in each ballot box;
- (e) count and record the number of such votes for each list of candidates as were cast in each ballot box.

(2) The provisions of section 87(2), (3), (4) and (5) shall, as they apply in relation to the counting of votes by a returning officer, apply *mutatis mutandis* in relation to the counting of votes under this section:

Provided that subsection (4) aforesaid shall, in its application by virtue of the foregoing provisions of this subsection, have effect as if for the reference in that subsection to a counting agent there had been substituted reference to an election agent.

Recounts of non-resident electors' votes.

93. A candidate appointed under section 91 or an election agent may, when the counting or recounting of the votes cast in any ballot box is completed in conformity with section 92(1)(e), request the Chief Election Officer to have the votes recounted or again recounted; but the Chief Election Officer may refuse such request if in his opinion it is unreasonable.

Procedure on conclusion of count of non-resident electors' votes.
[16 of 1985]

94. (1) Upon the conclusion of the counting of the votes under this Part the Chief Election Officer, in the presence of such of the persons entitled under section 91(1) to be present as attend, shall—

- (a) seal in separate packets the counted and rejected ballot papers;
- (b) prepare a written statement as to the result of the verification of the non-resident electors' ballot papers accounts under section 63(3) and on request allow any candidate appointed under section 91 or election agent present to make a copy thereof;

- (c) publicly declare the aggregate number of valid votes cast under section 62(1) for each list of candidates;
- (d) record, in Form 25, the number of—
 - (i) valid votes cast as aforesaid for each list of candidates;
 - (ii) rejected ballot papers together with, in each case, the reason for rejection;
 - (iii) persons who appear to have voted under Part VII.

(2) Any candidate appointed as aforesaid or election agent may copy the record made under subsection (1)(d).

Delegation of
Chief Election
Officer's
functions under
this Part.

95. The Chief Election Officer may delegate to any overseas presiding officers deputed under section 65 his functions, or any of them, under sections 92, 93 and 94, and such officers shall, subject to any general or special directions given by the Chief Election Officer, have and exercise all the powers and perform all the duties, delegated under this section to them, respectively.

PART XI

ASCERTAINMENT OF THE ELECTION RESULTS

Totalling of
votes.
[16 of 1968
30 of 1990
15 of 2000
12 of 2006
25 of 2022]

96. (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.

[25 of 2022]

(2) The Chief Election Officer shall, within twelve hours of the calculation of the results of the election being completed,

prepare a report manually and in electronic form in terms of section 99 for the benefit of the Commission, which shall be the basis for the Commission to declare and publish the election results under section 99.

[25 of 2022]

(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.

Allocation of
seats.
Reg. 6/1973
[25 of 2022]

97. (1) The total number of votes cast for all the lists of candidates shall be divided by sixty-five and the whole number resulting from that division shall be known as “the electoral quota”.

(2) The number of votes cast for any list shall be divided by the electoral quota; there shall be allocated to that list a number of seats equal to the whole number resulting from that division; and the number of votes represented by a fraction so resulting shall be known as “surplus votes” of the list; and if the number of votes cast in accordance with this Act for any list is less than the electoral quota, those votes shall accordingly be treated as surplus votes of that list.

(3) Any seat or seats remaining unallocated after seats have been allocated in accordance with subsection (2) shall be allocated as follows—

- (a) one seat shall be allocated to the list with the largest number of surplus votes;
- (b) if the number of seats so remaining is two or more, one seat shall be allocated to the list with the next largest number of surplus votes, and so on until all the seats so remaining have been allocated;
- (c) for the purposes of this paragraph, where two or more lists have equal numbers of surplus votes, then lots shall be drawn by the Chairman of the Commission in the presence of the representatives of the lists affected to determine which list or lists shall be deemed to have more surplus votes than the other list or lists.

(4) For the purposes of the foregoing provisions of this section a combination of lists shall be treated as one list.

(5) The seats allocated to a combination of lists shall be allocated among the lists comprised in the combination in accordance with subsections (2) and (3), the electoral quota for that purpose being the whole number found by dividing the total number of votes cast for the combination of lists by the number of seats allocated to the combination.

98. When seats have, in pursuance of section 97, been allocated to any list of candidates—

- (a) the representative of the list; or
- (b) if the representative is unwilling or unable (by reason of absence, illness

Membership of
National
Assembly.
[16 of 1968
O. 50/1980
O. 80/1980]

or any other cause when he is called upon by the Chief Election Officer) so to do, the deputy representative of such list; or

- (c) in case of any such unwillingness or inability on the part of the deputy representative, a majority of the persons named in that list may designate in writing any such person able and willing (when called upon as aforesaid) so to do, who,

shall extract from the said list as many names belonging to candidates selected by him for the purpose, including his own name, if he has not been declared elected as President under article 177 of the Constitution, as can be so extracted without their number exceeding the number of seats allocated to that list; and the Chief Election Officer shall declare such names, in the order of their extraction as aforesaid, to be the names of the candidates on such list who have been elected.

c. 1:01

Publication of
election results.
[12 of 2006]

99. As soon as practicable, but not later than fifteen days after election days the Commission shall publicly declare the results of the election and shall cause to be published in the *Gazette* a notification thereof, specifying—

- (a) the number of votes cast for each list of candidates;
- (b) the number of rejected ballot papers;
- (c) the number of seats allocated to each list of candidates; and
- (d) the names of the persons who, as a result of the election, have become members of the National Assembly,

and, as respects a combination of lists, such notification shall be so arranged as to give the particulars required by paragraphs (a),

(c) and (d) with reference to both the combination and each list comprised therein.

Filling of casual vacancies in the case of members elected under article 60(2) of the Constitution. [O. 50/1980]

99A. (1) If the seat of a member of the National Assembly who was elected pursuant to article 60(2) of the Constitution is vacant for any cause other than a dissolution of Parliament, the vacancy shall be filled by the person who is not such an elected member of the Assembly but is qualified for election as, and willing to become, such a member and whose name is taken from the relevant list of candidates by way of further extraction therefrom in accordance with the provisions of section 98 by the representative or deputy representative of such list or a person designated by a majority of persons named in such list, as the case may be, as shall be called upon so to do by the Speaker, following as nearly as may be the like method as was observed at the preceding election of members under article 60(2) of the Constitution, the name of every person who became an elected member of the Assembly at that preceding election, or has since become such a member, being ineligible for extraction under the foregoing provisions of this subsection; and if there is no person whose name is eligible therefor the seat shall remain vacant until it is filled consequent upon an ensuing election under article 60(2) aforesaid.

(2) In subsection (1) “the relevant list of candidates” means the list in which was included the name of the member of the Assembly vacating his seat or, where the vacancy exists because a person is held in proceedings under article 163 of the Constitution not to have been qualified to be elected as such a member, the name of that person.

c. 1:01

Certificates of election.

100. The Commission shall furnish each of the persons who have become members of the National Assembly with a certificate that he has been so elected.

Election Report. [16 of 1968] c. 19:08

101. The Chief Election Officer shall as soon as practicable after the election cause to be prepared and printed a general report on the election including the particulars specified in section

110 and the total number of electors registered under the National Registration Act.

Custody of
election
documents.
[16 of 1968
Reg. 25/1968
O. 50/1980]
30 of 1990
15 of 2000]

102. (1) The returning officer of each district shall, as soon as practicable after making the return required by section 89 (1)(f) make up in one parcel the packets he has received in pursuance of section 83(10)(b) and the other papers used at the polling places and in his possession and shall seal the parcel so that it cannot be opened without breaking the seals and deliver it to the Chief Election Officer.

c. 1:01

(2) The Chief Election Officer shall keep all parcels received in pursuance of subsection (1) in safe custody and, subject to the provisions of this Act and any law made under article 163 of the Constitution, allow no person to have access thereto.

(3) The returning officer of each district shall, as soon as practicable after delivering the election documents, in accordance with subsection (1), cause the ballot boxes used at the election, together with their locks and keys, to be deposited in the custody of the Commission.

(4) The Chief Election Officer shall, as soon as practicable after the discharge of his functions under Part X, cause the ballot boxes used for the purposes of Part VII, together with their locks and keys, to be deposited in the custody of the Commission.

(5) Subject to the requirements of section 63(2) and (3), the provisions of section 102(2) shall, as they apply to the parcels mentioned therein, apply to every packet delivered to, or made up by, the Chief Election Officer pursuant to section 57(1)(b), (c), (d) or (e), or made up under section 94(1)(a), and to everything not dealt with under section 63(1)(e) or (f) by reason of its having been returned or delivered to the Chief Election Officer after election day.

**PART XII
ELECTION EXPENSES**

Making of
contracts
through election
agents.

103. (1) The election agent of a group of candidates shall appoint every clerk and messenger employed for payment on behalf of the group at the election and shall hire every committee room hired on behalf of the group.

(2) A contract whereby any expenses are incurred on account of or in respect of the conduct or the management of the election shall not be enforceable against a candidate unless made by the candidate or by the election agent of the group to which the candidate belongs:

Provided that the inability under this Act to enforce such contract against a candidate shall not relieve such candidate from the consequences of any corrupt or illegal practices committed by the election agent or assistant agent of his group with the consent or connivance of such candidate.

Payment of
expenses.
[16 of 1968
24 of 1990]

104. (1) Except as permitted by this section or in pursuance of section 111, no payment and no advance or deposit shall be made by a candidate or by any other person at any time in respect of election expenses otherwise than by or through the election agent of the group of candidates to which the candidate belongs.

(2) A candidate may pay personal expenses incurred by him on account of or in connection with or incidental to the election to an amount not exceeding twenty-five thousand dollars; and such candidate shall send to the election agent of his group of candidates not later than the 14th day after the declaration of the results of the election under section 99 a written statement of personal expenses so paid.

(3) Any personal expenses in excess of twenty-five thousand dollars incurred by a candidate shall be paid by the election agent.

(4) If a candidate pays personal expenses in excess of the sum specified in subsection (2) he shall be guilty of an illegal practice.

Petty and
overseas
expenditure.
[16 of 1968]

105. (1) A person authorised in that behalf by an election agent may pay any necessary expenses for stationery, postage, telegrams and other petty expenses, or may pay any expenses incurred outside Guyana on account of or in respect of the conduct or the management of the election, to a total amount not exceeding that named in the authority; and such person shall send to the election agent not later than the 14th day after the declaration of the results of the election under section 99 a written statement of the payments so made together with particulars thereof.

(2) Any petty expenses incurred in excess of the amount named in the authority of the election agent shall be paid by the election agent.

Maximum
expenses.
[Reg. 32/1964
16 of 1968
24 of 1990]

106. (1) No expense shall be incurred by or on behalf of a group of candidates and no payment shall be made on their behalf whether before, during or after the election, on account of or in respect of the conduct and management of the election—

- (a) in excess of the sum of fifty thousand dollars multiplied by the number of candidates not exceeding 53 on the list of candidates;
- (b) for purposes other than the following—
 - (i) the expenses of printing, advertising, publishing, issuing and distributing addresses and notices;
 - (ii) the expense of stationery, messages, postages and telegrams;

c. 19:08

- (iii) the expense of holding public meetings and holding outside Guyana meetings open to electors generally;
- (iv) the expenses of committee rooms, no more than one such room being situated in each district within the meaning of the National Registration Act;
- (v) expenses permitted under section 118;
- (vi) the personal expenses of candidates.

