

2024 ELECTORAL COMMISSION ACT
COMMONWEALTH OF DOMINICA

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

1. Short title.
2. Interpretation.

PART II

THE ELECTORAL COMMISSION

3. The Electoral Commission.
4. Objective of Commission.
5. Functions of Commission.
6. Commission not subject to direction or control.
7. Chief Elections Officer.
8. Staff of Commission.
9. Oath of secrecy.
10. Validity of documents.
11. Protection from personal liability.

PART III

FINANCIAL PROVISIONS

12. Electoral Commission Fund.
13. Annual estimates.
14. Accounts and audit.

PART IV

MISCELLANEOUS

15. Annual report.
16. Regulations, directives, etc.
17. Code of conduct.
18. Disclosure of interest.
19. Saving.

FIRST SCHEDULE - *Electoral Commission*
SECOND SCHEDULE - *Forms of Oath*
THIRD SCHEDULE - *Code of Conduct*

2024 ELECTORAL COMMISSION ACT

COMMONWEALTH OF DOMINICA

ACT NO. OF 2024.

BILL

FOR

AN ACT TO MAKE PROVISION FOR THE EFFECTIVE OPERATION OF THE ELECTORAL COMMISSION ESTABLISHED BY SECTION 56 OF THE CONSTITUTION, AND FOR CONNECTED PURPOSES.

(Gazetted , 2024.)

BE IT ENACTED by the Parliament of the Commonwealth of Dominica as follows:

PART I

PRELIMINARY

1. This Act may be cited as the

Short title.

ELECTORAL COMMISSION ACT, 2024.

2024 ELECTORAL COMMISSION ACT

Interpretation.

2. In this Act, unless the context otherwise requires –

“candidate” means a candidate for an election;

“Chief Elections Officer” means the officer referred to in section 7;

Third Schedule

“Code of Conduct” means the *Code of Conduct* set out in the Third Schedule;

“Commission” means the Electoral Commission established under section 56(1) of the Constitution and referred to in section 3;

“election” means an election of Representatives or, where the Parliament so prescribes under section 34 (1) of the Constitution, of Senators;

“election officer” means an enumerator, registering officer, returning officer, election clerk, poll clerk, presiding officer or other person having any duty to perform pursuant to any written law relating to the registration of electors or the conduct of elections, to the faithful performance of which duty the person may be sworn;

“elector” means any person whose name is on a register or list of electors for the time being in force;

“financial year” means the period of twelve months ending on 30th June in each year;

“functions” includes powers and duties;

“Fund” means the fund established under section 12;

“House” means the House of Assembly;

2024 ELECTORAL COMMISSION ACT

“public office” means any office of emolument in the public service;

“public officer” means a person holding or acting in a public office;

“Representative” means a Representative of the House elected pursuant to section 33 (1) of the Constitution;

“secretary” means the secretary appointed under section 8 (1); and

“Senator” means a Senator elected pursuant to section 34 (1) of the Constitution.

PART II

ELECTORAL COMMISSION

First Schedule

3. The Electoral Commission established under section 56 (1) of the Constitution shall be constituted in accordance with that section and the provisions of the First Schedule shall have effect as to the procedure of the Commission and otherwise in relation thereto.

The Electoral
Commission.
First Schedule.

4. The objective of the Commission is to safeguard the democratic foundations of Dominica by organising, directing, supervising, managing and controlling the registration of electors, the conduct of elections and the conduct of referenda, in a free, fair, independent, credible, transparent and impartial manner.

Objective of
Commission.

5. (1) The Commission –

Functions of
Commission.

(a) pursuant to section 38 (1) of the Constitution, shall be responsible for the registration of electors for the purpose of electing Representatives and for

the conduct of elections, and shall have such other functions relating to such registration and elections as may be prescribed by law;

- (b)* as authorised under section 38 (4) of the Constitution, may make such report to the President concerning the matters for which it is responsible under the Constitution, and may request that such report (except a report that relates to a draft bill or instrument) be laid before the House; and
- (c)* pursuant to section 51 of the Constitution, shall review and make comments on any proposed bill and every proposed regulation or other instrument relating to the registration of electors that is referred to it.

