

Press Release



No Decision by GECOM to Use Electronic Fingerprinting at Place of Poll and on the Demarcation of Boundaries for Local Government Elections

9th December, 2022, GEORGETOWN – The Guyana Elections Commission (GECOM) has noted the publication of two separate articles by the Kaieteur News; one on Thursday, December 8, 2022 with the heading **“GECOM agrees to use electronic fingerprinting at the place of poll....”** and the other on Friday, December 9, 2022, bearing the headline, **“GECOM rules Local Govt. Minister has no power to demarcate boundaries”**.

In this regard, it is of crucial importance for the sake of clarity aimed at dispelling the misinformation carried in both articles to be provided for the benefit of all stakeholders as follows: -

With specific reference to the call for the introduction of a biometric identification system at every Polling Station, the decision given by the Chairman was that if such a system were to be introduced at the place of poll as a requirement for persons to vote, persons will be unable to vote in that in any absence/failure of such a means of identification, and that this would be contrary to the Constitution, as was absolutely clear in the decision in the Esther Perreira case.

Referring to the Esther Perreira case, the Chairman recalled that the decision established that in accordance with Articles 59 and 159 of the Constitution once a person is 18 years and is registered that person is entitled to vote at an election. If, on the other hand, a biometric identification system was to be used as an alternative means of identification, so that persons will be permitted to be identified by additional means and be allowed to exercise their right to vote even in the absence of such biometric identification, then the introduction of biometric identification at the Polling Stations **might be permissible**. But this would simply be another means of identification for which the legislation does not currently provide, this will require legislative amendment.

Notwithstanding her considerations, the Chairman was very clear that she does not support the calling for legislative provision to be made before a feasibility study is done to assess whether the introduction of biometric identification at Polling Stations is something that can be done effectively.

On the other matter, in giving her decision on whether the Minister of Local Government acted in contravention of the laws, the Chairperson explained that the powers given to the Minister and the Commission are different and not in conflict. She explained that the Minister has power to divide Guyana into areas as provided for, considering the factors specified by Article 72(2) of the Constitution in defining the boundaries of those areas. This includes the power to define and/or modify the boundaries of neighbourhoods and people’s co-operative units within those neighbourhoods, and the establishment of local democratic organs for those.

The Chairman further posited that, on the other hand, the Commission only has the power to combine or subdivide those divisions within neighbourhoods, and municipalities, to form constituencies.

It follows therefore that the Commission can only exercise its powers after the Minister had demarcated and defined the boundaries of the electoral divisions within the local authority area. The Commission cannot ignore those divisional boundaries and arbitrarily set its own. The Commission's constituencies must be based on and reference the boundaries of the electoral division that have either been combined or subdivided to form the constituencies.

Addressing some existing concerns regarding the recently gazetted orders of the Minister, in which he made changes to the existing Local Authority Areas, and at the same time may have identified changes to those constituencies within the Local Authority Areas, the Chairman pointed out that those changes made to the boundaries of the local authority areas, and any changes to electoral divisions within those Local Authority Areas, are within the legal authority of the Minister.

She emphasized however, that **if** the Minister sought to form or change the configuration of constituencies within those areas, he would have usurped the power granted to the Commission to combine and sub-divide electoral divisions to form constituencies. **If** such were the case, the Minister would have acted outside of his legal remit.
