

ELECTORAL AMENDMENT BILL, 2002 (No. 4 of 2002)

[This Bill was published by Government Gazette Extraordinary of 1st March, 2002 - General Notice 98C of 2002. It received its first reading on 25th July, 2002, and was referred to the Parliamentary Legal Committee pursuant to section 40B of the Constitution. As of early September no date had been set for second reading.]

[By Clause 15 the provisions are intended to be back-dated to 4th February 2002, the date of passing of the General Laws Amendment Act, 2002 (the GLA Act), annulled by the Supreme Court on 27th February, 2002.]

[Save for inconsequential redrafting and re-ordering, this Bill repeats the contents of section 3 of the annulled Act. The related sections of the annulled GLA Act are indicated at the appropriate clause.]

[Drafting changes are indicated in red Times New Roman font.]

[Section headings in italicised parentheses have been inserted for convenience and do not form part of the Bill.]

MEMORANDUM

This Bill will amend the Electoral Act [Chapter 2:01] ("the principal Act") in certain respects in the manner described under the individual clauses below:

[Double-click on [blue](#) text to go to clause or return to memorandum.]

1 Short title

This clause sets out the Bill's short title.

2 Amendment of section 3 (Interpretation)

This clause inserts some additional definitions in section 3 of the principal Act.

3 New sections inserted after section 14A (Functions of Commission regarding local authority elections)

This clause seeks to insert additional sections in the principal Act governing the functions of the Electoral Supervisory Commission with respect to the appointment of monitors, the accreditation of observers and voter education.

4 Amendment of section 20 (Residence qualifications)**5 Amendment of section 21 (Claims for registration)**

These clauses seek to amend sections 20 and 21 of the principal Act by empowering the Registrar-General or any constituency registrar to demand from any voter who is registered on the voters' roll, or from any claimant for registration as a voter, proof of identity, qualification as a voter or residence as defined in the new subsection (a1) of Section 20.

6 Amendment of section 26 (Objections by voters)

This clause seeks to simplify the procedure with respect to objections by voters to the retention of any name on the voters' roll. If the constituency registrar upholds the objection, the constituency registrar is not (subject to giving notice to any third party affected by the objection) required to set the objection down for hearing before a magistrate.

7 New section substituted for section 34 (Additional powers to alter voters' rolls)

This clause seeks to insert an additional section in the principal Act to empower the Registrar-General to correct errors or change names or addresses of voters where this becomes necessary to do so, whether on the application of a voter or not, but subject to notice of the fact being published in the Gazette by the Registrar-General. Constituency registrars will be given similar powers.

8 Amendment of section 60 (Procedure at close of poll)

This clause will enable the Registrar-General to approve the type or size of seals used by candidates and election agents to seal ballot boxes, and will additionally allow candidates and election agents to affix their signatures or thumb-prints upon the presiding officer's ballot-box seal.

9 Amendment of section 61 (Applications for postal ballot papers)**10 Amendment of section 62 (Issue of postal ballot papers)**

Clause 9 will restrict the classes of persons who may apply for postal ballots to those away on duty in the military or diplomatic service of the State, or on election duty, and to the spouses of those persons. Clauses 9 and 10 also modify the procedure concerning the application for and issue of postal ballot papers.

11 New sections inserted after section 79 (Constituency registrars and other persons to make declaration of secrecy)**12 New section inserted after section 116 (Bills and placards to have names of printer and publisher)**

This clause seeks to create the new offence of defacing property for political purposes.

13 Insertion of Schedule

This clause seeks to insert additional sections governing the conduct of election agents, polling agents, monitors and observers at elections, for the purpose of which a code of conduct is prescribed in a Schedule to be added to the principal Act. It also makes clear that the absence through their own fault of any candidate, election agent, etc. at the sealing or opening of ballot boxes and the verification of presiding officers' statements, shall not be permitted to cause any delay in these procedures.

14 Minor amendments

Certain minor amendments to the principal Act are effected in a Schedule to this Bill.

15 Saving

This clause deems the provisions in this Bill to have come into force on 4th February, 2002, the date of the original General Laws amendment Act.