(2) In the exercise of the functions specified in the Constitution, the Commission shall –

- (a)* ensure compliance by the Chief Elections Officer, election officers, political parties and candidates with the relevant laws;
- (b)* supervise and control the disclosure and dissemination of information regarding electoral matters and establish and maintain the necessary facilities for collecting and disseminating the information;
- (c)* make use of appropriate technology for the purpose of electing Representatives and Senators;
- (d)* promote voter education in respect of elections and the electoral process;
- (e)* establish and maintain liaison and co-operation

with political parties, the media and the public;

- (f) undertake and promote research into electoral matters;
- (g) enforce any code of conduct provided in this Act;
- (h) take steps to ensure that there are secure conditions necessary for the conduct of any election;
- (i) take reasonable steps to ensure that people with disabilities are enabled to vote without any hindrance; and
- (j) perform such other functions as may be necessary or expedient for the purposes of achieving the objects of the relevant laws.

(3) In addition to the functions conferred on it by the Constitution, the Commission shall be responsible for the conduct of referenda in accordance with relevant laws.

(4) In this section “relevant laws” –

- (a) in relation to the registration of electors and the conduct of elections, means the Constitution, this Act and any written law for the time being in force relating to the registration of electors or the conduct of elections, as the case may require; and
- (b) in relation to referenda, means the Constitution and any written law in force relating to the conduct of referenda.

6. The Commission shall be independent and, pursuant to section 56 (11) of the Constitution, in the exercise of its functions shall not be subject to the control or direction of any person or authority.

Commission
not subject to
direction or
control.

2024 ELECTORAL COMMISSION ACT

Chief Elections Officer.

7. (1) In the performance of its functions the Commission shall be assisted by the Chief Elections Officer, a public officer appointed under section 87 of the Constitution, having met the eligibility requirements specified in subsection (2).

(2) A person is eligible for appointment as the Chief Elections Officer or to act in that office if the person –

- (a) possesses a degree from a recognised university;
- (b) has had at least five years' experience at management level; and
- (c) has experience in electoral matters, governance, public administration, law or political science.

(3) The Chief Elections Officer –

- (a) shall comment on any proposed bill, regulation or other instrument intended to have the force of law relating to the registration of electors for the purpose of electing Representatives and Senators, that has been referred to the Chief Elections Officer under section 51 of the Constitution;
- (b) shall perform such functions as may be assigned to the Chief Elections Officer under any written law;
- (c) shall be responsible for –
 - (i) the day-to-day operation of the Electoral Office, including the training of staff;
 - (ii) taking measures to reduce the risk of violation of confidentiality;

2024 ELECTORAL COMMISSION ACT

(iii) the proper management and security of the registration of electors and the conduct of elections and referenda; and

(d) shall be the custodian of all the records of the Commission.

(4) The Commission may give such directions as it considers necessary or expedient to the Chief Elections Officer who shall comply with such directions or cause them to be complied with, but the question whether the Chief Elections Officer has acted in accordance with the directions of the Commission shall not be enquired into in any court of law.

(5) Without prejudice to the provisions of subsection (4), the Chief Elections Officer, in performance of the functions assigned under the Constitution and under any written law relating to the registration of electors or the conduct of elections or referenda, shall not be subject to the direction or control of any other person or authority.

(6) For the purposes of the exercise of the functions of the office, the Chief Elections Officer may give such directions as he or she considers necessary or expedient to any election officer or employee or agent of the Commission, and any such officer, employee or agent to whom directions are given under this subsection shall comply with them.

(7) The Chief Elections Officer may resign from office by instrument in writing addressed to the President and copied to the chairperson of the Commission and, from the date of receipt of the instrument by the President, he or she ceases to be the Chief Elections Officer.

(8) The office of the Chief Elections Officer shall become vacant if the holder -

2024 ELECTORAL COMMISSION ACT

(a) resigns in accordance with subsection (7);

(b) dies;

(c) is removed from office in the circumstances and in accordance with the procedure set out in section 87 of the Constitution or.

