

THE ELECTORAL COMMISSION (INTERIM) ACT

ARRANGEMENT OF SECTIONS

1. Short title.
2. Interpretation.
3. Duration of this Act.
4. Establishment of the Electoral Commission of Jamaica.
5. Objects of the Commission.
6. Functions of the Commission.
7. Appointment and functions of the Director.
8. Appointment of officers, agents and employees.
9. Oath of secrecy.
10. Pension scheme and other benefits.
11. Designations by Commission.
12. Disqualification of Director and selected Commissioners from voting in elections.
13. Funds of the Commission.
14. Application of revenues.
15. Power to invest moneys.
16. Accounts and audit.
17. Exemption from taxes and duties.
18. Annual report and estimates.
19. Commission's responsibility to Parliament.
20. Regulations.

SCHEDULES

THE ELECTORAL COMMISSION (INTERIM)
ACT

Acts
11 of 2006,
21 of 2014
S. 6.

[8th November, 2006.]

1. This Act may be cited as the Electoral Commission (Interim) Act. Short title.

2.—(1) In this Act—

Inter-
pretation.

“candidate” means a person who is nominated as a candidate for election to serve—

(a) as a member of the House of Representatives;

(b) as mayor of a municipality; or

(c) on the Council of the Kingston and St. Andrew Corporation or on a Parish Council;

“Commission” means the Electoral Commission of Jamaica established under section 4;

“Director” means the Director of Elections appointed under section 7;

“Minister” means the Minister responsible for electoral matters.

(2) The Director and the officers appointed under section 8 shall be election officers for purposes of the Representation of the People Act.

(3) References in this Act to “referenda” shall be construed as including the procedure set out in section 49 of the Constitution of Jamaica for the submission of certain Bills to the vote of the electorate.

3. This Act shall continue in force until provision is made in the Constitution of Jamaica for the establishment of an Electoral Commission in terms which preclude the alteration of that provision otherwise than in accordance with the procedures prescribed by, or in relation to section 49(3) of the Constitution and shall then expire.

Duration of
this Act.

Establishment
of the
Electoral
Commission
of Jamaica.

4.—(1) There shall be established for the purposes of this Act, and during the continuance in force of this Act, a commission of Parliament which shall be known as the Electoral Commission of Jamaica.

First
Schedule.

(2) The provisions of the First Schedule shall have effect as to the constitution and procedure of the Commission and otherwise in relation thereto.

Objects
of the
Commission.

5. The objects of the Commission shall be to safeguard the democratic foundations of Jamaica by enabling eligible electors to elect, through free and fair elections, their representatives to govern Jamaica.

Functions
of the
Commission.

6.—(1) The functions of the Commission shall be to—

- (a) establish policies for governing the registration of electors in accordance with the provisions of section 37 of the Constitution of Jamaica;
- (b) give directions to the Director on the performance of his functions under the Representation of the People Act;
- (c) conduct—
 - (i) general elections or by-elections as the case may require, of members to serve—
 - (A) in the House of Representatives;
 - (B) on the Council of the Kingston and St. Andrew Corporation or any Parish Council; or
 - (C) as mayor of a municipality;
 - (ii) referenda;
- (d) compile and maintain the register of eligible electors;
- (e) verify the identity of every eligible elector;
- (f) *prepare the official list of electors in accordance with the Representation of the People Act;*

- (g) approve political parties eligible to receive state funding with respect to any or all aspects of the electoral process;
- (h) administer electoral funding and financial disclosure requirements;
- (i) monitor election expenditure by candidates or their official agents;
- (j) review the number of constituencies and boundaries thereof and make such recommendations to the Standing Committee of Parliament as are appropriate as provided for in section 67 of the Constitution of Jamaica;
- (k) determine polling divisions within constituencies;
- (l) prepare and execute programmes of public education with a view to informing the public about the electoral process and carry out media briefings on such occasions as may be necessary;
- (m) conduct research on electoral matters and publish materials to enhance the electoral process;
- (n) provide leadership and develop expertise in electoral matters;
- (o) establish entities or mechanisms to provide services and products necessary for—
 - (i) the conduct of elections;
 - (ii) the identification of persons;
 - (iii) the verification of residence; and
 - (iv) such other matters as may be required in relation to the functions of the Commission; 21/2014 S. 6(a).
- (p) to receive applications of political parties for registration; 21/2014 S. 6(b).
- (q) to issue certificate of registration to political parties;

21/2014
S. 6(b).

- (r) to direct the making of amendments to the Register of Political Parties;
- (s) to receive the annual reports and statements of accounts of registered political parties;
- (t) to cause audits of the accounts, of a registered political party to be done where it appears to be necessary;
- (u) to make payments to registered political parties that qualify for state funding out of funds allocated by Parliament for that purpose;
- (v) to do such other things as will ensure the proper registration, funding and supervision of the conduct of registered political parties.

(2) Where the Director refuses to comply with the directions of the Commission given under paragraph (b) of subsection (1), he shall be liable to be removed from office by the Commission.

(3) In making a decision in the exercise of its functions under this Act, the Commission shall observe standards of procedural fairness, act in a timely fashion and observe the rules of natural justice.

(4) Without prejudice to the generality of subsection (3), the Commission shall—

- (a) consult with persons who are or are likely to be affected by the decision;
- (b) give to such persons an opportunity to make submissions and to be heard by the Commission;
- (c) have regard to the evidence adduced at any such hearing and to the matters contained in any such submission;
- (d) seek to ascertain the truth and accuracy of information presented to it;
- (e) have regard to the need for impartiality and fairness; and