

A BILL
FOR

AN ACT TO AMEND THE PROVISIONS OF THE ELECTORAL ACT NO. 6, 2010 TO FURTHER IMPROVE THE ELECTORAL PROCESS; AND FOR RELATED MATTERS (HB. 1425)

PROVISIONS OF THE PRINCIPAL ACT	PROVISIONS OF THE BILL	COMMITTEE OF THE WHOLE RECOMMENDATION
46. Notice of poll The Commission shall, not later than fourteen days before the day of the election, cause to be published, in such manner as it may deem fit, a notice specifying- (a) the day and hours fixed for the poll; (b) the persons entitled to vote; and (c) the location of the polling units.	Amendment of Section 46 16. Section 46 of the Principal Act is amended by inserting after subsection (1), a new subsection "(2)" <i>"(2) Documentary evidence shall be put in and may be read or taken as read by consent, such documentary evidence shall be deemed demonstrated in open court and the parties in the petition shall be entitled to address and urge argument on the content of the document, and the tribunal or court shall scrutinize or investigate the content of the documents as part of the process of ascribing probative value to the documents or otherwise."</i>	RETAINED

67. Endorsement on rejected ballot paper without official mark (1) The Presiding Officer shall endorse the word "rejected" on the ballot paper rejected under section 54 (1) of this Act and for any other reason and the ballot papers shall not be counted except otherwise allowed by the Returning Officer who may overrule the Presiding Officer. (2) If an objection to the decision of a Presiding Officer to reject a ballot paper is raised by a candidate or a polling agent at the time the decision is made, the Presiding Officer shall add to the word "rejected", the phrase "but objected to". (3) The Presiding Officer shall prepare a statement on rejected ballot papers, stating the number rejected, the reason for rejection and their serial number, he shall, on request, allow a candidate or a polling agent to copy the statement.	Substitution for Section 67 Disputed election 24. Substitute for section 67 of the Principal Act, a new section "67"- <i>67. (1) A Collation Officer or Returning Officer at an election shall collate and announce the result of an election, subject to his verification and confirmation that the-</i> <i>(a) number of accredited voters stated on the collated result are correct and consistent with the number of accredited voters recorded and transmitted directly from polling units under section 49 (2) of this Act; and</i> <i>(b) the votes stated on the collated result are correct and consistent with the votes or results recorded and transmitted directly from polling units under section 63 (4) of this Act.</i> <i>(2) Subject to subsection (1), a Collation Officer or Returning Officer shall use the number of accredited voters recorded and transmitted directly from polling units under section 49 (2) of this Act and the votes or results recorded and transmitted directly from polling units under section 63 (4) of this Act to collate and announce the result of an election if a collated result at his or a lower level of collation is not correct.</i>	RETAINED
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	(3) Where during collation of results, there is a dispute regarding a collated result or the result of an election from any polling unit, the Collation Officer or Returning Officer shall use the following to determine the correctness of the disputed result- (a) the original of the disputed collated result or result for each polling unit where the election is disputed; (b) the Smart Card Reader or other technological device used for accreditation of voters in each polling unit where the election is disputed for the purpose of obtaining accreditation data directly from the Smart Card Reader or technological device; (c) ²data of accreditation recorded and transmitted directly from each polling unit where the election is disputed, as prescribed under section 49 (2) of this Act; and (d) the votes and result of the election recorded and transmitted directly from each polling unit where the election is disputed, as prescribed under section 63(4) of this Act. (4) If the disputed result under subsection (3) were otherwise found not to be correct, the Collation Officer or Returning Officer shall re-collate and announce a new result using the information in subsection (3) (a), (b), (c) and (d).	
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	<i>(5) Where the dispute under subsection (3) arose at the final level of collation and the Returning Officer has satisfied the provision of subsection (3), the Returning Officer shall accordingly declare the winner of the election.</i> <i>(6) A Returning Officer or Collation Officer, as the case may be, commits an offence if he intentionally collated or announce false result is liable on conviction, to a term of at least five years' imprisonment, without an option of a fine."</i>	
140. Nullification of election by Tribunal or Court (1) Subject to subsection (2) of this section, if the Tribunal or the Court as the case may be, determines that a candidate who was returned as elected was not validly elected on any ground, the Tribunal or the Court shall nullify the election. (2) Where an election Tribunal or Court nullifies an election on the ground that the person who obtained the highest votes at the election was not qualified to contest the election, or that the election was marred by substantial irregularities or non-compliance with the provisions of this Act, the election Tribunal or Court shall not declare the person with the second highest votes or any other person as elected, but shall order for a fresh election. (3) If the Tribunal or the Court determines that a candidate who was returned as elected was not	Amendment of Section 140 36. Section 140 of the Principal Act is amended by inserting, after subsection (4), a new subsection "(5)" :- <i>"(5) If, at the point of display or distribution of ballot papers by the Commission, a candidate or his agent discovers that his name or the name or logo of his party is omitted, a candidate or his agent shall notify the Commission and the Commission shall-</i> <i>(a) postpone the election to rectify the omission; and</i> <i>(b) appoint another date to conduct the election, not later than 90 days.</i>	RETAINED

validly elected on the ground that he did not score the majority of valid votes east at the election, the Election Tribunal or the Court, as the case may be, shall declare as elected the candidate who scored the highest number of valid votes cast at the election and satisfied the requirements of the Constitution and this Act. (4) [Deleted by s. 33 (c) of No. 10 of 2010.]		
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