(d) attains the prescribed age.

(9) Where a vacancy occurs in the office of the Chief Elections Officer, the provisions of section 87 of the Constitution pertaining to that office apply.

(10) Pursuant to section 87 (10) of the Constitution, the age at which the Chief Elections Officer shall vacate office is the prescribed age of fifty-five.

(11) A person appointed as Chief Elections Officer shall, before performing any functions of the office, take and subscribe an oath in the form set out in Part II of the Second Schedule.

Second Schedule

(12) The person who, on the date of commencement of this Act, holds office as Chief Elections Officer, is deemed to have taken and subscribed the oath referred to in subsection (11).

Staff of Commission.

8. (1) There shall be a secretary to the Commission.

(2) The secretary shall –

(a) attend meetings of the Commission;

(b) record the minutes of each meeting in proper form and have custody of them; and

(c) generally, perform duties connected with the work of the Commission as may be assigned by

2024 ELECTORAL COMMISSION ACT

the Commission.

(3) Without prejudice to the provisions of any other written law, and subject to parliamentary approval, or subject to available budgetary allocation, the Commission may appoint and employ at such remuneration and on such terms and conditions as it thinks fit, such and so many employees or agents as may be necessary to assist the Chief Elections Officer to discharge the functions assigned to that office under the Constitution, this Act or any other written law.

(4) The *Code of Conduct* referred to in section 17 shall be incorporated in the contracts of employment of each person appointed to the staff of the Commission.

9. (1) Every person appointed to the staff of the Commission under section 8 shall, before performing any functions, take and subscribe an oath in the form set out in Part III of the Second Schedule, to be administered by the Chief Elections Officer.

Oath of secrecy.

Second Schedule

(2) The oath may be administered to an agent if, in the opinion of the Chief Elections Officer, it is appropriate to do so, having regard to the functions to be performed by the agent.

10. Notwithstanding the provisions of any law, any default or error arising from an action taken by the Chief Elections Officer or an employee of the Commission in relation to any notice, form or document made or given or other thing done by the Chief Elections Officer or employee in pursuance of a provision of the Constitution, this Act or other written law, remain valid unless otherwise successfully challenged in or declared void by a competent court of law or tribunal.

Validity of documents.

11. Nothing done by the Chief Elections Officer or a member or employee of the Commission in good faith for the purpose of carrying out the functions of the Commission under the Constitution, this Act or any other written law, shall render the Chief

Protection from personal liability.

2024 ELECTORAL COMMISSION ACT

Elections Officer or such member or employee personally liable for any action, claim or demand.

PART III

FINANCIAL PROVISIONS

Electoral Commission Fund.

12. (1) There is hereby established the Electoral Commission Fund which shall be administered by the Chief Elections Officer.

Chap. 63:02.

(2) There shall be paid into the Fund the amount allocated to the Commission in each financial year under the Appropriations Act or the amount specified for the use of the Commission in a Provisional General Warrant issued under the Finance (Administration) Act by the Minister responsible for finance

(3) Monies in the Fund shall be used for the administrative expenses of the Commission and such other purposes as may be necessary for the discharge of the functions of the Commission.

(4) The expenditure of the Commission shall be a charge on the Consolidated Fund.

(5) The Fund shall be administered in accordance with the Finance (Administration) Act.

Annual estimates.

13. Before the commencement of each financial year, the Chief Elections Officer, with the approval of the Commission, shall cause to be prepared and submitted to the Minister responsible for finance, estimates of the revenue and expenditure of the Commission for that year, which shall be in such form as the Minister may prescribe or approve.

Accounts and audit.

14. (1) The Commission shall cause to be kept all proper books and records in relation to its activities and shall prepare annually a statement of accounts in such form as may be prescribed or approved by the Minister responsible for finance.

2024 ELECTORAL COMMISSION ACT

(2) Within three months of the close of each financial year, the accounts of the Commission shall be audited by an auditor or auditors appointed annually by the Commission.