(2) In determining the total expenditure incurred by a group of candidates no regard shall be had to amounts paid by candidates under section 104(2).

(3) If an election agent incurs or pays election expenses in excess of the sum specified in subsection (1), or for purposes other than those therein specified, he shall be guilty of an illegal practice.

(4) If a candidate pays any election expenses except his personal expenses otherwise than by or through the election agent of his group of candidates or in pursuance of section 111 he shall be guilty of an illegal practice.

Remuneration of election agent.

107. So far as circumstances permit, this Part shall apply to a claim for his remuneration by an election agent and to the payment thereof in like manner as if he were any other creditor; and, if there is any dispute as to the amount due, such claim shall be a disputed claim within the meaning of this Part and dealt with accordingly.

Election expenses return and declarations.
[24 of 1990]
Form 26.

108. (1) Not later than the 35th day after the declaration of the results of the election under section 99 the election agent of each group of candidates shall forward to the Chief Election

Officer a return which shall be in Form 26 and shall contain statements of—

- (a) all payments made by the election agent;
- (b) the amount of personal expenses paid by each of the candidates;
- (c) all disputed claims of which the election agent is aware;
- (d) all unpaid claims of which the election agent is aware in respect of which application has been or is about to be made to the High Court;
- (e) all money, securities and equivalent of money received by the election agent from the candidates or any other person for the purposes of expenses incurred or to be incurred on account of or in respect of the conduct or management of the election and the name of every person from whom such money, securities and equivalent of money were received;
- (f) any duly authorised expenses incurred for any purpose referred to in section 114(1).

(2) Every payment made by an election agent, in respect of any expenses incurred on account of or in respect of the conduct or management of the election shall except where less than one hundred dollars be vouched for by a receipt or by a bill stating the particulars; and all such bills and receipts shall be sent to the Chief Election Officer with the election expenses return.

Form 27.

Form 28.

(3) The election expenses return shall be accompanied by a declaration by the election agent as to election expenses, in Form 27 and each candidate shall make and transmit, or cause to be transmitted, to the Chief Election Officer not later than the 35th day after the declaration of the results of the election under section 99, a declaration as to election expenses in Form 28.

(4) Where, after the election expenses return has been forwarded to the Chief Election Officer, leave is given by the High Court for any claim to be paid, the election agent shall, within seven days of the payment of such claims, forward to the Chief Election Officer a return of the sums paid together with a copy of the order of the court.

(5) If without an authorised excuse a candidate or an election agent fails to comply with any requirement imposed on him by this section, he shall be guilty of an illegal practice.

Publication of
summary of
election expenses
return.
[24 of 1990
6 of 1997]

109. (1) The Chief Election Officer shall, as soon as may be after the receipt of each election expenses return, cause to be published in the *Gazette* a summary thereof, accompanied by a notice of the time and place at which the election expenses return and accompanying documents and the election expenses declarations can be inspected.

(2) Election expenses returns and accompanying documents and election expenses declarations shall at all reasonable times during a period of two years after their receipt be open to inspection at the office of the Chief Election Officer by any person on payment of a fee of fifteen dollars; and the Chief Election Officer shall on demand furnish copies thereof or of part thereof on payment of a fee of fifteen dollars for every one hundred and twenty words or part of one hundred and twenty words.

(3) After the expiration of two years the Chief Election Officer may cause the election expenses return and accompanying documents and the election expenses declarations to be destroyed unless any election agent requires them to be sent to him.

Authorised
excuse for failure
to submit return
and declarations.
[6 of 1997]

110. (1) Where the election expenses return or any expenses declaration has not been submitted as required by section 120, or having been submitted contains an error or a false statement, then—

- (a) if any candidate applies to the High Court, and shows that his failure to submit an election expenses declaration or any part thereof, or any error or false statement therein has arisen by reason of his illness, or of the absence, death, illness or misconduct of another candidate or of the election agent or of an assistant agent or of any clerk or officer employed by the election agent, or by reason of inadvertence or of any reasonable cause of a like nature, and not by reason of any want of good faith on the part of the applicant; or
- (b) if an election agent applies to the High Court and shows that his failure to submit the return and his declaration, or either of them, or any part thereof, or any error or false statement therein, has arisen by reason of his illness, or by reason of the absence, death, illness or misconduct of a candidate or of a former election agent of the group or of an assistant agent or of any clerk or officer employed by the election agent, or by reason of inadvertence or of any reasonable cause of a like nature, and not by reason of any want of good faith on the part of the applicant,

the court may, on being satisfied that notice of the application has been published in two newspapers circulating in Guyana, and on production of such evidence of the grounds stated in the

application, and of the good faith of the application, and otherwise, as to the court seems fit, make an order allowing an authorised excuse for the failure to submit the return or any declaration as the case may be or for any error or a false statement therein, as to the court seems just.

(2) Where it appears to the court that any person being or having been a candidate, an election agent or assistant agent has refused or failed to make such return or declaration or supply such particulars as to enable any candidate or an election agent to comply with any requirement imposed on him by section 120, the court, before making an order allowing an authorised excuse, shall order such person to attend before the court; and, on his attendance shall, unless he shows cause to the contrary, order him to make and deliver such return or declaration or supply such particulars within such time and to such person and in such manner as to the court seems just, or may order him to be examined with respect to such particulars, and may, in default of compliance with any such order, order him to pay a fine of thirty-two thousand five hundred dollars.

(3) An order allowing an authorised excuse may be made conditional upon the making of the election expenses return or any election expenses declaration or upon the making of them in a modified form or within an extended time and upon the compliance with such other terms as to the court seem best calculated for carrying into effect the objects of these regulations; and an order allowing an authorised excuse shall relieve the applicant for the order from any liability or consequences under this Act in respect of the matter excused by the order.

(4) The date of the order allowing an authorised excuse, or if conditions and terms are to be complied with, the date on which the applicant for the order fully complies with them, is in this Act referred to as the date of the allowance of the excuse.

Period of claims
for payment of
election
expenses.
[16 of 1968]

111. (1) Every claim against any candidate or against an election agent in respect of any expenses incurred on account of or in respect of the conduct or management of an election shall be sent to the election agent not later than the 14th day after the publication under section 99 of the results of the election.

(2) Any such claim as is specified in subsection (1) which is not sent to the election agent within the time therein prescribed shall be barred and not paid.

(3) An election agent who pays a claim in contravention of subsection (2) shall be guilty of an illegal practice.

(4) All expenses incurred on account of or in respect of the conduct or management of the election shall be paid not later than the 28th day after the publication under section 99 of the results of the election.

(5) An election agent who makes a payment in contravention of subsection (4) shall be guilty of an illegal practice.

(6) If an election agent disputes any claim received by him within the time limited by subsection (1) or if he refuses or fails to pay such claim within the period mentioned in subsection (4), such claim shall be deemed to be a disputed claim.

(7) A claimant may, if he thinks fit, bring an action for a disputed claim in any competent court; and anything paid by a candidate or by an election agent in pursuance of the judgment or order of the court shall be deemed to be paid within the time limited by subsection (1) and to be an exception from the provisions of this Act requiring claims to be paid by the election agent.

(8) The High Court may, on application by the claimant or by a candidate or by an election agent and on cause shown to its satisfaction, by order give leave for the payment by a candidate or by an election agent of a disputed claim or for a claim in respect of expenses incurred on account of or in respect of the conduct or management of an election, notwithstanding that such claim was sent after the time limit prescribed by subsection (1), and notwithstanding the sending of such claim to a candidate and not to the election agent.

(9) Any sum specified in any order of the court made under subsection (8) may be paid by a candidate or by an election agent and when paid in pursuance of such order shall be deemed to be paid within the time limited by subsection (1).

Exemption of act
done in good
faith from being
an illegal
practice.
[16 of 1968]

112. Where, on application made, it is shown to the High Court by such evidence as to the court seems sufficient that—

- (a) any act or omission of any candidate or of any election agent or of any other agent or person, would, by reason of being a payment, contract, engagement, employment or hiring, or the incurring of an expense in excess of the maximum allowed, in contravention of any of the provisions of this Act pertaining thereto, be but for this section an illegal practice, payment, employment or hiring; and
- (b) such act or omission arose from inadvertence or from accidental miscalculation or from some other reasonable cause of a like nature, and in any case did not arise from any want of good faith; and
- (c) notice of the application has been published in two newspapers circulating in Guyana,

and in the circumstances it seems to the court to be just that such candidate, election agent and other agent or person, or certain of them should not be subject to any of the consequences under this Act of the act or omission the court may make an order allowing such act or omission to be an exception from the provisions of this Act which would otherwise make the same an illegal practice, payment, employment, hiring or an incurring of an expense in excess of the maximum allowed, and such candidate, election agent or other agent or person as the court may specify in its order shall not be subject to any of the consequences under this Act of the act or omission.

Saving for
creditors.

113. The provisions of this Act prohibiting certain payments and contracts for payments, and the payment of any

sum and the incurring of any expense in excess of the prescribed maximum, shall not affect the rights of any creditor who when the contract was made or the expense incurred was ignorant that such contract, payment or expense was in contravention of this Act.

Prohibition of
expenses not
authorised by
election agent.
[16 of 1968
24 of 1990]

114. (1) No expenses shall, with a view to promoting or procuring the election of a group of candidates, be incurred by any person other than the election agent of the group or by a person authorised in writing by him on account of—

- (a) holding any meetings mentioned in section 106(1)(b)(iii) or organising—
 - (i) any public display; or
 - (ii) any display, outside Guyana, open to electors generally;
- (b) issuing advertisements, circulars or publications;
- (c) otherwise presenting to the electors the candidates of the group or any of them or their views or the extent or nature of their backing or of disparaging the candidates of another group or any of them:

Provided that paragraph (c) shall not—

- (i) restrict the publication of any matter relating to the election in a newspaper or other periodical; or
- (ii) apply to any expenses not exceeding in the aggregate the sum of one hundred dollars which may be incurred by an individual and are not incurred in pursuance of a plan suggested by or concerted

with others, or to expenses incurred by any person travelling or in living away from home or similar personal expenses.

(2) Any person other than an election agent or a person authorised in that behalf in writing by him who incurs expenses prohibited by subsection (1) shall be guilty of a corrupt practice.

(3) Any expenses incurred on account of any purpose referred to in subsection (1) and duly authorised by the election agent shall be returned as part of the election expenses of the group of candidates.

False election
expenses
declarations.
[16 of 1968]

115. Any candidate or election agent who makes an election expenses declaration containing any statement false in fact, which he knows or believes to be false or does not believe to be true, shall be guilty of a corrupt practice.

