

ACTS SUPPLEMENT

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Act 15 *Electoral Commission (Amendment) Act* **2010**

THE ELECTORAL COMMISSION (AMENDMENT) ACT, 2010.

ARRANGEMENT OF SECTIONS.

Section.

1. Amendment of section 3 of the Electoral Commission Act, 2005.
2. Amendment of section 5 of the principal Act.
3. Amendment of section 16 of the principal Act.
4. Insertion of new section 18A in the principal Act.
5. Amendment of section 25 of the principal Act.
6. Amendment of section 27 of the principal Act.
7. Amendment of section 33 of the principal Act.
8. Amendment of section 50 of the principal Act.

THE ELECTORAL COMMISSION (AMENDMENT) ACT, 2010

An Act to amend the Electoral Commission Act Cap. 140 to provide for the tenure of office of the Secretary to the Commission; to empower the Commission to accredit political parties and political organizations as election observers; to require the Commission to transmit voters registers to political parties and political organizations taking part in an election; to empower a chief magistrate or magistrate Grade I to appoint parish tribunals; to provide for a period of ten days for the display of the recommendations from the tribunal during which any objections or complaints in relation to the names included and deleted from the voter's roll or in relation to any necessary corrections shall be raised or filed; to require a person who needs a duplicate voter's card to obtain from the Commission not later than ninety days before polling; and for related matters.

DATE OF ASSENT: 5th June, 2010.

Date of Commencement: 25th June, 2010.

BE IT ENACTED by Parliament as follows:

1. Amendment of section 3 of the Electoral Commission Act, 2005. Section 3 of the Electoral Commission Act, 2005 in this Act referred to as the principal Act is amended by deleting subsection (2).

2. Amendment of section 5 of the principal Act.

Section 5 of the principal Act is amended as follows—

- (a) by inserting immediately after subsection (3) the following—

“(3a) The Secretary shall hold office for a term of five years renewable once.”;

- (b) by deleting subsection (7).

3. Amendment of section 16 of the principal Act.

Section 16 of the principal Act is amended by inserting immediately after subsection (1) the following—

“(1a) Notwithstanding subsection(1), political parties, or organisations and representatives of independent candidates shall be accredited by the Commission as election observers”.

4. Insertion of new section 18A in the principal Act.

The principal Act is amended by inserting immediately after section 18 the following—

“18A. Commission to transmit voters register to political parties and organisations.

The Commission shall transmit to every political party and organisation taking part in an election, an electronic copy of the voters register immediately after the nomination day but before polling day and an updated paper copy of the register containing photographs of the voters to be used on the polling day, two weeks before polling day.”

5. Amendment of section 25 of the principal Act.

Section 25 of the principal Act is amended—

- (a) by substituting for subsection (1) the following—

“(1) Before any general election is held, the Commission shall, by notice in the *Gazette*, appoint a period of not less than twenty-one days during which a copy of the voter's roll for each parish or ward shall be displayed for public scrutiny.”

- (b) by inserting immediately after subsection (1) the following—

“(1a) In addition to the twenty-one days referred to in subsection (1), the Commission shall allow a period of ten days during which any objections or complaints in relation to the names recommended by the tribunal to be included or deleted from the voters roll or in relation to any necessary corrections shall be raised or filed.

(1b) In the case of a by-election, the Commission shall display the voters roll for a period of ten days and in addition shall allow a period of six days for the display of the recommendations from the tribunal during which any objections or complaints in relation to the names included or deleted from the voters roll or in relation to any necessary corrections shall be raised or filed.

(1c) For purposes of this section, the complaints relating to the voters roll shall be received by the tribunal”.

- (c) by substituting for subsection (5) the following—

“(5) The chief magistrate of a magisterial area or Magistrate Grade I appointed by him or her shall appoint a tribunal comprising five members not being public officers to determine objections received by the returning officer under subsection(4).

(5a) The tribunal shall comprise of—

- (a) two elders, one female and the other male; and

(b) three other members who shall be appointed by the Chief Magistrate or Magistrate Grade I in consultation with political parties or organisations participating in the elections in the area.”;

(d) by substituting for subsection (6) the following—

“(6) In this section “an elder” means a person of sixty years of age or above.”;

(e) by inserting immediately after subsection (8) the following—

“(9) The members of the tribunal shall elect from among themselves a chairperson and a secretary.”

6. Amendment of section 27 of the principal Act.

Section 27 of the principal Act is amended by substituting for subsection (3) the following—

“(3) The Electoral Commission shall not issue a duplicate voters card to a voter on polling day or within ninety days before polling day.”

7. Amendment of section 33 of the principal Act.

Section 33 of the principal Act is amended by inserting immediately after subsection (2) the following—

“(3) The Commission shall publish in the Gazette and in the print media , a list of all places at which a voters register is required to be displayed and a list of all polling stations, at least sixty days before the date of display or polling day.”

8. Amendment of section 50 of the principal Act.

Section 50 of the principal Act is amended by inserting immediately after subsection (2) the following—

“(3) The Commission, shall in exercising the special powers under this section shall inform all political parties and organisations and independent candidates of any action taken.”