(3) The auditors' fees and any expenses of the audit shall be paid by the Commission.

(4) The Director of Audit shall be entitled, at all reasonable times, to examine the accounts and other records relating to the activities of the Commission.

PART IV

MISCELLANEOUS

15. (1) Without prejudice to the provisions of section 38 (4) of the Constitution, within four months after the end of each financial year, the Commission shall cause to be prepared a report dealing, generally, with the activities and policies of the Commission in that financial year. Annual report.

(2) The Commission shall cause a copy of the annual report together with the statement of accounts prepared under section 14 and the auditors' report thereon, to be tabled in the House.

(3) The Commission may publish the annual report, the statement of accounts and the auditors' report.

16. For the purpose of giving effect to the provisions of this Act, the Commission may – Regulations, directives, etc.

(a) make regulations; or

(b) issue directives, guidelines or manuals.

17. Members of the Commission and of any committee established pursuant to paragraph 8 of the First Schedule, the Code of conduct First Schedule.

2024 ELECTORAL COMMISSION ACT

Third Schedule. Chief Elections Officer and employees of the Commission shall subscribe to the *Code of Conduct* set out in the Third Schedule.

Disclosure of interest. **18.** (1) If a member of the Commission (or a committee thereof), the Chief Elections Officer or an employee of the Commission is present at a meeting of the Commission or a committee at which a matter is the subject of consideration, and in which matter the member, Officer or employee, as the case may be, is directly or indirectly interested in a private capacity, he or she shall, as soon as practicable after the commencement of the meeting, declare such interest and shall not, unless the Commission or, as the case may be, the committee otherwise directs, take part in any consideration or discussion of or vote on, any question touching such matter.

(2) A disclosure of interest made under subsection (1) shall be recorded in the minutes of meeting at which it is made.

(3) A person who contravenes subsection (1) commits an offence, and shall be liable on summary conviction to a fine not exceeding six thousand dollars.

Saving. **19.** Nothing in this Act shall be construed to affect the operation of the Commission before the date of commencement of this Act or any action or decision taken by the Commission or the Chief Elections Officer before such date.

FIRST SCHEDULE

(Sections 3, 7)

Electoral Commission

1. (1) The seal of the Commission shall be – Seal.

- (a) in such form as the Commission may determine;
- (b) kept in the custody of the chairperson;
- (c) pursuant to a resolution of the Commission, affixed to instruments in the presence of the chairperson or a member authorised to act in that behalf, one other member of the Commission and the secretary.

(2) The seal of the Commission shall be authenticated by the signatures of the chairperson or a member of the Commission authorised to act in that behalf, and the secretary, and such seal shall be officially and judicially noticed.

(3) All documents other than those required by law to be under seal, made by, and all decisions of, the Commission may be signified under the hand of the chairperson or any other member of the Commission authorised to act in that behalf.

2. (1) Every member of the Commission and of a committee thereof shall, before assuming his or her duties, take and subscribe the oath specified in Part I of the Second Schedule to the Act. Oath of office.
Second Schedule.

(2) A person who, at the date of commencement of this Act, is a member of the Commission is deemed to have taken and subscribed the oath referred to in subparagraph (1).

2024 ELECTORAL COMMISSION ACT

Remuneration.

3. There shall be paid from the funds and resources of the Commission to the members of the Commission and any committee thereof, such remuneration and allowances (if any) by way of salary, honorarium, or allowance as may be determined by the House.

Resignation of member.

4. (1) A member of the Commission, other than the chairperson, may at any time resign his or her office by instrument in writing addressed to the President and transmitted through the chairperson and, the resignation shall take effect from the date of receipt of the instrument by the President.

(2) The chairperson may at any time resign his or her office by instrument in writing addressed to the President and, the resignation shall take effect from the date of receipt of the instrument by the President.

Vacancy.