PART XIII

ILLEGAL PAYMENT, EMPLOYMENT, HIRING

Providing money
for illegal
purposes.

116. Any person who knowingly provides money—

- (a) for any payment which is contrary to this Act;
- (b) for any expenses in excess of the maximum allowed by this Act;
- (c) to replace any money expended in any such payment or expenses,

shall be guilty of illegal payment.

Corrupt
withdrawal of
candidate.

117. Any person who corruptly induces or procures any other person to withdraw from being a candidate at an election, in consideration of any payment or promise of payment shall be guilty of illegal payment; and any person withdrawing in

pursuance of such inducement or procurement, shall also be guilty of illegal payment.

Prohibition of
certain forms of
employment.
[16 of 1968]

118. (1) No person shall, for the purpose of promoting or procuring the election of a group of candidates at an election be engaged or employed for payment or promise of payment for any purpose or in any capacity whatsoever, except for the following—

- (a) one election agent;
- (b) one assistant agent for each district;
- (c) one polling agent in each polling place;
- (d) one counting agent for each district;
- (e) two clerks and two messengers for each committee room;
- (f) persons to exercise outside Guyana such authority mentioned in section 105 or 114 as may be conferred upon them, respectively.

(2) If any person is engaged or employed in contravention of this section the person engaging or employing him shall be guilty of illegal employment; and the person so engaged or employed shall also be guilty of illegal employment if he knew that he was so engaged or employed contrary to law.

Illegal hiring of
transport for
electors.

119. (1) No person shall let, lend or employ for the purposes of the conveyance of electors to or from the poll, any public stage or hackney carriage, or any horse or other animal kept or used for drawing the same, or any carriage, horse or other animal which he keeps or uses for the purpose of letting out for hire; and any person who contravenes this subsection knowing the purpose of the letting, lending or hiring shall be guilty of illegal hiring.

(2) No person shall hire, borrow or use for the purpose of the conveyance of electors to or from the poll any carriage, horse or other animal which he knows the owner thereof is prohibited by subsection (1) from letting, lending or employing; and any person who contravenes this subsection shall be guilty of illegal hiring.

(3) Nothing in this section or in section 122 shall prevent a carriage, horse or other animal being let to or hired, employed or used by an elector or several electors at his own or their own joint cost, for the purpose of being conveyed to or from the poll.

Use of certain premises as committee room prohibited.

120. (1) No person shall let, hire or use as a committee room for the purpose of promoting or procuring the election of a group of candidates at an election any of the following premises—

- (a) any premises wherein the sale by wholesale or retail of any intoxicating liquor is authorised by any licence, whether such licence authorises the sale for consumption on or off the premises;
- (b) any premises where any intoxicating liquor is sold or supplied to members of a club, society or association other than a permanent political club;
- (c) any premises wherein refreshment of any kind, whether food or drink, is ordinarily sold for consumption in the premises.

(2) Any person who hires or uses premises in contravention of subsection (1) shall be guilty of illegal hiring and any person who lets or permits to be used such premises or part thereof shall also, if he knew it was intended to use such premises or part thereof as a committee room, be guilty of illegal hiring.

(3) Nothing in this section shall apply to any part of premises described in subsection (1) which is ordinarily let for the purpose of chambers or offices or the holding of public meetings

or arbitrations if such part has a separate entrance and no direct communication with any part of the premises on which intoxicating liquor or refreshment is sold or supplied.

Penalty for
illegal payment,
employment or
hiring.
[16 of 1968
6 of 1997]

121. Any person guilty of an offence of illegal payment, employment or hiring shall be liable on summary conviction to a fine of thirty-two thousand five hundred dollars or, if the offence be not triable summarily by reason of anything comprehended therein having been done, omitted or situated anywhere beyond the limits of summary jurisdiction exercisable in Guyana, he shall, unless it is proved that he was not a citizen of Guyana at the time of the offence, be liable upon conviction on indictment in Guyana to a fine of sixty-five thousand dollars or to imprisonment for one year and any candidate or election agent who is guilty of such an offence shall be guilty of an illegal practice.

PART XIV ILLEGAL PRACTICES

Certain
expenditure to be
illegal practice.

122. (1) No payment or contract shall, for the purpose of promoting the election of a group of candidates at an election, be made—

- (a) on account of the conveyance of electors to or from the poll, whether for the hiring of horses or carriages or for railway fares, water or air transport fares or otherwise; or
- (b) to an elector on account of the use of any house, land, building or premises for the exhibition of any address, bill or notice, or on account of the exhibition of any address, bill or notice:

Provided that where it is the ordinary business of an elector as an advertising agent to exhibit for payment bills and advertisements, a payment to or contract with such elector, if

made in the ordinary course of business, shall not be deemed to be an illegal practice within the meaning of this section.

(2) If payment or contract for payment is knowingly made in contravention of this section either before, during or after an election, the person making such payment or contract for payment shall be guilty of an illegal practice; and any person receiving such payment, or being a party to any such contract, knowing it to be in contravention of this section, shall also be guilty of an illegal practice.

Disorderly
behaviour at
election meeting.

123. Every person who, at a lawful political meeting held before election day, acts or incites any other person to act in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called together shall be guilty of an illegal practice.

False statements
concerning
candidates.

124. (1) Any person who, before or during an election, shall, for the purpose of affecting the return of any group of candidates, make or publish any false statement of fact in relation to the personal character or conduct of the candidates of that group or any of them shall, subject to subsection (2), be guilty of an illegal practice.

(2) No person shall be deemed to be guilty of illegal practice under this section if he can show that he had reasonable grounds for believing, and did believe, the statement made by him to be true.

(3) A person making or publishing a false statement of fact in contravention of subsection (1) may be restrained by interim or perpetual injunction by the High Court from any repetition of that false statement or of a false statement of a similar character in relation to the candidate, and, for the purposes of granting an interim injunction, *prima facie* proof of the falsity of the statement shall be sufficient.

Election
publications.
[16 of 1968
6 of 1997]

125. (1) No person shall—

- (a) print or publish, or cause to be printed or published, any bill,

placard or poster having reference to an election or any printed document distributed for the purpose of promoting or procuring the election of a group of candidates;

- (b) post or cause to be posted any such bill, placard or poster as specified in paragraph (a);
- (c) distribute or cause to be distributed any printed document for the purpose specified in paragraph (a),

unless the bill, placard, poster or document bears upon the face thereof the names and addresses of the printer and publisher.

(2) For the purposes of this section, any process for multiplying copies of a document, other than copying it by hand, shall be deemed to be printing and the word "printer" shall be construed accordingly.

(3) Any candidate, or any election agent who contravenes this section shall be guilty of an illegal practice; and any other person who contravenes this section shall be liable on summary conviction to a fine of thirty-two thousand five hundred dollars, or if the offence be not triable summarily by reason of anything comprehended therein having been done, omitted or situated anywhere beyond the limits of summary jurisdiction exercisable in Guyana, he shall, unless it is proved that he was not a citizen of Guyana at the time of the offence, be liable upon conviction on indictment in Guyana to a fine of sixty-five thousand dollars or to imprisonment for one year.

Miscellaneous
illegal practices.
[22 of 1997
15 of 2000]

126. Any person who—

- (a) votes either on his own behalf or as a proxy on behalf of another person or procures any person to vote either on his own behalf or as a proxy on behalf of another person, at an election, knowing that he or such other person is not an elector;

- (b) applies for the appointment of a person to vote on his behalf at an election as a proxy knowing that he or the person for whose appointment he applies is not an elector or who in such application makes a false statement as to his entitlement to vote by proxy;
- (c) before or during an election knowingly publishes a false statement of the withdrawal of a list of candidates or of any of the candidates named therein for the purpose of promoting or procuring the election of the candidates named in another list;
- (d) hands to a poll clerk or a presiding officer—
 - (i) a forged identity paper; or
 - (ii) save as permitted by these regulations the identity paper of some other person; or
 - (iii) a forged notice of appointment to vote as a proxy on behalf of some other person;
- (e) for the purpose of affecting the return of a list of candidates causes any person to cast an invalid vote;
- (f) conspires with persons known or unknown to deprive a qualified person of the right to be registered or to cause a person not qualified to register as a voter;
- (g) except as otherwise provided in section 29, with intent to vote enters,

or who votes in, a polling division
other than the polling division where
he is registered,

shall be guilty of an illegal practice.

Plural voting to
be illegal
practice.
[16 of 1968
Reg. 21/1968
6/1973]

127. Any person who—

- (a) votes on his own behalf more than
once; or
- (b) votes in person on his own behalf
when there is in force an
appointment of another person to
vote as a proxy on his behalf; or
- (c) applies for a person to be appointed
as a proxy to vote on his behalf
without applying for the cancellation
of an existing appointment of some
other person to vote as a proxy on his
behalf or without withdrawing a
pending application for such
appointment; or
- (d) votes as a proxy more than once on
behalf of the same elector; or
- (e) votes as a proxy on behalf of more
than two electors,

shall be guilty of an illegal practice.

Penalty for
illegal practice.
[16 of 1968
6 of 1997]

128. (1) Any person guilty of an illegal practice—

- (a) shall, on summary conviction, be
liable to a fine of thirty-two thousand
five hundred dollars and to
imprisonment for six months or, if
the offence be not triable summarily
by reason of anything
comprehended therein having been
done, omitted or situated anywhere

beyond the limits of summary jurisdiction exercisable in Guyana, he shall, unless having been neither a candidate nor an election agent at the time of the offence he is proved not to have been a citizen of Guyana at that time, be liable on conviction on indictment in Guyana to a fine of sixty-five thousand dollars or to imprisonment for one year; and

- (b) subject to subsection (2), shall be incapable during a period of five years from the date of his conviction, whether summarily or on indictment, of being registered as an elector.

(2) In the case of any conviction of an illegal practice the court may, if it deems it just in the special circumstances of the case mitigate or entirely remit any incapacity imposed by this section.

PART XV CORRUPT PRACTICES

Treating.

129. The following persons shall be deemed guilty of the corrupt practice of treating—

- (a) every person who corruptly, by himself or by any other person, either before, during or after an election, directly or indirectly, gives or provides or pays wholly or in part the expense of giving or providing any food, drink, entertainment or provision to or for any person for the purpose of corruptly influencing that person, or any other person, to vote or to refrain from voting, at the election, or on account of such person, or any other person, having voted or refrained from voting, or

being about to vote or refrain from voting, at the election;

- (b) every elector who corruptly accepts or takes any such food, drink, entertainment or provision.

Undue influence.

130. The following persons shall be deemed guilty of the corrupt practice of using undue influence—

- (a) every person who directly or indirectly by himself or by any other person on his behalf—
 - (i) makes use of, or threatens to make use of, any force, violence or restraint; or
 - (ii) inflicts, or threatens to inflict, by himself or by any other person, any temporal or spiritual injury, damage, harm or loss upon or against any person, in order to induce or compel such person to vote or refrain from voting or on account of such person having voted or refrained from voting at any election; or
- (b) every person who by abduction, duress, or any fraudulent contrivance, impedes or prevents the free exercise of the franchise of any elector, or thereby compels, induces or prevails upon any elector either to vote or to refrain from voting at any election.

