

Guyana

Background	Name of EMB:	Guyana Elections Commission (GECOM)
	Status:	Permanent
	Number of commissioners:	Seven
	Number of full-time EMB staff:	383
	Constitutional and/or legislative provisions for establishment of the EMB:	The present GECOM was established in May 2000 by virtue of the Constitution (Amendment) Act No. 2 of 2000, which repealed and re-enacted Article 161 of the constitution on the basis of recommendations emerging from the Constitution Reform Commission that were ratified by parliament. The re-enacted Article 161 restates the same mechanism for the appointment of the commission as provided for since the 1992 general election, but the commission is now established as permanent. There is as yet no provision for a time limit or the period that commissioners are to serve. All of the powers that were previously exercised by or on behalf of the minister responsible for the preparation for and administration of elections are now vested in the commission. See Section 10 of the Election Laws (Amendment) Act No. 15 of 2000. The relevant laws governing the establishment and work of the commission are accessible on the commission's website at: www.gecom.org.gy .
EMB's mandate:	<i>Responsibility of the chair:</i> All directions and instructions shall be issued orally or in writing through the chairperson, while all instruments and communications emanating from the commission shall be issued or made under the signature of the chairman or any person authorised by him or her in writing. All communications to the commission shall be to the chairman [Elections Laws (Amendment) Act No. 15 of 2000].	

Role of GECOM: GECOM sets policy for voter registration, maintenance of the voters' list and the administration of all national, regional and local government elections within the legislative framework, while the Permanent Elections Secretariat implements the policy under the supervision of the chief election officer (CEO). The Secretariat also performs the tasks of the National Registration Centre under the National Registration Act, Chapter 19:08, and the CEO acts as the National Commissioner for Registration. The National Registration Centre has responsibility for the registration of electors and maintenance of the registers, whereas the Secretariat has responsibility for administering elections. GECOM is constitutionally obliged to act with impartiality and fairness in the execution of its duties [162 (1) [b], Constitution (Amendment) Act].

The commission's Secretariat and election machinery: Article 161A of the constitution, as inserted by the Constitution (Amendment) Act, No.2 of 2000, states that the commission is responsible for the efficient functioning of the Secretariat and the appointment of both permanent and temporary staff of the commission. GECOM determines the terms and conditions of their employment, including the power to discipline and dismiss. The staff are therefore not classified as public servants. Both Section 2 of the Elections Laws (Amendment) Act No. 9 of 2000 and Section 17 of the Elections Laws (Amendment) Act No. 15 of 2000 provide for that this Secretariat be a permanent one to 'ensure institutional memory and capacity'. Because the preparation of the list of electors is based on the registration of persons, GECOM also has the responsibility of registering persons who have attained the age of 14 and issuing them with national identification cards. The National Registration Act (Cap 19:08) provides for the establishment of a National Register, for the issue of identification cards and other related matters, which include the method of revision of the List of Electors.

EMB model:
 GECOM is insulated from executive interference in the performance of its functions. By virtue of Article 226 of the constitution, GECOM, like other constitutional commissions, shall not be subject to the direction and control of any other person or authority. Schedules for the conduct of general, regional and local government elections are decided upon by the commission once a date for the election is announced by the president. Also, it is the commission that decides on the location of polling stations and counting centres, assignment of voters to polling stations, arrangements to be made in and around polling stations and counting centres and all related matters.

	<p>What standards are established in the constitution or other legislation for democratic legitimacy?</p>	<p>See above.</p>
<p>Appointment, tenure and removals</p>	<p>Provisions for the appointment of commissioners:</p>	<p><i>Appointment of the chair:</i> The chair shall be a person who holds, has held or is qualified to hold the office of judge of the High Court or the Court of Appeal or any other fit and proper person who is appointed from a list of six persons, who are not unacceptable to the president, submitted by the leader of the opposition after he has meaningfully consulted with the non-governmental political parties represented in the National Assembly. If the leader of the opposition does not submit such a list of persons, then the president shall appoint a person who holds, has held or is qualified to hold the office of judge of the High Court or the Court of Appeal. The current chairman of the commission was chosen by the president from a list of six persons submitted by the leader of the opposition [see Constitution (Amendment) Act No. 2 of 2000].</p>
	<p>Political status of commissioners:</p>	<p><i>Appointment of the commissioners:</i> In addition to the chair, the Constitution (Amendment) Act No. 2 of 2000 also provides for the appointment of six members of the commission in the following manner: (a) three members appointed by the president, acting in his/her own deliberate judgement; (b) three members appointed by the president acting on the advice of the leader of the opposition after he has meaningfully consulted the non-governmental opposition parties represented in the National Assembly.</p>
	<p>Chair qualifications:</p>	<p>The chair of the Elections Commission shall be a person who holds or who has held office as a judge of a court having unlimited jurisdiction in civil and criminal matters in some part of the Commonwealth, or a court having jurisdiction in appeals from any such court or who is qualified to be appointed as any such judge, or any other fit and proper person, to be appointed by the president from a list of six persons, not unacceptable to the president, submitted by the leader of the opposition after meaningful consultation with the non-governmental political parties represented in the National Assembly. Provided that if the leader of the opposition fails to submit a list as provided for, the President shall appoint a person who holds or has held office as a judge of a court having unlimited jurisdiction in civil and criminal matters in some part of the Commonwealth or a court having jurisdiction in appeals from any such court or who is qualified to be appointed as any such judge. Under the existing provisions, a non-Guyanese cannot be appointed as chairperson or member of the commission.</p>