5. (1) In accordance with section 56(5) of the Constitution, a member of the Commission shall vacate office -

(a) when the House first meets after the next dissolution of Parliament after the member's appointment; or

(b) if any circumstances arise that, if he or she were not a member of the Commission, would cause him or her to be disqualified from appointment.

(2) Without prejudice to the provisions of subparagraph (1), a vacancy occurs in the membership of the Commission -

(a) if a member, with his or her consent, is nominated for election as a representative in the House or is appointed a Senator;

(b) if a member is appointed to any office of emolument in the service of the Government;

2024 ELECTORAL COMMISSION ACT

- (c) on the death of a member;
- (d) on the resignation of a member as provided in paragraph 6; or
- (e) on the removal from office of a member in accordance with subsections (6), (7) and (8) of section 56 of the Constitution.

6. The appointment, resignation, revocation of appointment or death of a member shall be published in the *Gazette*. Publication.

7. (1) Meetings of the Commission shall be held on such dates and times as the chairperson shall decide. Proceedings and Meetings.

(2) The chairperson shall, on the written request of at least three members of the Commission, convene a special meeting of the Commission.

(3) The quorum for a meeting of the Commission shall be three.

(4) The proceedings of the Commission shall not be affected by any absence or vacancy amongst the members or by any defect in the appointment of any member.

(5) Unless a unanimous decision is reached, a decision on any matter before the Commission shall be by a majority of members present and voting.

(6) The chairperson has a deliberative vote and, in the event of an equality of votes on a question, also a casting vote.

(7) Subject to the provisions of the Constitution and this Act, the Commission may regulate its procedure.

2024 ELECTORAL COMMISSION ACT

Committees.

8. (1) The Commission may establish such standing or *ad hoc* committees as it thinks necessary to advise the Commission on any matter relating to its functions under the Constitution, this Act or any other written law.

(2) The Commission shall ensure that –

- (a) any committee established under subparagraph (1) has clear terms of reference and terms and conditions of service;
- (b) persons selected to serve as members of any such committee possess the skills, knowledge and competencies that would enable them to provide sound advice to the Commission on the subject-matter concerning which the Commission seeks the committee's advice; and
- (c) each member of a committee signs a confidentiality agreement on appointment and before performing any function as a member of the committee.

(3) The Commission may determine that every member of such committee as it shall specify, shall subscribe to the *Code of Conduct* set out in the Third Schedule.

SECOND SCHEDULE
(Sections 7(11), 9(1))

Forms of Oaths

Part I

Oath of Office

***Chairperson/ Member/Member of committee of
Commission***

(First Schedule- paragraph 2(1))

I
having been appointed (the chairperson/member of/member of a
committee of/* the Electoral Commission, do solemnly (swear/
declare and affirm)* that I will at all times obey, respect and
uphold the Constitution and all other laws of the Commonwealth
of Dominica; that I will faithfully and fully, impartially and, to the
best of my ability, discharge the trust reposed in me and perform
the functions assigned to me by virtue of this appointment without
fear, favour, bias, affection, ill-will or prejudice.

So Help Me God.

Sworn/declared by the said
.....

Before me this day of
.....

.....
Judge of the High Court

*Omit words that do not apply

Part II

Oath of Office

Chief Elections Officer

(Section 7(6))

I..... do (swear/declare/affirm)* that I will faithfully perform the functions of Chief Elections Officer assigned to me under the Constitution and any written law and that I will faithfully and fully, impartially and to the best of my ability, discharge the trust reposed in me and perform the functions assigned to me by virtue of this appointment without fear, favour, bias, affection, ill-will or prejudice.

So Help Me God

Sworn/declared by the said

.....

Before me this day of

.....

.....

Judge of the High Court

*Omit words that do not apply

Part III

Oath of Secrecy

Employment of Commission

(Section 9(1))

I.....do (swear/
declare and affirm)* that I will faithfully perform the duties
assigned to me as under any electoral law
and I will not, on any account, at any time whatsoever, except in
so far as authorised by law, directly or indirectly reveal any
information or the nature or contents of any document
communicated to me in the performance of any function assigned
to me under such law.

So Help Me God.