Bribery.

131. The following persons shall be deemed to be guilty of the corrupt practice of bribery—

(a) every person who, directly or indirectly, by himself or by any other person on his behalf—

- (i) gives or agrees to give; or
- (ii) lends or agrees to lend; or
- (iii) offers or promises; or
- (iv) promises to procure or promises to endeavour to procure,

any money or valuable consideration to or for any elector, or to or for any other person, in order to induce any elector to vote or to refrain from voting;

(b) every person who, directly or indirectly, by himself or by any other person on his behalf, corruptly—

- (i) gives or agrees to give; or
- (ii) lends or agrees to lend; or
- (iii) offers or promises; or
- (iv) promises to procure or promises to endeavour to procure—

any money or valuable consideration to or for any elector, or to or for any person on behalf of any elector, or to or for any other person, on account of such elector having voted or refrained from voting at any election;

(c) every person who, directly or indirectly, by himself or by any other person on his behalf, corruptly—

- (i) gives or agrees to give; or

(ii) procures or agrees to procure; or

(iii) offers or promises; or

(iv) promises to procure or promises to endeavour to procure—

any office, place or employment or to or for any elector or to or for any person on behalf of any elector, or to or for any other person, in order to induce such elector to vote or refrain from voting;

(d) every person who, directly or indirectly, by himself or by any other person on his behalf, corruptly—

(i) gives or agrees to give; or

(ii) procures or agrees to procure; or

(iii) offers or promises; or

(iv) promises to procure or promises to endeavour to procure—

any office, place or employment to or for any elector or to or for any person on behalf of any elector, or to or for any other person, on account of any elector having voted or refrained from voting at any election;

(e) every person who, directly or indirectly, by himself or by any other person on his behalf, makes any such gift, loan, offer, promise, procurement or agreement as aforesaid to or for any person, in order to induce such person to

procure the return of a group of candidates, as members of the National Assembly, or the vote of any elector at any election;

- (f) every person who, upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procures or engages, promises or endeavours to procure the return of any group of candidates as members of the National Assembly, or the vote of any elector at any election;
- (g) every person who—
 - (i) advances or pays, or causes to be paid, any money to or to the use of any other person, with the intent that such money, or any part thereof, shall be expended in bribery at any election; or
 - (ii) knowingly pays, or causes to be paid, any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any election;
- (h) every elector who, before or during any election, directly or indirectly, by himself or by any other person on his behalf, receives, agrees or contracts for any money, gift, loan or valuable consideration, office, place or employment for himself or for any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at any election;

- (i) every person who, after any election, directly or indirectly, by himself or by any other person on his behalf, receives any money or valuable consideration on account of any person having voted or refrained from voting, or having induced any other person to vote or refrain from voting at any election.

Personation.
[16 of 1968]

132. (1) A person shall be deemed to be guilty of the corrupt practice of personation at an election if he—

- (a) votes as some other person whether as an elector on his own behalf or as a proxy on behalf of another elector, and whether that other person is living or dead or is a fictitious person; or
- (b) having any mark of electoral ink upon any of his fingers applies for a ballot paper for the purpose of voting as an elector; or
- (c) votes in person or as proxy—
 - (i) for a person whom he knows or has reasonable grounds for supposing to be dead or to be a fictitious person; or
 - (ii) when he knows or has reasonable grounds for supposing that his appointment as proxy is no longer in force.

(2) For the purpose of subsection 1(a) and (c), a person who has applied for a ballot paper for the purpose of voting shall be deemed to have voted.

General penalty
for corrupt
practices.
[6 of 1997]

133. Every person who is guilty of a corrupt practice other than as specified in section 134, shall, on conviction on indictment be liable to a fine of sixty-five thousand dollars and to imprisonment for one year.

Penalty for
personation.

134. Every person who is guilty of personation or aiding, abetting, counselling or procuring the commission of the offence of personation shall, on conviction on indictment, be liable to imprisonment for two years.

Disqualification.
[16 of 1968]

135. (1) Subject to this section, every person who is convicted of a corrupt practice shall, in addition to any other punishment, be incapable during a period of five years from the date of conviction—

- (a) of being registered as an elector;
- (b) of being elected as a member of the National Assembly.

(2) In the event of any conviction under section 114, the court may, if it deems it just in the special circumstances of the case, mitigate or entirely remit any incapacity imposed by this section.

PART XVI MISCELLANEOUS ELECTION OFFENCES

136. [Repealed by Act No.24 of 1990]

Offences in
respect of ballot
boxes and ballot
papers, identity
papers, and
appointments as
proxy.
[16 of 1968
Reg. 25/1968
O. 50/1980
6 of 1997
22 of 1997
15 of 2000]

137. (1) Every person who—

- (a) forges or counterfeits or fraudulently defaces, or destroys, any ballot paper or the official mark thereon or any identity paper or notice of appointment of a person to vote as a proxy; or
- (b) without due authority supplies a ballot paper to any person; or

- (c) fraudulently puts or causes to be put into any ballot box any paper other than the lawful ballot paper; or
- (d) without due authority destroys, takes, opens or otherwise interferes with any ballot box or packet of ballot papers then in use for the purposes of any election; or
- (e) wilfully or negligently fails to discharge any duty or responsibility imposed on him by any of the provisions of Part VII and relating to any packet to which paragraph (d) applies by virtue of section 56(2); or
- (f) being present at any proceedings under section 54 or 55(a) of these sections to be executed in conformity with section 59(1) or section 92, 93 or 94—
 - (i) interferes or attempts to interfere with any person, balloting as an elector, or obstructs or attempts to obstruct the course of any such proceedings, except in the exercise of any functions required by law to be discharged for the purposes of such balloting or proceedings, as the case may be; or
 - (ii) obtains or attempts to obtain (except for the purposes of the proviso to section 54(a)) information as to the list of candidates for whom any person is about to vote or has voted; or

- (iii) acquires any such information as aforesaid and, at any time thereafter, communicates it to any person; or
- (iv) directly or indirectly induces any person balloting as an elector to display his ballot paper so as to make known the list of candidates for whom he has or has not voted; or
- (v) is guilty of any wilful act or omission inconsistent with the maintenance of the secrecy of the ballot; or
- (g) undertakes to assist any person under the proviso to section 54(a) and at any time thereafter communicates any information as to the list of candidates for whom such person intends to vote, or has voted, to any other person; or
- (h) being a ballot attendant participating in any proceedings under section 54 or 55, influences or attempts to influence any person either not to vote or in his choice of a list of candidates to vote for at those proceedings; or
- (i) in any Form, or in any certificate on the reverse side thereof, makes any declaration or statement that he does not believe to be true, or has reasonable grounds to believe to be false, in any material respect,

shall be guilty of a misdemeanour, and be liable on conviction—

- (i) if he is an election officer or other person exercising powers or performing duties connected with or relating to the conduct of elections, to a fine of sixty-five thousand dollars and to imprisonment for two years;
- (ii) if he is not an election officer or such a person, to a fine of sixteen thousand two hundred and fifty dollars and to imprisonment for six months.

(2) Any person who attempts to commit an offence under this section shall be deemed to be guilty of an offence under this section.

Voting when not entitled.
[16 of 1968
6 of 1997]

138. Without prejudice to section 138(a), every person who—

- (a) not being registered as a qualified person on an electoral register compiled under the National Registration Act, votes at an election; or
- (b) induces or procures any person not so registered to vote at an election,

shall be liable on summary conviction to a fine of sixteen thousand two hundred and fifty dollars and to imprisonment for six months.

Interference with notices and lists.
[6 of 1997]

139. Every person who wilfully mutilates, tears down, destroys, obscures, or makes any alteration in any list or notice published in accordance with this Act, shall be liable on summary conviction to a fine of sixteen thousand five hundred dollars or to imprisonment for three months.

Terror
intimidation
causing
withdrawal of
candidate.
[22 of 1997
15 of 2000]

139A. Any person who through intimidation, terror or force causes any other person to withdraw from being a candidate at any election shall be guilty of an offence and shall be liable on summary conviction to a fine of forty thousand dollars together with imprisonment for one year.

Abetment of
offence under
this Act.
[22 of 1997
15 of 2000]

139B. Save as otherwise provided in this Act, every person who aids, abets, counsels, causes, or procures, the commission of any offence under this Act shall be liable to be proceeded against and convicted for that offence, either together with the principal offender or before or after his conviction, and shall be liable on summary conviction to the same punishment as that to which the principal offender is liable by law.

Attempt and
incitement to
commit offence
under this Act.
[22 of 1997
15 of 2000]

139C. Every person who attempts to commit, or incites any other person to commit any offence under this Act shall be liable to one-half of the punishment prescribed for that offence.

Person causing
racial or ethnic
violence or
hatred.
[1 of 2001]

139D. (1) Any person who—

- (a) makes or publishes or causes to be made or published any statement; or
- (b) takes any action,

which results or can result in racial or ethnic violence or hatred among the people shall be liable on conviction on indictment to a fine of one hundred thousand dollars together with imprisonment for two years.

(2) Every person convicted of an offence under subsection (1) shall, in addition to any punishment under the said subsection, be incapable, during a period of five years from the date of the conviction, of being a member of the National Assembly or being a member of any local democratic organ or of the holder of any constitutional or statutory office.

(3) Where a person is convicted of an offence under subsection (1), the Registrar of the Supreme Court shall send the particulars of the conviction to the chairperson of the Ethnic Relations Commission who shall, subject to the provisions of

subsection (7), take such measures or issue such instructions as are required or necessary to give effect to the provisions of subsection (2).

(4) In all cases considered by the Court that relate to subsection (1), the registrar of the Supreme Court shall send a copy of the notes of evidence to the chairperson of the Ethnic Relations Commission, and the registrar shall take such measures or issue such instructions as are required to give effect to the provision of this Act.

(5) Subject to the provisions of subsection (8) where in the opinion of the Judge or the chairperson of the Ethnic Relations Commission the notes of evidence disclose the involvement of any political party in the matter considered under subsection (1) the chairperson of the Ethnic Relations Commission shall summon as a representative of the party the Leader of the political party or if there is no Leader the General Secretary of the political party, by whatever name either office is designated to attend meetings of the Commission for the purpose of participating in investigations by the Ethnic Relations Commission with regard to the aforesaid involvement; and if after hearing the Leader of the party or the General Secretary, as the case may be, the Commission is satisfied that the statement or action, the subject of the enquiry related to subsection (1), was made or published or it was caused to be made or published on behalf of the political party, or the action was taken on behalf of the political party, and the political party has not publicly disassociated itself from the statement or the action, the chairperson of the Ethnic Relations Commission shall send, in such form as he or she thinks fit, the findings of the Commission to the chairperson of the Elections Commission, and also deliver a copy with a clearly stated date of notification to the representative of the party who participated in the investigations.