BILL

TO AMEND the Electoral Act [*Chapter 2:01*] and provide for matters incidental thereto.
ENACTED by the President and the Parliament of Zimbabwe.

1 Short title

This Act may be cited as the Electoral Amendment Act, 2002.—

2 Amendment of section 3 of Cap. 2:01 [GLA Act s. 3(a)]

Section 3 (*Interpretation*) of the Electoral Act [*Chapter 2:01*] (hereinafter called “the principal Act”) is amended by the insertion in subsection (1) of the following definitions—

“**Commission**” means the Electoral Supervisory Commission appointed in terms of section 61 (*Electoral Supervisory Commission*) of the Constitution;

“**counting centre**” means any place notified by a constituency registrar in terms of section 73 (*Counting and rejection of votes*) as a place where the counting of votes will take place;

“**electoral officer**” means the Registrar-General, a constituency registrar, presiding officer, polling officer or counting officer;

“**monitor**” means a person appointed and accredited as a monitor in terms of section 14B (*Functions of Commission regarding monitors*);

“**observer**” means a person accredited as an observer in terms of section 14C (*Functions of Commission regarding observers*);”.

3 New sections inserted after section 14A of Cap. 2:01 [GLA Act s. 3(d)]

The principal Act is amended by the insertion after section 14A (*Functions of Commission regarding local authority elections*) of the following sections—

“14B Functions of Commission regarding monitors

(1) In this section—

“**monitor**”, in relation to any election, means, subject to such conditions as may be prescribed—

- (a) monitor the conduct of the polling at any polling station or counting centre for the purpose of detecting any irregularity in the conduct of the poll or the counting of the votes; and
- (b) be present at the verification of statements of presiding officers and the counting of votes cast at the election in terms of sections 72 (*Procedure on receipt of ballot boxes after poll*) and 73 (*Counting and rejection of votes*); and
- (c) bring any irregularity or apparent irregularity in the conduct of the poll or the counting of the votes to the attention of the presiding officer or constituency registrar and request that appropriate corrective action to redress that irregularity, if any, ~~is~~ be taken; and
- (d) report on any irregularity or apparent irregularity in the conduct of the poll or the counting of the votes to the Commission and on any corrective measures taken to redress the irregularity by the presiding officer or constituency registrar.

(2) The Commission shall appoint, accredit and deploy in each polling station members of the Public Service to act as monitors.

(3) The Commission shall forthwith inform the Registrar-General in writing of the names of the monitors it has appointed and accredited in terms of this section.

(4) No individual may monitor any election, or be permitted to enter and remain at any polling station or counting centre as a monitor, unless such person is ~~appointed and~~ accredited by the Commission before the commencement of the poll as a monitor and his appointment and accreditation is verified by the Registrar-General, for which purpose such individual shall—

- (a) report to the Commission at the time and place notified by the Commission and—
 - (i) be furnished with a copy of, or made aware of the contents of, the code of conduct prescribed in the Schedule; and
 - (ii) if so required by the Commission, attend a course on electoral law and procedure, approved or provided by the Commission; and
- (b) report to the Registrar-General at the time and place notified by the Registrar-General and furnish the Registrar-General with proof of appointment as a monitor in terms of subsection (2).

(5) Upon satisfaction of the requirements of paragraph (a) [of] subsection (4) the Commission shall issue the individual concerned with an accreditation certificate confirming that the applicable requirements have been satisfied by that individual and specifying the period during which such individual is accredited as a monitor.

(6) Every monitor shall exhibit his accreditation certificate to any electoral officer who demands to see it.

(7) Not more than four monitors shall be permitted—

- (a) to enter or remain at any polling station;
- (b) to be present for the counting of votes at a counting centre.

14C Functions of Commission regarding observers

(1) In this section—

“**observe**”, in relation to any election, means, subject to such conditions as may be prescribed—

- (a) observe the conduct of the polling at the election; and
- (b) be present at the verification of statements of presiding officers and the counting of votes cast at the election in terms of sections 72 (*Procedure on receipt of ballot boxes after poll*) and 73 (*Counting and rejection of votes*); and
- (c) bring any irregularity or apparent irregularity in the conduct of the poll or the counting of the votes to the attention of the monitor on duty or the Commission.