Sworn/declared by the said
.....

Before me this day of
.....

.....
Chief Elections Officer

*Omit words that do not apply

THIRD SCHEDULE

(Sections 2, 17)

Code of Conduct

(Section 17)

This Code applies to every member and employee of the Commission, a member of a committee of the Commission specified under paragraph 8(3) of the First Schedule and the Chief Elections Officer, collectively referred to in the Code as an “electoral official”.

Impartiality and independence.

1. (1) Every electoral official shall impartially and independently perform the functions of the Commission in good faith and without fear, favour or prejudice, and without influence from—

- (a) any arm of the Government;
- (b) any State officer;
- (c) any public officer;
- (d) any political party;
- (e) any candidate participating in an election; or
- (f) any other person, authority or organisation.

(2) The provisions of subparagraph (1) shall apply without prejudice to the principle of public participation and the need for consultation with all stakeholders.

Ineligibility for appointment to political or public office.

2. (1) An electoral official shall not, during his or her tenure in office as an electoral official, be eligible for appointment or nomination to a political office or to a public office.

(2) An electoral official may not —

- (a) whether directly or indirectly, in any manner support or oppose any party or candidate participating in an election or any side participating in a referendum, or any of the issues in contention between parties, candidates or sides;
- (b) make private use of or profit from any confidential information gained as a result of being an electoral official; or
- (c) divulge any information to any third party, except in the course of official duty.

3. (1) An electoral official who is directly or indirectly interested in any contract, proposed contract or other matter before the Commission and is present at any meeting of the Commission at which the contract, proposed contract or other matter is the subject of consideration, shall, at the meeting and as soon as practicable after the commencement thereof, disclose the fact and shall not take part in the consideration or discussion of, or vote on, any questions with respect to the contract or other matter or be counted in the quorum of the meeting during consideration of the matter.

Disclosure of
conflicting
interests.

(2) An electoral official whose personal interest conflicts with his or her official duties shall —

- (a) in writing, declare the personal interests to his or her supervisor or other appropriate person or body and comply with any directions given to avoid the conflict; and
- (b) refrain from participating in any deliberations with respect to the matter.

2024 ELECTORAL COMMISSION ACT

Professionalism.

4. An electoral official shall—

- (a)* perform his or her duties in a manner that maintains public confidence in the Commission;
- (b)* treat the public and colleagues with courtesy and respect;
- (c)* discharge all his or her duties in a professional, timely and efficient manner and in line with the rule of law; and
- (d)* respect the rights and freedoms of all persons with whom he or she may interact.

Improper enrichment.

5. An electoral official shall not—

- (a)* use his or her office to improperly enrich himself or herself or others;
- (b)* accept or request gifts or favours from any person who may have a commercial interest with the Commission or any other interest that may be affected by the normal business of the Commission; or
- (c)* use information that is acquired during the course of his or her duties or connected with such duties for personal benefit or for the benefit of others.

Integrity in private affairs.

6. An electoral official shall conduct his or her private affairs in a manner that maintains public confidence in the integrity of his or her office and the Commission as a whole and shall —

- (a)* not neglect his or her financial obligations; and
- (b)* not engage in political activity that may compro-

2024 ELECTORAL COMMISSION ACT

mise or be seen to compromise the neutrality of his or her office, or the Commission.

7. (1) An electoral official shall not sexually harass a member of the public or a colleague. Sexual harassment.

(2) Sexual harassment includes —

- (a) making a request or exerting pressure for sexual activity or favours;
- (b) making intentional or careless physical contact that is sexual in nature; or
- (c) making gestures, jokes or comments, including innuendoes regarding another person's sexuality.

8. Electoral officials shall not practice favouritism on the grounds of kin or acquaintance or otherwise, in performance of their duties. Nepotism.

9. An electoral official —

- (a) shall not act for foreigners in a manner that is detrimental to the security interest of Dominica; and
- (b) shall safeguard privileged information that comes into his or her possession and protect it from improper or inadvertent disclosure.

Privileged information and security of interests of the State.