(6) The representative of the political party referred to in subsection (5) shall have the right to appeal in a summary way to the Full Court against the findings of the Ethnic Relations Commission, but shall be deemed to have forfeited that right if such appeal is not made within fourteen days of the date receipt of notification of those findings.

(7) The chairperson of the Elections Commission shall, subject to the provisions of subsection (9), on receipt of the findings referred to in subsection (5) in respect of a political party, not accept any list of candidates with the name of that political party thereon for a period of five years from the date of the notification of those findings by the Ethnic Relations Commission; and, subject to the provisions of subsection (9), there shall not for the period aforesaid, be a ballot containing the name of that political party.

(8) The Ethnic Relations Commission shall not take any action under subsection (3) or initiate any formal inquiry under subsection (5) in any case where an appeal against a conviction under subsection (1) has not been determined or has been allowed.

(9) The Elections Commission shall not take the actions under subsection (7) if, within fourteen days of the date of receipt of notification by the Ethnic Relations Commission of its findings, the representative of the party referred to in subsection (5) has exercised the right of appeal under subsection (6), and the Commission shall act only after it has been specifically directed by the Ethnic Relations Commission consequent upon the determination of the appeal.

Complaint of
statement or
action by
political party on
racial and ethnic
violence or
hatred.
[1 of 2001]

139E. (1) Where there is a written complaint to the Ethnic Relations Commission that any political party—

- (a) has made or published or caused to be made or published any statement;
or
- (b) has taken any action, which results or can result in racial or ethnic violence or hatred, the Leader or General Secretary of the political party shall be summoned by the Ethnic Relations Commission to participate in investigations of the matter by the Ethnic Relations Commission as the Commission deems fit, provided that such

investigations be conducted in a manner open to the public.

(2) With respect to the investigations referred to in subsection (1) the party shall have the right to make representations by itself or by attorney-at-law during such investigations by filing defences, being heard, and making submissions, in accordance with the procedures determined by the Ethnic Relations Commission, which procedures shall make adequate provision for receiving such representations.

(3) The findings of the Ethnic Relations Commission deriving from the investigations referred to in subsection (1) shall be notified promptly to the representative of the political party, a copy shall be delivered to the chairperson of the Elections Commission, and shall be published in a daily newspaper.

(4) Where the findings of the Ethnic Relations Commission determine that the political party is culpable, the party shall pay promptly a fine of five hundred thousand dollars to the Ethnic Relations Commission.

(5) The provisions of section 139D(6), (7) and (9) shall *mutatis mutandis* apply to this section.

General penalty provision.
[25 of 2022]

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.

PART XVII GENERAL

Elections Commission proceedings.
[Reg.21/1968
O. 50/1980]
c. 1:01

140. (1) Except to the extent that jurisdiction in that behalf has been conferred, and the exercise thereof is required, by the Constitution or any law made under article 163 thereof (which provides for the determination by the Supreme Court of Judicature of questions as to membership of the National Assembly and elections thereto) and save as hereinbefore provided to the contrary, no question whether any function of the

Elections Commission or of any of its members has been performed validly or at all shall be enquired into in any court.

(2) No evidence of any deliberations of the Elections Commission or communications between members of the Commission regarding its business shall be admissible in any court.

Property in election material.

141. In any indictment, information or complaint for an offence in relation to ballot boxes, ballot papers and other election material, the property in them may be stated to be in the Chief Election Officer.

Certificate of Chief Election Officer.

142. In any prosecution under this Act, whether on indictment or summarily, the certificate of the Chief Election Officer that the election was duly held and that the person or persons named therein were named as a candidate or candidates at such election, shall be sufficient evidence of the facts therein stated.

Offences by bodies corporate.

143. Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of any director, manager, secretary or other officer of the body corporate, or any person purporting to act in any such capacity, he, as well as the body corporate, shall be deemed to be guilty of the offence and punished accordingly.

Limitation of time.
[16 of 1968]

144. A complaint or information against a person in respect of any offence under this Act shall be made or filed within one year or, in the case of an offence to be tried on indictment, two years after the offence was committed.

Special provisions as to convictions.

145. (1) Any person charged with illegal payment, employment or hiring, may, notwithstanding that the act constituting the offence amounted to a corrupt or illegal practice, be found guilty of illegal payment, employment or hiring, as the case may be, if the circumstances warrant such finding.

(2) A person charged with an illegal practice or other offence not being a corrupt practice may, notwithstanding that the

act constituting the offence amounted to a corrupt practice, be found guilty of an illegal practice or other offence, as the case may be, if the circumstances warrant such finding.

(3) Any person charged with a corrupt practice may, if the circumstances warrant such finding, be found guilty of an illegal practice and for that purpose the offence of an illegal practice shall be an indictable offence.

Rules of Court.

146. Rules of Court may, for any of the purposes of this Act, be made from time to time in the manner prescribed by the High Court Act.

c. 3:02

Duty not to disclose fingerprints.

147. No election officer shall produce for inspection or supply the thumb-print of an elector, or a copy thereof except—

- (a) for the purposes of this Act and its enforcement;
- (b) for purposes connected with the conduct of an election;
- (c) as otherwise expressly provided by law.

Extra-territorial application of penal provisions of this Act.
[16 of 1968]

148. (1) No charge laid, and no proceedings taken, in Guyana against any person on or with a view to his indictment for any offence under this Act shall, unless the contrary intention hereinbefore appears, be deemed to be unsanctioned by law, or otherwise untenable, on the ground that anything to which the indictment relates or might relate was done, omitted or situated outside Guyana or beyond any territorial limitation affecting the exercise of jurisdiction by the High Court, whether within the territory of any other State or not, provided that such person was a candidate, election agent or citizen of Guyana at the time of the offence in question.

(2) For the purposes of subsection (1), a person against whom any charge is laid as aforesaid shall, in any proceedings taken against him as aforesaid, be deemed to have been a citizen of Guyana at the said time unless the contrary is proved.

(3) No objection to any such proceedings as aforesaid on indictment for an offence punishable under the provisions of section 121 or 125(3) or 128(1) shall be taken or allowed for inconsistency with any such provision conditioning the proceedings upon the absence of summary jurisdiction:

Provided that where the person so indicted is convicted on such indictment and the judge is satisfied that the offence could have been tried summarily, such person shall be liable to no more than the like punishment as on summary conviction for such an offence.

(4) The foregoing provisions of this section are in addition to, and not in derogation of, such provisions of any other laws as sanction the prosecution of indictable offences.

Expenses.

149. The expenses of carrying out the provisions of this Act shall be defrayed from moneys provided by Parliament except in so far as any such expenses may otherwise lawfully be defrayed out of the Consolidated Fund.

Regulations.
[16 of 1968
16 of 1985
12 of 2006]

150. The Elections Commission may make regulations for giving effect to the provisions of this Act, including, subject to the provisions of the Constitution and this Act, regulations to make provision for all matters, in respect of the conduct of an election, for which in its opinion it is necessary or expedient to make provision, and, without prejudice to the generality of the foregoing, any such regulation may prescribe the hours between which an act may be done on any day not later than which the act is required by virtue of this Act to be done before election day and the particulars to be included in a list prepared under section 65J(1).

Commission to
determine every
Form in the
Schedule.
[12 of 2006]

150A. (1) The Commission may determine the nature and content of and publish every Form in the Schedule.

(2) The Commission shall determine and effect such amendments as may be necessary to any form as determined by the Commission and may completely substitute one Form for another where circumstances so justify.

(3) The Forms in the Schedule shall continue to have effect as though determined by the Commission until amended by determination of the Commission.

Election manual.
[25 of 2022]

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.

Overseas time
and delivery by
hand instead of
post.
[Reg. 25/1968]

151. (1) For the purposes of any requirement under this Act that anything be done in a country other than Guyana not later than a specified number of days before election day, election day shall be deemed to be the like date in that country as is appointed in Guyana for the holding of the election.

(2) Anything required by this Act to be posted by a non-resident within the meaning of Part VII to any officer shall nevertheless be deemed to have been duly transmitted if delivered at his office by the non-resident within the time allowed for its transmission to such officer in accordance with such requirements.

(3) Any requirement of this Act that anything for the use of a non-resident be posted to his address by any officer shall nevertheless be deemed to have been duly complied with if the officer, acting within the time allowed for its posting under this Act, causes such thing to be delivered by hand to that address so that the non-resident may avail himself thereof in conformity with this Act.

Commission to
be consulted on
emoluments of
officers and staff.
[O. 50/1980]

152. The Commission shall be consulted by Government with regard to the emoluments to be paid to election officers and other staff employed under this Act.

Removal of
difficulties.
[25 of 2022]

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.

[16 of 1968
r. 5/1964
3/1968
30 of 1990]

SCHEDULE

TABLE OF FORMS

NO.

1. Oath (a) by election officer.
2. List of candidates.
3. Statutory declaration of a candidate named in a candidates' list.
4. Certificate of Employment.
5. (Part A) Application for appointment of a proxy.

(Part B) Consent of person named in application for proxy paper.
6. Appointment as proxy.
7. List of proxies.
8. Cancellation of proxy.
9. Notice of poll.
10. Directions for voting.
11. Form of ballot paper.
12. Tendered ballot paper.
- 12A. Application for inclusion of name in non-resident electors' roll.

13. (Page 1) Poll book.
(Page 2) Blind or incapacitated electors.
(Page 3) Tendered ballots.
(Page 4) Ballot papers refused.
(Page 5) Certificates of employment (Section 69(4)) and entries directed by the Presiding Officer (Section 76(a)).
14. Declaration of identity.
15. Directions for balloting.
16. Receipt for ballot envelope sealed by non-resident elector and form of declaration of his identity.
17. Non-residents' ballot papers account.
18. Application by non-resident to vote in Guyana.
19. Oath (a) of identity.
20. Interpreter's oath (a).
21. Oath (a) of blind and incapacitated elector.
22. Oath (a) of friend of incapacitated or blind elector.
23. Ballot paper account.
- 23A. Statement of poll.
24. Election return.
25. Election return—votes of non-residents.

- 26. Election expenses return.
 - 27. Declaration of election expenses—by election agent.
 - 28. Declaration of election expenses—by candidate.
-

[O. 50/1980]

FORM 1

s. 8(1)

THE REPRESENTATION OF THE PEOPLE ACT
GENERAL ELECTIONS

OATH (a) BY ELECTION OFFICER

I.....(b)having been appointed(c)
.....swear(d) that I will faithfully perform the duties of the
said office according to law, without partiality, fear, favour or
affection.

So help me God (e).....(f).....
Sworn (g) before me at.....this.....day
of.....20.....

.....