(2) The Commission shall, for the purpose of subsection (5), establish a committee, called "the Observers' Accreditation Committee", consisting of—

- (a) the chairman of the Commission, who shall be the chairman of the Committee; and
- (b) two persons nominated by the Minister; and
- (c) two persons nominated by the Minister responsible for foreign affairs.

(3) A decision of the Observers' Accreditation Committee shall, unless the Commission amends or rescinds the decision, be deemed to be a decision of the Commission.

(4) Each member of the Observers' Accreditation Committee may appoint a person as an alternate member of the Committee, and any such alternate member may act as a member during any period that a substantive member is unable to exercise his functions.

(5) The function of the Observers' Accreditation Committee shall be to accredit as observers—

- (a) individuals representing foreign countries or international or regional organisations that have been invited by the Minister responsible for foreign affairs to observe any election; and
- (b) individuals representing bodies in the region that exercise functions similar to those of the Commission and that have been invited by the Commission to observe any election; and
- (c) eminent persons from outside Zimbabwe who have been invited by the Minister responsible for foreign affairs to observe any election; and
- (d) eminent persons from within Zimbabwe who have been invited by the Minister to observe any election; and
- (e) individuals representing local organisations that have been invited by the Minister to observe any election.

(6) No individual, other than an election agent, polling agent or monitor, may observe any election, or be permitted to enter and remain at any polling station or counting centre as an observer, unless such person is accredited by the Observers' Accreditation Committee before the commencement of the poll as an observer, for which purpose such individual shall—

- (a) report to the Committee at the time and place notified by the Committee; and
- (b) furnish the Committee with proof of the appropriate invitation referred to in paragraph (a), (b), (c), (d) or (e) of subsection (5); and
- (c) be furnished with a copy of, or made aware of the contents of, the code of conduct prescribed in the Schedule; and
- (d) pay the prescribed accreditation fee.

(7) Upon satisfaction of the requirements of subsection (6) the Observers' Accreditation Committee shall issue the individual concerned with an accreditation certificate confirming that the applicable requirements have been satisfied by that individual and specifying the period during which such individual is accredited as an observer.

(8) Every observer shall exhibit his accreditation certificate to any electoral officer who demands to see it.

(9) Not more than three observers comprising individuals invited by the authorities referred to in paragraphs (a), (b), (c), (d) and (e) of subsection (5) shall be permitted—

- (a) to enter or remain at any polling station;
- (b) to be present for the counting of votes at a counting centre.

14D Functions of Commission regarding voter education

(1) In this section—

"foreign contribution or donation" means a donation or contribution made by—

- (a) a person who is not a permanent resident or citizen of Zimbabwe domiciled in Zimbabwe; or
- (b) a company which is not incorporated in Zimbabwe or, if so incorporated, does not carry on business in Zimbabwe; or
- (c) any association of persons, whether incorporated or unincorporated, that does not consist exclusively of permanent residents or citizens of Zimbabwe, domiciled in Zimbabwe;

"local contribution or donation" means a donation or contribution that is not a foreign donation or contribution;

"voter education" means any course or programme of instruction on electoral law and procedure aimed at voters generally and not offered as part of a course in law, civics or other subject for students at an educational institution;

"voter education materials" means printed, aural, visual or audio-visual materials intended for use in voter education.

(2) It shall be one of the functions of the Commission to provide voter education for the purpose of any election.

(3) The Commission may appoint any person to assist it in providing voter education.

(4) No person other than the Commission or a person appointed in terms of subsection (3), a political party, or person registered in terms of this section shall provide voter education.

(5) No foreign contribution or donation for the purposes of voter education shall be made except to the Commission, which may allocate such contribution or donation to any person registered in terms of this section.

(6) Any person who provides voter education in contravention of subsection (4) or receives any contribution or donation in contravention of subsection (5) shall be guilty of an offence and liable to a fine not exceeding \$10,000 or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

(7) The Commission shall produce its own voter education materials or course or programme of instruction for use in voter education.