	<p>Commissioner qualifications:</p> <p>Tenure of chair and commissioners:</p> <p>Provisions for the removal of commissioners:</p> <p>Provisions for the appointment of EMB senior staff:</p> <p>Tenure of EMB senior staff:</p> <p>Provisions for the removal of EMB senior staff:</p>	<p>See above.</p> <p>There is as yet no provision for a time limit or the period that the chair and commissioners are to serve.</p> <p>The chair or any other member of the Elections Commission shall vacate his or her office if any circumstances arise that, if he were not a member of the commission, would cause him/her to be disqualified for appointment as such. The provisions of Article 255 (which relate to removal from office) shall apply to the office of the chair or other members of the Elections Commission. If, by reason of his or her illness, absence from Guyana, or suspension under Article 255 of the constitution, the chair or any other member of the Elections Commission is unable to perform his/her functions as such, a temporary chair or other member, as the case may be, may be appointed in his/her place.</p> <p>Refer to EMB mandate.</p> <p>Whereas the junior staff of the Secretariat are permanent in nature, senior managers are employed on a contractual basis – usually for three-year periods.</p> <p>The commission determines the continuation of employment of senior managers based on the submission of performance appraisals and recommendations of the chief election officer. In the case of the chief election officer, the commission is sole arbiter in determining continued employment.</p> <p>The commission sets and controls its own budget in accordance with specific fiscal laws and under the guidance of the Ministry of Finance.</p> <p>The EMB has financial autonomy, with the authority for re-appropriation of allocated funds.</p> <p>Constitutional (Amendment) Act No. 3 of 2015, which amended the Third Schedule of Article 222 (A) of the constitution.</p> <p>Unicameral</p>
Funding arrangements	<p>Setting and control of EMB's budget:</p> <p>Financial autonomy:</p> <p>Legal provisions for financial autonomy:</p>	
Electoral system	<p>Number of chambers/houses within the legislature:</p>	

<p>Voting system:</p>	<p>Electoral system elections are conducted according to the constitutional provisions, which are supplemented by the laws made by parliament. The major laws among those are the Representation of the People Act (1964), which deals with all aspects of the conduct of elections, and the National Registration Act (1967), which deals mainly with the preparation and revision of electoral rolls. The current electoral system is the product of cross-party agreement on constitutional reform, as catered for by the Herdmanston Accord. This witnessed the relevant parties agreeing to a reformed system, which includes an element of geographic and gender representation. Previously, only 53 of the 65 members of the National Assembly were elected directly, while the remaining 12 were indirectly elected.</p> <p>Under the current system, which was adopted after the amending of the constitution and the Representation of the People Act (Constitution [Amendment] Act No. 3 of 2000 and Election Laws [Amendment] Act No. 15, 2000) in November 2000, all members of the National Assembly are to be directly elected: 25 to be elected from the ten geographic constituencies and the remaining 40 elected from a national 'top-up' list to guarantee a very high degree of proportionality. Any party contesting seats for the National Assembly must validly nominate candidates in six of the geographic constituencies or for 13 of the 25 constituency seats. Furthermore, a third of the candidates validly nominated must be women. On 13 February 2001, conscious of the need to ensure the constitutional requirement for proportionality, the National Assembly further amended the Representation of the People Act, Constitution (Amendment) Act No. 1, 2001, and Representation of the People (Amendment) Act, 2001, to allow the National Assembly to have at least 65 members and allow GECOM to allocate 'overhang seats', if required. Overhang seats would be required if a party wins a disproportional number of constituency seats, thereby giving it an advantage over other parties. Under these circumstances, GECOM would award overhang seats to the national 'top up' to ensure that the advantage is removed.</p>
<p>Amendments to electoral laws:</p>	<p>The commission can propose amendments to the electoral laws. However, any such proposal can only be laid in the National Assembly by a Member of Parliament.</p>
<p>Drafting of electoral regulations:</p>	<p>The chief parliamentary counsel in the Ministry of Legal Affairs is responsible for the drafting of electoral laws/regulations based on recommendations made by the commission.</p>

Electoral disputes	Electoral dispute resolution mechanisms:	Electoral dispute resolution is addressed under the National Assembly (Validity of Elections) Act, Cap. 1:04.
Other issues:		
Secretariat	Administrative autonomy: Women in senior positions: Administrative structure:	<p>Yes</p> <p>Six women (50 per cent)</p> <ul style="list-style-type: none"> • Office of the chairman • Office of the chief election officer/head of the commission's Secretariat • Operations Department comprising information technology, voter registration, logistics, civic and voter education and field operations • Administration and support services • Human Resources Department • Legal Unit • Accounts Department • Public Relations Unit • Internal Audit Security