Justice of the Peace (h) Chief Election Officer

Election Officer

Notices:

- (a) In the case of an affirmation,
substitute "Affirmation" for "Oath".
- (b) Full names in BLOCK CAPITALS.
- (c) Title of appointment and (except for
the Chief Election Officer) the name
of the Polling District and/or Polling
Division to which appointed.
- (d) In the case of an affirmation
substitute "solemnly, sincerely and
truly declare and affirm" for
"swear".

- (e) Delete in the case of an affirmation.
 - (f) Signature of election officer.
 - (g) In the case of an affirmation
substitute “affirmed” for “sworn”.
 - (h) Delete as necessary.
-

[O. 50/1980
O. 57/1980
12 of 2006]

FORM 2

s. 11(2)

THE REPRESENTATION OF THE PEOPLE ACT
GENERAL ELECTIONS

LIST OF CANDIDATES

(Form of front of paper)

To the Chief Election Officer.

We, whose signatures appear overleaf, do hereby submit this our list of candidates numbered serially and in the alphabetical order of their surnames, whose election to the National Assembly is sought. The title of our list is.....

The candidate named and numbered..... is hereby designated as Presidential Candidate in accordance with Article 177(1) of the Constitution.

CANDIDATES

Name Address Occupation (Form of back of paper)

We nominate Mrof to be representative of the list and Mrof..... to be deputy representative. We, the persons submitting the list shown on the face of this form are:

Name Registration record Signature Number

Received by me at..... o'clock thisday of20..

.....

Chief Election Officer

L.R.O. 1/2022

[O. 50/1980]

FORM 3

s. 11(4)

THE REPRESENTATION OF THE PEOPLE ACT
GENERAL ELECTIONS

STATUTORY DECLARATION OF A CANDIDATE NAMED IN
A CANDIDATES' LIST

Note: This form completed in respect of each candidate named in a list of candidates is to accompany the list of candidates submitted to the Chief Election Officer

I, (full names) of (address) having been nominated as a candidate in the list of candidates for the party for election as Members of the National Assembly in the general election to be held on the day of 20...

Do solemnly and sincerely declare—

(1) That I consent to the inclusion of my name in the said list of candidates.

(2) That I am aware of the provisions of articles 53 and 155 of the Constitution with respect to the qualifications and disqualifications for election as a Member of the National Assembly.

(3) That I may, consistently with such provisions be elected as a Member of the National Assembly at the election for which I have been nominated as aforesaid.

I make this declaration conscientiously believing the same to be true and according to the Statutory Declarations Act.

Signed.....(Declarant)

LAWS OF GUYANA

Representation of the People

Cap. 1:03

179

Declared before me.....atthisday of
.....20....

Signed.....

Justice of the Peace Commissioner of Oaths

[O. 50/1980]

FORM 4

s. 29(4)

THE REPRESENTATION OF THE PEOPLE ACT
GENERAL ELECTIONS

CERTIFICATE OF EMPLOYMENT

In the Polling District I certify that
(name)..... who holds identity paper No..... and is
registered under serial No.in the No.Polling
Division of the..... Polling District is likely to be unable to go
in person to the Polling Place allotted to him for the election to be
held on the day of 20 by reason of his
employment on that date at the Polling Place as a.....

Date.....

Signed.....

Returning Officer

[O. 50.1980
16 of 1985]

FORM 5

s. 31

THE REPRESENTATION OF THE PEOPLE ACT
GENERAL ELECTIONS

PART A

APPLICATION FOR APPOINTMENT OF A PROXY

To the Returning Officer

.....Polling District

I.....(surname)
(block capitals)

Other names.....of
(address).....and

holder of identity paper No

being registered in Polling Division No.....of

the.....Polling District, hereby certify that I am entitled to

vote by proxy by reason of..... Not

having any person appointed as proxy to vote for me, I do

hereby apply for the issue of a proxy paper appointing the

following person as proxy to vote for me:-

Full names.....

Occupation.....

Address.....

Signature of applicant date

Notes

1. This application if approved entitles the proxy to vote for you and disentitles you from voting in person.

2. You may cancel this application if you give notice on Form 8 to the Returning Officer so that he receives the Form not later than the tenth day before election day.

3. To be your proxy a person must be entitled to vote at the same polling place as you are and must not already have been appointed proxy for more than one other elector.

4. You are entitled to vote by proxy if you are—

- (a) unable, or likely to be unable, to go in person to the polling place for any of the following reasons—
 - (i) the particular circumstances of your employment on the election day either as a member of a disciplined force or as a rural constable, or for a purpose connected with the election, by the returning officer;
 - (ii) the fact that at the election, you are acting as a returning officer for a district other than the district in which your address as entered in the official list of electors is situate;
 - (iii) the particular circumstances of your employment on the election day by the returning officer for a district, other than the district in which your address as entered in the official list of electors is

situate, for a purpose connected with the election in that district;

- (iv) the fact that you are an employee of the Transport and Harbours Department engaged in running a vessel on the election day;
- (b) a candidate at the election and is unable, or likely to be unable, to go in person to the polling place at which you are entitled to vote by reason of being engaged in any activity, connected with the election, in a district other than the district in which that polling place is situate;
- (c) unable, or likely to be unable, by reason either of blindness or any other physical incapacity to go in person to the polling place, or if able to go, to vote unaided.

PART B

**CONSENT OF PERSON NAMED IN APPLICATION FOR
PROXY PAPER**

I (full names)..... of (address) Occupation
..... identity paper No being registered in No.
..... Polling Division of the Polling District
hereby consent to act as proxy for the above named.....

.....20.....

Date

Signed

[O. 50/1980]

FORM 6

s. 32(1)

THE REPRESENTATION OF THE PEOPLE ACT
GENERAL ELECTIONS

APPOINTMENT AS PROXY

Polling District

Polling Division No

Polling Place

Name of Proxy

No. of identity paper

No. on official list is hereby appointed as proxy for

Name of voter

No. on official list to vote for him/her at the election

to be held on the day of20...

.....

Returning Officer

Date.....

FORM 7

s. 32(3)

THE REPRESENTATION OF THE PEOPLE ACT

LIST OF PROXIES

.....Polling District

Elector's Name	Elector's Address	Elector's Identity Paper No.	Proxy's Name	Proxy's Address	Proxy's Identity paper No.	Polling Division of Elector and Proxy

I hereby certify that proxy papers were issued to the electors whose name appear in the fourth column above to vote as proxies on behalf of the electors whose names appear opposite thereto in the first column.

.....

Returning Officer.

FORM 8

s. 33, 34(1)

THE REPRESENTATION OF THE PEOPLE ACT
GENERAL ELECTIONS

CANCELLATION OF PROXY

To the Returning Officer

.....Polling District

I (full names) being registered in No

Polling Division hereby cancel the appointment of (name
of proxy) as proxy to vote for me at the election to be held on the
..... day of , 20

Signed.....

Address.....

Date

FORM 9

s. 34(1)

THE REPRESENTATION OF THE PEOPLE ACT
GENERAL ELECTIONS

NOTICE OF POLL

In the.....Polling District

TAKE NOTICE that a poll will be held on the day
of, 20..., between the hours ofa.m. andp.m.
to elect fifty-three members of the National Assembly.

The situation of each polling place in
the.....Polling District and the names of the
electors who are entitled to vote thereat are given in the papers
attached hereto.

.....

Returning Officer

Date

[O. 50/1980]

FORM 10

s. 38(a)

THE REPRESENTATION OF THE PEOPLE ACT
GENERAL ELECTIONS

DIRECTIONS FOR VOTING

1. You can vote for only one list of candidates at this election.
2. You should see that the ballot paper, before it is handed to you, has been stamped with the official mark.
3. You are to go into one of the compartments and there place a cross within the blank space opposite the name and symbol of the list of candidates for which you wish to vote. You are to make the cross like this: X
4. When you have marked your vote, fold your ballot paper so as to conceal your vote but so as to show the official mark appearing at the back. Then show that mark to the officer presiding and permit your finger to be immersed in electoral ink. After that put your ballot paper in the ballot box and leave the polling place.
5. If you accidentally spoil your ballot paper you may return it to the presiding officer who on being satisfied of the fact will give you another.
6. If you vote for more than one list of candidates or place any mark on the ballot paper by which you can afterwards be identified your vote will be void and will not be counted.

Chief Election Officer

[O. 50/1980]

FORM 11

s. 38(b)

THE REPRESENTATION OF THE PEOPLE ACT
GENERAL ELECTIONS

FORM OF BALLOT PAPER

		C.O.N. The Conservative		
Counterfoil No	1.	Party Candidates' List		
Elector's No. In Official List	2.	L.A.B. The Labour Party Candidates' List		
	3.	L.I.B. The Liberal Party Candidates' List		

[O. 50/1980]

FORM 12

s. 38(c)

THE REPRESENTATION OF THE PEOPLE ACT
GENERAL ELECTIONS

TENDERED BALLOT PAPER

(Form 12 shall be identical with Form 11 save that it shall
be printed on paper of a different colour.)

[O. 50/1980
16 of 1985
24 of 1990

FORM 12A

THE REPRESENTATION OF THE PEOPLE ACT
GENERAL ELECTIONS

APPLICATION FOR INCLUSION OF NAME IN NON-
RESIDENT ELECTOR'S ROLL

To the Chief Election Officer

I (surname)
(block capitals)
(other names).....of
(address).....and
holder of identity paper No.....
being an elector whose name is included in the non-
resident's roll in.....(country)
(at serial No.)

*being employed by the government of
Guyana/.....
(name of public corporation or corporate body in which
the controlling interest vests in the State or any agency on
behalf of the State) being a full-time student at
..... (give name and address of
educational institution) hereby apply for the inclusion of
my name in the non-resident electors' roll.

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

Date

.....

Signature of applicant.

*Strike out the words that are not applicable.

[O. 50/1980]

FORM 13*s. 40(3)*

THE REPRESENTATION OF THE PEOPLE ACT
GENERAL ELECTIONS
POLL BOOK Page 1
VERIFICATION OF ELECTOR'S IDENTITY

(Sections 69(3) and 76(b))

Entries on this page to be made only when a voter is required under section 69(3) to take the oath of identity because his name or other particulars in the official list do not quite correspond with those in his identity paper.

Name of elector	No. on official list	No. of identity paper	Oath of identity (Form 19) sworn or refused

FORM 13

Page 2

BLIND OR INCAPACITATED ELECTORS

(Sections 73(3) and 76(b))

Entries on this page only to be made to show:

(1) The name etc. of any blind or incapacitated elector whose ballot paper is marked by a friend or by the Presiding Officer.

(2) The reason therefor (i.e. the nature of his incapacity).

(3) The oath taken by such elector and his friend, and the friend's particulars.

Name of Elector	No. on official list	No. of identity paper	Whether marked by friend or P.O.	Reason for marking	Oath Form 21 sworn or refused	Oath of friend Form 22 sworn or refused Friend's name and Serial No.

FORM 13

Page 3

TENDERED BALLOTS

(Sections 74(3) and 76(b))

Entries on this page only to be made to show the name etc. of any elector who is given a tendered ballot paper and the oath taken by such elector.