(8) No person shall be qualified to be registered in terms of this section, or continue to be so registered, unless—

- (a) such person is a citizen or permanent resident of Zimbabwe domiciled in Zimbabwe, or an association of persons, whether incorporated or unincorporated, consisting exclusively of citizens or permanent residents of Zimbabwe, domiciled in Zimbabwe; and
- (b) in the case of a private voluntary organisation registered in terms of the Private Voluntary Organisations Act [*Chapter 17:05*], the constitution of such organisation specifically mandates it to provide voter education; and
- (c) in the case of a lawfully constituted trust, whether or not registered in terms of any law, the deed of trust specifically mandates it to provide voter education; and
- (d) such person uses voter education materials furnished or approved by the Commission and employs individuals who are citizens or permanent residents of Zimbabwe to conduct any voter education; and
- (e) such person conducts voter education in accordance with a course or programme of instruction furnished or approved by the Commission; and
- (f) the proposed voter education activities of such person are, subject [to] subsection (5), funded solely by local contributions or donations; and
- (g) no fee or charge is levied for the provision of voter education or voter education materials.

(9) A person proposing to be registered in terms of this section shall apply in the prescribed manner and—

- (a) satisfy the Commission that it is not disqualified in terms of paragraph (a), (b), (c) or (f) of subsection (8); and
- (b) furnish the Commission with copies of all the voter education materials proposed to be used and particulars of the course or programme of instruction in accordance with which the voter education will be conducted; and
- (c) furnish the Commission with all the names, addresses, citizenship or residence status and qualifications of the individuals who will conduct voter education; and
- (d) disclose the manner and sources of funding of its proposed voter education activities; and
- (e) pay the prescribed registration fee, if any.

(10) On receipt of an application in terms of subsection (9), the Commission shall, if it is satisfied that the applicant is not disqualified in terms of subsection (8) and that the voter education materials proposed to be used by the applicant and the course or programme of instruction in accordance with which the voter education will be conducted are adequate and not misleading or biased in favour of any political party, register the applicant.

(11) If the Commission is not satisfied as to any matter referred to in subsection ~~(4)~~ (9), it shall reject the application and forthwith notify the applicant giving the reasons for its decision.

(12) Any person aggrieved by a decision of the Commission in terms of subsection (11) shall have a right of appeal to the High Court from that decision.”.

4 Amendment of section 20 of Cap. 2:01

Section 20 of the principal Act (*Residence qualifications*) is amended—

- (a) by the insertion before subsection (1) of the following subsection— [*GLA Act s. 3(e)(i)*]

“(a1) In this section and section 21 (*Claims for registration*)—

“**proof of identity**” means a passport, identity document issued in terms of section 7 (*Issue of identity documents*) of the National Registration Act [*Chapter 10:17*] or driver’s licence issued in terms of the Road Traffic Act [*Chapter 13:11*];

“**proof of qualification as a voter**” means a passport or identity document issued in terms of section 7 (*Issue of identity documents*) of the National Registration Act [*Chapter 10:17*];

“**proof of residence**”, in relation to a constituency, means proof by way of—

- (a) a receipt or demand for payment of any rate in terms of the Urban Councils Act [*Chapter 29:15*], rate or levy in terms of the Rural District Councils Act [*Chapter 29:13*], or charge for the provision of electricity, in the name of the owner of the property concerned (or in the case of an occupier other than the owner, such a receipt or demand in the name of the owner accompanied by a written statement of the owner confirming the occupation of the property by the occupier); or
- (b) a sworn statement by the employer of the voter or claimant confirming the voter’s or claimant’s address; or
- (c) a sworn statement by the voter or claimant confirming his address or place of residence; or
- (d) a bank statement, hospital bill or envelope with a post marking, bearing the name of the voter or claimant and the voter’s or claimant’s address, or such other proof of residence as may be prescribed; or
- (e) a verbal or written statement of the name of the chief, headman and, if applicable, village head of the area and village where the voter or claimant resides[.]”;

- (b) by the insertion after subsection (3) of the following subsection— [*GLA Act s. 3(e)(ii)*]

“(4) The Registrar-General or any constituency registrar may demand from any voter who is registered on the voters’ roll for a constituency proof of identity, proof of qualification as a voter, proof of residence in that constituency or all or any combination of the foregoing.”.

