

**ELECTIONS (AMENDMENT) BILL, 2018**

*(Bill No. 26 of 2018)*

**OBJECTS AND REASONS**

This Bill seeks to amend Section 3 of the Elections Act (Cap 262) and to insert a new Section 92A in order to entrust the Chief Electoral Officer with such duties and functions that are performed by a Chief Executive officer.

**Dated this 6th day of December, 2018.**

**FRANK D.R. ALLY  
ATTORNEY-GENERAL**

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**A BILL**

**OF**

**AN ACT to amend the Elections Act (Cap 262).**

**ENACTED** by the President and the National Assembly.

1. This Act may be cited as the Elections Short title  
(Amendment) Act, 2018.

Amendment  
of Cap 262

2. The Elections Act is amended as follows—

(a) by inserting after section 3(1), the following subsections—

“(1A) The Chief Electoral Officer shall also act as the Chief Executive Officer of the Electoral Commission subject to the supervision of the Electoral Commission.

(1B) Subject to other provisions of this Act the term of office, the duties and other functions of the Chief Electoral Officer shall be as provided in section 92A.

(1C) The term 'Chief Electoral Officer' used in section 92A shall be construed, for the purposes of that section, as the Chief Executive Officer.”;

(b) by inserting after section 92 the following—

**“PART IV A - CHIEF ELECTORAL OFFICER**

Appointment,  
term of office,  
duties and  
functions of the  
Chief Electoral  
Officer

92A.(1) A person shall not be appointed as the Chief Electoral Officer if that person is an office bearer of any registered political party.

(2) The term of office, salary and allowances of the Chief Electoral Officer shall be such as may be determined by the Electoral Commission.

(3) The Chief Electoral Officer shall attend the meetings of the Electoral Commission.

(4) The Chief Electoral Officer

shall, subject to the control and supervision of the Electoral Commission be responsible for the implementation of the decisions of the Electoral Commission.

(5) The Chief Electoral Officer may, with the permission of the Electoral Commission, sign documents other than those relating to the conduct of an election or a referendum, as the case may be, and perform such other functions or duties as the Electoral Commission may assign.

(6) The Chief Electoral Officer shall submit to the Electoral Commission reports on matters relating to the activities of the Electoral Commission.

(7) The Chief Electoral Officer may, subject to the approval of the Electoral Commission, employ such number of other staff, as may be required, for the day to day affairs of the Electoral Commission and shall have general supervision and control over the staff of the Electoral Commission.

(8) The Chief Electoral Officer may, with the approval of the Electoral Commission, determine the terms and conditions of service of other staff of the Electoral Commission.

(9) The Chief Electoral Officer shall be responsible for keeping up-to-date, the records of the Electoral Commission relating to the electoral officers, registration of voters, conduct of an election or a referendum and the funds and grants, if any, received.

(10) The Chief Electoral Officer

shall be responsible for preparing quarterly and annual reports, quarterly and annual statement of accounts and the Electoral Commission Budget.

(11) The Chief Electoral Officer may, subject to the approval of the Electoral Commission, delegate any of his or her duties or functions under this section to any of the staff of the Electoral Commission.

(12) The Electoral Commission shall terminate the appointment of the Chief Electoral Officer, who —

- (a) has been found guilty of any misconduct, default or breach of trust in the discharge of any duties;
- (b) is an undischarged insolvent or bankrupt;
- (c) is convicted of an offence and sentenced to a term of imprisonment of three months or more;
- (d) is absent from three consecutive meetings of the Board without leave from the Chairperson; or
- (e) is mentally or physically incapable of carrying out the functions under this Act.”.