Name of elector	No. on official list	No. of identity paper	If tendered paper marked	Reason for issuing of tendered paper	Oath of identity Form 19 sworn or refused

FORM 13

Page 4

BALLOT PAPERS REFUSED

(Sections 71(1) and 72(5))

Entries on this page only to be made to show the name etc. of an elector to whom a ballot paper of any kind (ballot or tendered ballot) was refused by the Presiding Officer under section 71(1) or 72(5).

Name of elector	No. on official list	Identity paper No. if any	Regulation under which refused	Reason for refusal

FORM 13

Page 5

CERTIFICATES OF EMPLOYMENT (SECTION 69(4)) AND
ENTRIES DIRECTED BY THE PRESIDING OFFICER

(Section 76(a))

Entries on this page only to be made of persons submitting certificates of employment and entries, other than those covered by previous pages, directed by the Presiding Officer.

Name of elector	Reference to Certificate of Employment or other particulars

FORM 14

THE REPRESENTATION OF THE PEOPLE ACT
GENERAL ELECTIONS

DECLARATION OF IDENTITY

Ihereby declare that I am * [satisfied
that (NAME IN BLOCK LETTERS) the person whose vote is
enclosed herewith is] the person to whom the ballot paper in the
ballot envelope enclosed by me herewith was issued.
Dated.....

(Signature of Non-resident/Ballot attendant/Returning
Officer)

* Delete the words in square brackets unless signing as a
ballot attendant or returning officer.

FORM 15

s. 51(b)(iv)

THE REPRESENTATION OF THE PEOPLE ACT
GENERAL ELECTIONS

DIRECTIONS FOR BALLOTING BY NON-RESIDENT
ELECTORS ISSUED WITH BALLOT PAPERS

Election day for determining membership of the National
Assembly of Guyana is theday of, 20....

1. Enclosed herewith for the exercise of your single vote
are—

- (i) a ballot paper;
- (ii) an envelope addressed "To
the Chief Election Officer";
- (iii) a larger envelope addressed
to the officer who has issued
the ballot paper to you; and
- (iv) a form of Declaration of
Identity.

2. You may vote in one of the following ways—

A. In the presence of a ballot attendant — not later than
the..... day of....., 20 to whom you must—

- (a) produce proof of your identity,
including any passport or other
document;
- (b) exhibit all the above mentioned
enclosures.

If you need assistance to vote on account of physical
incapacity, get another non-resident elector to be present with you

before the ballot attendant and to certify in his presence the rendering of such assistance.

OR

B. If no ballot attendant is available—

- (i) secretly mark the ballot paper, fold it so as to conceal your vote, enclose it in the envelope addressed “To the Chief Election Officer” and seal that envelope;
- (ii) complete the form of Declaration of Identity and enclose it, together with the envelope you have sealed, in the larger envelope addressed to the officer who issued the ballot paper to you;
- (iii) seal the last-mentioned envelope and post or deliver it to the office of that officer so that he receives it not later than the.....

BUT

C. If you belong to the particular class of non-resident electors that took special steps to obtain the ballot paper in order to ensure your being able to vote you may, in case of your having obtained the ballot paper at the office of a ballot officer, vote only as at A above in the presence of the ballot attendant at that office.

3. Whichever way you may vote, the Chief Election Officer or an overseas presiding officer deputed by him will be authorised on election day in Guyana to cast your vote from the larger addressed envelope. The officer to whom that envelope is addressed will be responsible for making it available, unopened,

in Guyana where it will be opened when the casting of your vote is about to be effected by inserting the envelope addressed "To the Chief Election Officer" in a ballot box.

4. In order to ensure that your vote will be counted, you should comply strictly with paragraph 2 of these directions. You should mark the ballot paper like this: "X" within the blank space opposite the name and symbol of the list of candidates for which you wish to vote. If you vote for more than one list of candidates or place any mark on the ballot paper by which you can be identified, your vote will not be counted.

Chief Election Officer

[O. 50/1980]

FORM 16

s. 54(a)(iii)

THE REPRESENTATION OF THE PEOPLE ACT
GENERAL ELECTIONS

Receipt for ballot envelope sealed by non-resident elector
and form of declaration of his identity.

I.....of
.....

a ballot attendant, hereby acknowledge receiving from
the non-resident elector whose serial number is

a ballot envelope sealed by him and a form of declaration
of his identity.

Dated

Signed

Ballot Attendant

FORM 17

s.57(1)(e)

THE REPRESENTATION OF THE PEOPLE ACT
GENERAL ELECTIONS

Non-residents' ballot papers account.

1. Number of ballot papers
furnished

2. Number of ballot papers issued
to non-residents in sealed
envelopes.....

Serial Numbers from

3. Number of ballot papers not
issued to non-residents

.....

To

Dated.....

4. Number of addressed
envelopes packaged in
pursuance of section 57(1)(a)

.....

.....

Chief Election Officer/Ballot Officer

[O. 50/1980]

FORM 18

s. 58(2)

THE REPRESENTATION OF THE PEOPLE ACT
GENERAL ELECTIONS

APPLICATION BY NON-RESIDENT TO VOTE IN GUYANA

To the Chief Election Officer.

I (surname).....

(BLOCK CAPITALS)

other names.....of
(address outside Guyana) being
present in Guyana, apprehending my being unable to vote on
account of my absence from the abovementioned address and
whose registration card number is.....hereby
apply for a ballot paper to vote at the election to be held on
the.....My address in Guyana is:
situate in polling district No.....(State
name and number of polling district) Dated

.....

Signature of Applicant

[O. 50/1980]

FORM 19

s. 69(3), 74(1)

THE REPRESENTATION OF THE PEOPLE ACT
GENERAL ELECTIONS

OATH (a) OF IDENTITY

You swear that you verily believe that you are the person intended to be referred to by entry in the Official list of the name of whose occupation is given as whose address is given as.....and whose identity paper number is given as.....and that you have not already voted at this election.

SO HELP YOU GOD

Note:

- (a) In the case of an affirmation substitute “solemnly and sincerely declare” for “swear” and omit “SO HELP YOU GOD”.
-

[O. 50/1980]

FORM 20

s. 72(10)

THE REPRESENTATION OF THE PEOPLE ACT
GENERAL ELECTIONS

INTERPRETER'S OATH (a)

You swear that you will true interpretation make between
the languages of and to the best of your knowledge and
belief.

SO HELP YOU GOD

Note:

- (a) In the case of an affirmation
substitute "solemnly and sincerely
declare" for "swear" and omit "SO
HELP YOU GOD".
-

[O. 50/1980]

FORM 21

s. 73(1)

THE REPRESENTATION OF THE PEOPLE ACT
GENERAL ELECTIONS

OATH (a) OF BLIND AND INCAPACITATED ELECTOR

You swear that you are incapable of voting without
assistance by reason of physical incapacity/blindness.

SO HELP YOU GOD

Note:

- (a) In the case of an affirmation
substitute "solemnly and sincerely
declare" for "swear" and omit "SO
HELP YOU GOD".
-

[O. 50/1980]

FORM 22

s. 73(2)

THE REPRESENTATION OF THE PEOPLE ACT
GENERAL ELECTIONS

OATH (a) OF FRIEND OF INCAPACITATED OR
BLIND ELECTOR

You swear that you will keep secret the name of the candidates' list for whom you mark the ballot paper of the incapacitated/blind elector on whose behalf you act AND that you have not already marked the ballot paper of any other such incapacitated/blind elector at this election.

SO HELP YOU GOD

Note:

- (a) In the case of an affirmation substitute "solemnly and sincerely declare" for "swear" and omit SO HELP YOU GOD.
-

[O. 50/1980
30 of 1990]

FORM 23

s. 83(c)

THE REPRESENTATION OF THE PEOPLE ACT
GENERAL ELECTIONS

BALLOT PAPER ACCOUNT

Ballot Box No.

General Election, 20

Polling District

Polling Place

Ballot Paper Account

(1) Number of ballot papers	(2) Ballot papers in the ballot box.....
Received	
Serial numbers	
From	(3) Ditto unused
To	(4) Ditto spoiled

Tendered Ballot Paper Account

(1) Number of tendered ballot in Papers received.....	(2) Tendered ballot papers packet
Serial numbers	(3) Ditto unused
From	(4) Ditto spoiled
To	

Datedday of, 20....

.....

Presiding Officer

L.R.O. 1/2022

FORM 23A

THE REPRESENTATION OF THE PEOPLE ACT
GENERAL ELECTIONS

STATEMENT OF POLL

For the Polling Place.....

In Polling District

1. No. of valid votes cast for each list of candidates

List of total.....votes

List of total.....votes

List of total.....votes

List of total.....votes

List of total.....votes

List of total.....votes

2. Total valid votes for all lists.

3. Add total number of rejected ballot
papers (See statement below)

4. Grand total of persons who appear to
have voted in the polling place

5. Total number of spoiled ballot papers

6. Total number of tendered ballot papers
used

7. Statement of rejected ballot papers in the polling place

No. of ballot papers rejected for—

- | | |
|---|-------|
| (a) want of official mark | |
| (b) unmarked or void for
uncertainty | |
| (c) marked for more than
one list of candidates | |
| (d) marked so that the elector
can be identified | |

Total.....

Presiding Officer

Date.....

[O. 50/1980]

FORM 24

s. 89(1)(f)

THE REPRESENTATION OF THE PEOPLE ACT
GENERAL ELECTIONS

ELECTION RETURN

for the Polling District of

1. Number of valid votes cast for each list of candidates.

List oftotal.....votes

List oftotal.....votes

List oftotal.....votes

List oftotal.....votes

List oftotal.....votes

2.Total valid votes for all lists.....

3. Add total number of rejected

ballot papers (see statement below).....

4. Grand total number of persons

who appear to have voted.....

5. Total number of spoilt ballot papers.....

6. Total number of tendered ballot.....

papers used

7. Statement of rejected ballot papers in the Polling District.....

Number of ballot papers rejected for—

(a) want of official mark.....

(b) unmarked or void for.....

uncertainty.....

(c) marked for more than one candidates' list.....

(d) marked so that the elector can be identified.....

Total.....

.....

Returning Officer

Date.....

[O. 50/1980
30 of 1990]

FORM 25

s. 94(1)(d)

THE REPRESENTATION OF THE PEOPLE ACT
GENERAL ELECTIONS

ELECTION RETURN - VOTES OF NON-RESIDENT ELECTORS

1. Number of valid votes cast for each list of candidates.

List of.....total.....votes

List oftotal.....votes

List oftotal.....votes

List oftotal.....votes

List oftotal.....votes

List oftotal.....votes

2. Total valid votes for all lists

3. Add total number of rejected ballot papers

4. Grand total number of persons who appear

to have voted in accordance with Part XI of

this Act

5. Statement of rejected ballot papers.

Number of ballot papers rejected for—

(a) want of official mark

(b) unmarked or void for uncertainty

(c) marked for more than one
candidates' list

(d) marked so that the elector
can be identified.