2024 ELECTORAL COMMISSION ACT

Breach of code.

10. Any breach of this Code by an electoral official shall be treated as misbehaviour where the electoral official is a member of the Commission or is the Chief Elections Officer, and as misconduct where the electoral official is a member of a committee of the Commission or an employee of the Commission.

Passed in the House of Assembly this day of , 2024.

Clerk of the House of Assembly

OBJECTS AND REASONS

The object of the Bill is to provide for the more effective operation of the Electoral Commission established under section 56 of the Constitution. The Bill supports and gives fuller effect to the provisions of the Constitution that assign functions to the Commission relating to the registration of electors and the conduct of elections. It is a companion measure to the Draft Registration of Electors Bill, 2024 and the Draft House of Assembly (Elections) Bill, 2024.

The Bill has 19 clauses set out in four Parts. There are three Schedules.

Clause 1 states the short title of the proposed Act and in

Clause 2 certain terms used in the Bill are defined.

Clause 3 provides for the Electoral Commission while Clause 4 articulates the objectives of the Commission.

Clause 5 sets out the functions of the Commission: it reflects those functions that are assigned by the Constitution, as well as specific functions specified in the clause that are consistent with the Commission's constitutional mandate. The function of the Commission with respect to referenda is made explicit.

Clause 6 reflects a principle stated in the Constitution – that in performing its functions the Commission shall not be subject to the direction or control of anybody or authority.

Clause 7 reflects the provisions of the Constitution relating to the office of Chief Elections Officer. It sets out, in addition to the functions assigned to the Chief Elections Officer, some specific activities that must be undertaken in the performance of such functions. The clause also specifies the procedure to be followed for resignation and, pursuant to the power given under the

2024 ELECTORAL COMMISSION ACT

Constitution, prescribes the age of 55 years as the age at which the Chief Elections Officer must vacate office. Provision is made for an oath of office to be taken by the Chief Elections Officer.

Clause 8 makes provision for the appointment of a secretary to the Commission and such other staff as the Commission may require to carry out its work.

Clause 9 prescribes an oath of secrecy to be taken by the staff of the Commission on appointment.

Clause 10 preserves the validity of any notice, form or document issued by the Chief Elections Officer or an employee of the Commission that may contain an error or defect, unless it is declared null and void by a court or other tribunal.

Clause 11 provides for the protection of the Chief Elections Officer and members and employees of the Commission from suit for action done in good faith in the performance of their functions under electoral laws.

Clauses 12 to 14 contain the financial provisions relating to the Commission. These include the establishment of the Electoral Commission Fund, the source of monies to be placed in the Fund. The Commission is required to prepare and submit annual estimates of revenue and expenditure, to keep proper accounts and to cause its accounts to be audited by auditors which it must appoint annually. The Director of Audit is specifically authorised to have access to and examine the account and records of the Commission at any reasonable time.

Under Clause 15 the Commission is required to prepare an annual report on its activities and to submit the report together with the statement of account and auditors' report for tabling in the House. The Commission is authorised under Clause 16 to make regulations, and is given explicit power to issue directives, guidelines and manuals.

2024 ELECTORAL COMMISSION ACT

Clause 17 prescribes a *Code of Conduct* to be subscribed by members of the Commission (and members of specified committees) and by the Chief Elections Officer and employees, while

Clause 18 requires the disclosure by persons connected with the Commission (or one of its committees) of any personal interest in a matter before the Commission or committee.

Clause 19 makes it clear that nothing in the proposed Act must be construed to affect the operation of the Commission or any action or decision of the Commission or the Chief Elections Officer taken before the date on which the Act takes effect.

The First Schedule contains details relating to the Commission, including provisions relating to the conduct of meetings.

In the Second Schedule the forms of the oaths required to be taken under the Act are set out.

The Third Schedule contains the *Code of Conduct*.

LEVI A. PETER
Attorney General

Chambers of the Attorney General
3rd Floor Financial Centre
Kennedy Avenue
Roseau
COMMONWEALTH OF DOMINICA