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8 June 1993

ECS/ga 1/420

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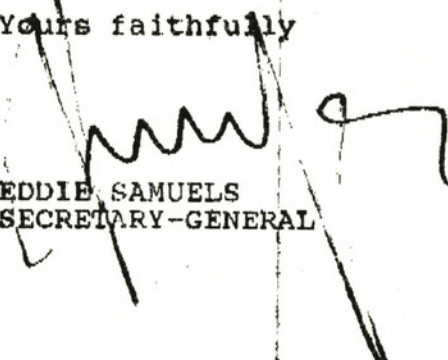
Dear Sir

FURTHER COMMENTS: INDEPENDENT ELECTORAL COMMISSION BILL

Attached for the attention of the relevant Technical Committee, please find our further comments on the draft Independent Electoral Commission Bill.

Please note that words underlined indicate insertions, while words in square brackets indicate omissions in the Draft Bill.

Yours faithfully


EDDIE SAMUELS
SECRETARY-GENERAL

4. Establishment of Commission

This Act establishes a body to be known as "The Independent Electoral Commission", which shall be a juristic person.

6. Independence of the Commission

6.1. The Commission shall function as an institution independent of and separate from the State, the Government, the Council or any subordinate Ministry, local authority, sub-council, department or organ thereof and any political organisation.

6.3. Notwithstanding the foregoing, the Commission, shall have a duty to submit written reports upon its acts and decisions to the Council and/or the Forum, to Parliament and the State President, and shall represent public documents.

7.3. It shall be a (fundamental) precondition to the appointment and eligibility of every member of the Commission.

7.3.1 That they shall serve impartially in their individual personal capacities (notwithstanding party affiliation, secondment or nomination) and that all voting and decision-making shall be undertaken in (absolute) good faith, (and) without fear, favour bias or prejudice.

- 7.4. The State President, acting on the advice of the Forum, shall designate one(1) member of the Commission as Chairperson and another member as Vice-Chairperson. In the absence of both the designated Chairperson and Vice-Chairperson, the remaining members of the Commission shall nominate and if necessary vote for another of their member as acting Chairperson.

8. Terms of the Commission

The Commission shall come into being upon a date to be fixed by the State President upon the advice of the Council or Forum by proclamation of the Gazette, and its appointment shall continue until it has completed its mandate and its dissolved by the State President upon the advice of the Council or Parliament;

- 9.1.3.4 any registered political party or any 100 (one hundred) eligible voters, provided that no such application by such Party or such voters, shall be heard save with leave of the Chief Justice, who shall first be required to certify as to the existence of probable cause.

13. Accountability and Finance

13.1 The Commission shall determine and submit estimates of anticipated expenditure to the Councils for its approval. These estimates must be related to (Estimates of its anticipated expenditure in carrying out) its duties and functions to be carried out in terms of this Act, covering such periods as may be appropriate and subject to amendments as may be necessary from time to time.

13..4 The Accounting Officer shall ensure that the Commission keeps full and proper records of all its expenditures and of all assets, liabilities and financial transaction, and prepares periodic financial statements in the format required by the Auditor-General, and generally takes appropriate steps to ensure that all reasonable management measure are adopted so that assets, services and resources are obtained, safeguarded and utilised in the most economic efficient and effective manner, and that the requirements of the Auditor-General are duly satisfied.

14. Guarantee by State

The State shall guarantee where necessary (required), all commitments and liabilities of the Commission.

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15.6 In general, perform such acts as may be necessary (or expedient) for the achievement of its objects.

17.1 The education of the (voter) public concerning democratic principles and values, and the electoral process; including free and peaceful political campaigning; the secrecy of voting and other relevant matter, utilising such means and media as it may deem appropriate, including the distribution and publication of suitable literature, advertisement, and otherwise through radio, television and public print media.

17.16 The promulgation of appropriate regulations governing political advertising which shall be determined in consultation with the Independent Media Commission.

New sub-section 24.1.6

acts in any fraudulent way in regard to voting procedures, polling stations and voting equipment;