.....

Chief Election Officer

Dated thisday of, 20.....

[O. 50/1980]

FORM 26

s. 108(1)

THE REPRESENTATION OF THE PEOPLE ACT
GENERAL ELECTIONS

ELECTION EXPENSES RETURN

I, (name) being election agent to the group of candidates entitled the at the general election held on the day of, 20..., make the following return in respect of the election expenses of the said (title) group of candidates at the said election.

RECEIPTS

Received of

(name)..... \$

(name) \$

(Here enter the name and description of every person--including every candidate, club, society or organisation from whom any money, securities or the equivalent of money was received towards defraying the expenses of the (title) group incurred on account of the above election, and the amount received from each).

EXPENDITURE

Personal Expenses

Personal expenses of each candidate named in the candidates' list and paid by himself, as per Schedule attached hereto

Total \$

(The amount of personal expenses paid by each candidate himself must be shown separately in the Schedule.)

Personal expenses paid by me for the candidates,

as per Schedule attached hereto Total \$

(The amount of personal expenses paid for each candidate by the election agent must be shown separately in the Schedule)

Payment of Agents

Received by me for my services as Election \$.....

Agent

Total paid to assistant agents, polling

agents, counting agents, clerks, typists, \$.....

messengers as per attached Schedule

(The names and descriptions of every such agent, clerk, messenger, etc. and the sum paid to each must be set out separately in the Schedule.)

Goods supplied or work done

To.....(for printing)

\$.....

To.....(for advertising)

\$.....

To.....(for stationery)

\$.....

(The name and description of each person and the nature of the goods supplied or work done by each must be separately set out either here or in a separate Schedule.)

Postage and telegrams

Paid for postage total

\$.....

Paid for telegrams total

\$.....

Hire of rooms

Paid for hire for public meetings

\$.....

Paid for hire for Committee rooms as in

the attached Schedule

\$.....

(The Schedule must show the full address of and the amount paid for each room hired and the name and description of the person to whom payment was made for it.)

Miscellaneous

Paid for other matters as per attached Schedule.

Total \$.....

(The Schedule must show the name and description of each person paid, the amount paid to him and the reason therefor).

Disputed and unpaid claims

I am aware, as election agent for the (title).....

group of the following disputed and unpaid claims
namely:

By (names) for \$.....

(here set out the name and description of each person
whose claim is disputed, the amount of the claim and the nature
of the goods, work or services on which the claim is based).

Unpaid claims allowed by the High Court

By (names) for \$.....

(here set out the name and description of each person to
whom any such claim is due, the amount of the claim and the
nature of the goods, work or services on which it is based).

Date Signed

Election Agent of the.....group

[O. 50/1980]

FORM 27

s. 108(3)

THE REPRESENTATION OF THE PEOPLE ACT
GENERAL ELECTIONS

DECLARATION OF ELECTION EXPENSES BY
ELECTION AGENT

I being election agent to the.....group of candidates at the general election held on the.....day of 20 do hereby solemnly and sincerely declare that I have examined the return of election expenses about to be transmitted by me to the Chief Election Officer at the said election, and now shown to me and marked.....and to the best of my knowledge and belief that return is correct;

And I hereby further solemnly and sincerely declare that except as appears from that return I have not and to the best of my knowledge and belief no other person nor any club, society or organisation has on behalf of the said group of candidates made any payment, or given, promised, or offered any reward, office, employment, or valuable consideration, or incurred any liability on. And I further solemnly and sincerely declare I have received from the said group of candidates dollars and no more (or nothing) for the purpose of the said election, and that, except as specified in the said return sent by me, no money, security or equivalent for money has been paid, advanced, given, or deposited by anyone to me or in my hands, or, to the best of my knowledge and belief, to or in the hands of any other person for the purpose of defraying any expenses incurred on behalf of the said group of candidates on account of, or in respect of the conduct or management of the said election.

Signature of declarant

LAWS OF GUYANA

220

Cap. 1:03

Representation of the People

Signed and declared by the above-named declarant on
theday of 20.....at..... before
me

(Signed).....

Justice of the Peace

[O. 50/1980]

FORM 28*s. 108(3)***THE REPRESENTATION OF THE PEOPLE ACT
GENERAL ELECTIONS****DECLARATION OF ELECTION EXPENSES BY CANDIDATE**

I..... having been one of the candidates in the party's group of candidates for the 20..... general election do hereby solemnly and sincerely declare that I have examined the return of election expenses (about to be) transmitted by the election agent of the group of candidates to the Chief Election Officer at the said election, a copy of which is now shown to me and marked.....and to the best of my knowledge and belief that return is correct;

And I further solemnly and sincerely declare that, except as appears from that return, I have not, and to the best of my knowledge and belief no person, nor any club, society, or organisation, has on behalf of the said group of candidates made any payment, or given, promised, or offered any reward, office, employment, or valuable consideration, or incurred any liability on account of or in respect of the conduct or management of the said election;

And I further solemnly and sincerely declare that I have paid to the group's election agent the sum ofdollars and no more for the purpose of the said election, and that, except as specified in the said return, no money, security, or equivalent for money has to my knowledge or belief been paid, advanced, given, or deposited by anyone to or in the hands of the group's election agent or any other person for the purpose of defraying any expenses incurred on my behalf on account of or in respect of the conduct or management of the said election;

And I further solemnly and sincerely declare that I will not, except so far as I may be permitted by law, at any future time

L.R.O. 1/2022

make or be party to the making or giving of any payment, reward, office, employment, or valuable consideration for the purpose of defraying any such expenses as last mentioned, or provide, or be party, to the providing of any money, security, or equivalent for money for the purpose of defraying any such expenses.

Signature of declarant

Signed and declared by the above-named declarant on the..... day of at

Before me

Signed.....

Justice of the Peace

SUBSIDIARY LEGISLATION

O. 47/1968

**ELECTION (CONSTITUTION OF
POLLING DISTRICTS) ORDER**

made under regulation 5

1. This Order may be cited as the Election (Constitution of Polling Districts) Order.

2. The polling districts into which Guyana shall be divided shall be distinguished by the names set out in the Schedule to this Order and shall, respectively, consist of the polling divisions which are specified in that schedule by reference to such registration divisions of registration districts defined by the National Registration (Districts) Order, 1968, as constitute those polling divisions under paragraph (2) of regulation 5 of the Election Regulations, 1964.

SCHEDULE

POLLING DISTRICTS

1. CORENTYNE RIVER.

Consisting of twenty-one polling divisions being the registration divisions of the Corentyne River registration district.

2. CORENTYNE-EAST

Consisting of ten polling divisions, being the registration divisions of the Corentyne—East registration district.

3. CORENTYNE-EAST CENTRAL

Consisting of thirteen polling divisions being the registration divisions of the Corentyne—East Central registration district.

4. CORENTYNE—WEST CENTRAL

Consisting of twelve polling divisions being the registration divisions of the Corentyne—West Central registration district.

5. CORENTYNE—WEST

Consisting of seventeen polling divisions being the registration divisions of the Corentyne—West registration district.

6. BERBICE—EAST

Consisting of twenty polling divisions being the registration divisions of the Berbice—East registration district.

7. NEW AMSTERDAM

Consisting of fifteen polling divisions being the registration divisions of the New Amsterdam registration district.

8. BERBICE RIVER

Consisting of seventeen polling divisions being the registration divisions of the Berbice River registration district.

9. BERBICE -WEST

Consisting of seventeen polling divisions being the registration divisions of the Berbice—West registration district.

10. ABARY

Consisting of eighteen polling divisions being the registration divisions of the Abary registration district.

11. MAHAICONY

Consisting of twenty-five polling divisions being the registration divisions of the Mahaicony registration district.

12. MAHAICA

Consisting of twenty-three polling divisions being the registration division of the Mahaica registration district.

13. DEMERARA COAST-EAST

Consisting of seventeen polling divisions being the registration divisions of the Demerara Coast—East registration district.

14. DEMERARA COAST—EAST CENTRAL

Consisting of eleven polling divisions being the registration divisions of the Demerara Coast—East Central registration district.

15. DEMERARA COAST-WEST CENTRAL

Consisting of fourteen polling divisions being the registration divisions of the Demerara Coast—West Central registration district.

16. DEMERARA COAST-WEST

Consisting of eleven polling divisions being the registration divisions of the Demerara Coast—West registration district.

17. KITTY

Consisting of seventeen polling divisions being the registration divisions of the Kitty registration district.

18. CAMPBELLVILLE

Consisting of sixteen polling divisions being the registration divisions of the Campbellville registration district.

19. GEORGETOWN—NORTH

Consisting of eighteen polling divisions being the registration divisions of the Georgetown—North registration district.

20. GEORGETOWN—CENTRAL

Consisting of seventeen polling divisions being the registration divisions of the Georgetown—Central registration district.

21. WERK-EN-RUST

Consisting of sixteen polling divisions being the registration divisions of the Werk-en-Rust registration district.

22. GEORGETOWN-SOUTH

Consisting of sixteen polling divisions being the registration divisions of the Georgetown—South registration district.

23. LA PENITENCE-LODGE

Consisting of seventeen polling divisions being the registration divisions of the La Penitence—Lodge registration district.

24. RUIMVELDT

Consisting of seventeen polling divisions being the registration divisions of the Ruimveldt registration district.

25. HOUSTON

Consisting of nineteen polling divisions being the registration divisions of the Houston registration district.

26. LOWER DEMERARA RIVER

Consisting of twenty-four polling divisions being the registration divisions of the Lower Demerara River registration district.

27. UPPER DEMERARA RIVER—WEST

Consisting of thirteen polling divisions being the registration divisions of the Upper Demerara River—West registration district.

28. UPPER DEMERARA RIVER-EAST

Consisting of fourteen polling divisions being the registration divisions of the Upper Demerara River—East registration district.

29. CANALS POLDER

Consisting of eighteen polling divisions being the registration divisions of the Canals Polder registration district.

30. VREED-EN-HOOP

Consisting of twenty-two polling divisions being the registration divisions of the Vreed-en-Hoop registration district.

31. LEONORA

Consisting of twenty polling divisions being the registration divisions of the Leonora registration district.

32. BOERASIRIE

Consisting of twenty polling division being the registration divisions of the Boerasirie registration district.

33. ESSEQUIBO ISLANDS

Consisting of twenty-seven polling divisions being the registration divisions of the Essequibo Islands registration district.

34. SUDDIE

Consisting of nineteen polling divisions being the registration divisions of the Suddie registration district.

35. POMEROON

Consisting of fifteen polling divisions being the registration divisions of the Pomeroon registration district.

36. NORTH WEST

Consisting of eighteen polling divisions being the registration divisions of the North West registration district.

37. MAZARUNI-POTARO

Consisting of thirty-three polling divisions being the registration divisions of the Mazaruni—Potaro registration district.

38. RUPUNUNI

Consisting of thirty polling divisions being the registration divisions of the Rupununi registration district.