5 Amendment of section 21 of Cap. 2:01 [GLA Act s. 3(f)]

Section 21 (*Claims for registration*) of the principal Act is amended by the insertion after subsection (6) of the following subsection—

“(7) The Registrar-General or any constituency registrar may demand from any claimant proof of identity, proof of qualification as a voter, proof of residence in a constituency or all or any combination of the foregoing.”.

6 Amendment of section 26 of Cap. 2:01 [GLA Act s. 3(g)]

Section 26 (*Objections by voters*) of the principal Act is amended by the repeal of subsection (3) and the substitution of—

“(3) If an objection in terms of subsection (1) is lodged and—

(a) the constituency registrar upholds the objection, he shall give written notice accordingly to—

- (i) the voter who has objected and refund the whole of the sum deposited in terms of paragraph (c) of subsection (2) or, where the effect of upholding the objection is to strike the name of the person to whom the objection relates off the voters' roll or to place it on another voters' roll, refund half such sum; and
- (ii) the person to whom the objection relates, where the effect of upholding the objection is to strike his name off the voters' roll or to place it on another voters' roll:

Provided that if the voter who has objected returns the sum to the constituency registrar accompanied by a written notice to the effect that he wishes the objection to be heard, or if the person to whom the objection relates gives the constituency registrar notice to the effect that he wishes the objection to be heard, paragraph (b) shall apply as if the constituency registrar did not uphold the objection;

(b) the constituency registrar does not uphold the objection, he shall—

- (i) forthwith set down the objection for hearing before a designated magistrate of the province in which the person to whom the objection relates resides; and
- (ii) the designated magistrate shall appoint a day and place for the hearing, the day so appointed being not more than 30 days after the date of lodging of the objection.”.

7 New section substituted for section 34 of Cap. 2:01 [GLA Act s. 3(h)]

Section 34 (*Additional powers to alter voters' rolls*) of the principal Act is repealed and the following is substituted—

“34 Additional powers to alter voters' rolls

(1) In addition to other powers of alteration conferred by this Part, a voters' roll may be altered—

- (a) by the Registrar-General at any time to correct any error or omission or to change (whether on the oral or written application of a voter or not) the original name or address of the voter to an altered name or address;
- (b) by the constituency registrar at any time by correcting any obvious mistake or omission, or by changing, on the written application of a voter, the original name or address of the voter to an altered name or address;
- (c) by the constituency registrar at any time except during the period between the issue of a proclamation referred to in section 38 (*General elections*) or 39 (*Vacancies and by-elections*) and the close of polling at the election fixed by any such proclamation, by striking out the name of any person, on proof that he has become qualified for and has secured registration on another voters' roll.

(2) In the case of an alteration in terms of paragraph (a) of subsection (1) made otherwise than on the oral or written application of a voter, or paragraph (b) of subsection (1), a notice of the fact shall be published in the *Gazette* by the Registrar-General or constituency registrar, as the case may be.”.

8 Amendment of section 60 of Cap. 2:01 [GLA Act s. 3(j)]

Section 60 (*Procedure at close of poll*) of the principal Act is amended in subsection (2) by the repeal of paragraph (a) and the substitution of—

“(a) close and seal the aperture in the ballot box and affix his seal thereto and permit any such candidates and election agents to affix their signatures or thumb-prints upon the presiding officer's seal or to affix their seals to the aperture of the ballot box:

Provided that any seal of a candidate or election agent shall be of the type or size prescribed, or approved by the Registrar-General;”.

9 Amendment of section 61 of Cap. 2:01

Section 61 (*Applications for postal ballot papers*) of the principal Act is amended—

(a) by the repeal of subsection (2) and the substitution of— **[GLA Act s. 3(k)(i)]**

“(2) When an election is to take place in a constituency, a voter ordinarily resident in Zimbabwe who is resident in that constituency or was, within 12 months of the polling day or first polling day, as the case may be, fixed in relation to that constituency, resident therein and has good reason to believe that he will be absent from the constituency or unable to attend at the polling station by reason of being—

- (a) on duty as a member of a disciplined force or as a constituency registrar, presiding officer, polling officer or counting officer; or
- (b) absent from Zimbabwe in the service of the Government of Zimbabwe; or
- (c) a spouse of a person referred to in paragraph (a) or (b);

may apply to the Registrar-General for a postal ballot paper:

