

## THE ELECTORAL COMMISSION (INTERIM) ACT

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THE ELECTORAL COMMISSION (INTERIM)  
ACTAct  
11 of 2006.

[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

Duration of  
this Act.

and shall then expire.

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 Com-  
mission.

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.

(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
- (f) encourage respect for the rule of law.

Appointment  
and functions  
of the  
Director.  
First  
Schedule.

7.—(1) There shall be a Director of Elections (hereinafter referred to as the Director) who shall be appointed by the Governor-General in accordance with paragraph 1 of the First Schedule.

(2) The Director shall receive such emoluments and be subject to such other terms and conditions of service as may from time to time be prescribed by or under any law or by affirmative resolution of the House of Representatives.

(3) The Director shall be responsible to the Commission for—

- (a) the day-to-day operation of the Electoral Office of Jamaica, including the training and promotion of staff;
- (b) taking measures to reduce the risk of violations of confidentiality;