Provided that applications for postal ballot papers by members of a disciplined force may be made to the Registrar-General through their commanding officers.”;

- (b) in subsection (3) by the deletion in paragraph (c) of “reach the constituency registrar concerned not later than noon on the day before the polling day or first polling day” and the substitution of “reach the Registrar-General not later than noon on [the] tenth day before the polling day or first polling day”; **[GLA Act s. 3(k)(ii)]**
- (c) in subsection (6) by the deletion of “constituency registrar” wherever it occurs and the substitution of “Registrar-General”. **[GLA Act s. 3(k)(iii)]**

10 Amendment of section 62 of Cap. 2:01 [GLA Act s. 3(l)(i)]

Section 62 (*Issue of postal ballot papers*) of the principal Act is amended in subsection (1) by the deletion of “If the constituency registrar is satisfied, in regard to an application received by him not later than noon on the day before the polling day or first polling day” and the substitution of “If the Registrar-General is satisfied, in regard to an application received by him not later than noon on the third day before the polling day or first polling day”.

11 New sections inserted after section 79 of Cap. 2:01 [GLA Act s. 3(p)]

The principal Act is amended by the insertion after section 79 (*Constituency registrars and other persons to make declaration of secrecy*) of the following sections—

“79A Conduct of election agents, polling agents, monitors and observers at elections

(1) Every election agent, polling agent, monitor and observer appointed or accredited for the purpose of any election shall be bound by the code of conduct set out in the Schedule.

(2) Any election agent, polling agent, monitor or observer who contravenes any provision of the code of conduct set out in the Schedule shall be guilty of an offence and liable to a fine not exceeding \$100,000 or to imprisonment for a period not exceeding five years or to both such fine and such imprisonment.

(3) Additionally or alternatively to any prosecution for an offence in terms of subsection (2), contravention of any provision of the code of conduct set out in the Schedule shall, notwithstanding anything contained in this Act, constitute grounds for an electoral officer to exclude any polling agent, monitor or observer from any polling station or counting centre.

79B Absence of election agents, polling agents, monitors and observers at opening and closing of ballot boxes, etc.

For the avoidance of doubt it is declared that the failure by any person entitled in terms of paragraph (b) of subsection (1) of section 55 (*Conduct of poll*) to be present on time—

- (a) at the sealing or opening of the ballot boxes in terms of subsection (4) of section 54 (*The ballot box*); or
- (b) at the sealing of the ballot boxes in terms of paragraph (a) of subsection (2) of section 60 (*Procedure at close of poll*) or of the packets referred to in paragraph (b) of that subsection; or
- (c) at the verification of the statements referred to in subsection (1) of section 72 (*Procedure on receipt of ballot boxes after poll*) and at the counting of votes in terms of that section;

shall not prevent the electoral officer concerned from proceeding in the absence of such person.”.

12 New section inserted after section 116 of Cap. 2:01 [GLA Act s. 3(q)]

The principal Act is amended by the insertion after section 116 (*Bills and placards to have names of printer and publisher*) of the following section—

“116A Defacing property for political purposes

(1) Any person who, with the object of supporting or opposing any political party, political cause or candidate, whether or not in reference to any election, places any bill, placard, poster, pamphlet, circular or other document, writing or painting on, or otherwise defaces, any house, building, wall, fence, lamp-post, gate or elevator without the consent of the owner or occupier thereof, shall be guilty of an offence and liable to a fine not exceeding \$100,000 or to imprisonment for a period not exceeding five years or to both such fine and such imprisonment.

(2) Subject to Part XIX of the Criminal Procedure and Evidence Act [*Chapter 9:07*], a court which has convicted a person of any offence in terms of subsection (1) shall forthwith award compensation, including the costs of restoring the property to its former condition, to any person whose right or interest in property of any description has been lost or diminished as a direct result of the offence.”.

13 Insertion of Schedule in Cap. 2:01 [GLA Act s. 3(r)]

The principal Act is amended by the insertion of the following Schedule—

“SCHEDULE (Sections 14B(4)(a)(i), 14C(6)(c) and 79A)

CODE OF CONDUCT FOR ELECTION AGENTS, POLLING AGENTS, MONITORS AND OBSERVERS

1. An election agent, polling agent, monitor or observer shall obey every lawful instruction of an electoral officer.
2. An election agent, polling agent, monitor or observer shall not hinder or obstruct an electoral officer in the lawful conduct of his or her functions.
3. No monitor or observer shall wear any apparel sporting a prohibited symbol or apparel indicating any affiliation with a candidate or political party participating in the poll, nor in any other way canvass for any candidate or political party while monitoring or observing the poll.
4. An election agent or polling agent shall not wear any apparel sporting a prohibited symbol or indicating any affiliation with a candidate or political party participating in the poll, but may wear such identification label or badge as is sufficient to indicate the candidate or political party he or she represents.
5. An election agent or polling agent shall not, within the polling station or within 100 metres of any **poll-station polling station**, canvass for any candidate or political party.
6. An election agent, polling agent, monitor or observer shall not obstruct or accost any voter at a polling station or on his or her way thereto or therefrom nor interview any voter at a polling station.

7. An election agent, polling agent, monitor or observer shall not do anything which compromises the secrecy of the ballot.
8. If an election agent, polling agent or monitor considers that there has been any irregularity in the conduct of the poll or the counting of the votes, the election agent, polling agent or monitor shall not bring such irregularity or apparent irregularity to the attention of any electoral officer other than the presiding officer or constituency registrar.
9. If an observer considers that there has been any irregularity in the conduct of the poll or the counting of the votes, the observer shall bring such irregularity or apparent irregularity to the attention of a monitor on duty at the polling station or counting centre concerned and not to the attention of any electoral officer.
10. Not more than one polling agent for any candidate shall be permitted to be in a polling station or to witness the verification of statements of presiding officers and the counting of votes, as the case may be, at any time.
11. A polling agent may not be present at the verification of the statements or the counting of the votes at an election for which his candidate was not nominated.
12. In the case of an election to the office of President—
 - (a) a candidate's provincial or constituency election agents shall not be permitted to enter any polling station, nor witness the verification of statements of presiding officers or the counting of votes, outside the province or constituency, as the case may be, for which they were appointed;
 - (b) not more than the prescribed number of the candidate's polling agents may be present at the counting of votes.
13. An election agent, polling agent, monitor or observer shall, generally, conduct himself or herself in a manner conducive to the peaceful, dignified and orderly conduct of the poll.”.

14 Minor amendments to Cap. 2:01

The provisions of the principal Act specified in the first column of the Schedule are amended to the extent specified opposite thereto in the second column of the Schedule.

15 Saving

The provisions of this Act shall be deemed to have come into effect on the 4th February, 2002.

SCHEDULE (Section 14)

MINOR AMENDMENTS

<i>Provision</i>	<i>Extent of amendment</i>
Section 6 (<i>Interpretation in Part III</i>)	By the repeal of the definition of “Commission”. [GLA Act s. 3(b)] - [This definition is reinserted by s.2 above into s.3 of the Act (Interpretation).]
Section 11(1) (<i>Staff of Commission</i>)	By the insertion after “Minister” of “or any other Minister”. [GLA Act s. 3(c)]
Section 59(1) (<i>Voting by physically incapacitated or illiterate voters</i>)	By the insertion after “presiding officer” wherever it occurs of “, in the presence of a monitor and a police officer on duty at the polling station”. [GLA Act s. 3(i)]
Sections 62(3) and (4) (<i>Issue of postal ballot papers</i>), 63 (<i>Refusal of application for postal ballot paper</i>) and 64(2) (<i>Recipients of postal ballot papers not entitled to vote at polling stations</i>)	By the deletion of “constituency registrar” and the substitution of “Registrar-General”. [GLA Act ss. 3(l)(ii), 3(l)(iii), 3(m) and 3(n)]
Section 62(5) (<i>Issue of postal ballot papers</i>)	By the deletion of “constituency registrar” wherever it occurs and the substitution of “Registrar-General”. [GLA Act s. 3(l)(iv)]
Section 78(4) (<i>Custody and disposal of ballot and other papers</i>)	By the deletion of “six months” and the substitution of “two years”. [GLA Act s. 3(o)]