

SECTION	MARGINAL ANNOTATION	PROVISION IN THE BILL	ISSUE	RECOMMENDATION
Section 24 (4)	Conduct and postponement of election in emergency	(4) Where the Commission appoints a substituted date in accordance with subsections (2), (3) and (4), there shall be no return for the election until polling has taken place in the area or areas affected.	Subsection 1 of the section was omitted resulting to improper cross-referencing	For proper cross-referencing, (2), (3) and (4) should be deleted in the Subsection 4 and replaced with (1), (2) and (3)
Section 50 (2)	Conduct of poll by open secret ballot	Subject to Section 63 of this Act, voting at an election and transmission of results under this Act shall be in accordance with the procedure determined by the Commission.	Section 63 was wrongly referenced in the subsection. There is no relationship between Section 50 and Section 63 of the bill	To reflect the correct cross reference, Section 63 should be replaced with Section 60 on counting of votes and forms
Section 64 (7) & (8)	Endorsement on rejected ballot paper without official mark	(7) If the disputed result under subsection (3) were otherwise found not to be correct, the Collation Officer or Returning Officer shall re-collate and announce a new result using the information in subsection (3) (a-d). (8) Where the dispute under subsection (3) arose at the level of collation and the Returning Officer has satisfied the provision of subsection (3), the Returning Officer shall accordingly declare the winner of the election.	The reference to subsection (3) in the section is incorrect. Subsection (3) does not relate to disputed result. It relates to statement of rejected ballots	For proper cross-referencing, the reference to subsection (3) should be changed to subsection (6a-d) which relates to procedure for determining the correctness of a disputed election result.
Section 91(2)	Conduct at Political rallies, and processions	Section 91(2)- For the purpose of Subsection (2), a person shall be deemed to be acting in pursuance of a lawful duty if he is acting in his capacity as a police officer as a member of a security agency authorized to carry arms and is specifically posted to be present at that political rally or procession.”	The reference to subsection (2) is a cross referencing error.	The number (2) in the provision should be deleted and replaced with (1)
Section 107 (3)	Death of Chairman before oath of office	Section 107(3)- Where the persons duly elected as Chairman and Vice-Chairman of an Area Council dies before taking and subscribing the oath of allegiance and oath of office during	Grammatical error	The alphabet “s” should be deleted from the word “dies” to read “die”

		which period the Area Council has not been inaugurated, the Commission shall within 21 days conduct an election to fill vacancies”.		
Section 137 and 138	S. 137 – Effect of non-participation in an election S. 138 – Accelerated hearing of election petition	It shall not be necessary for a party who alleges non-compliance with the provisions of this Act for the conduct of elections to call oral evidence if originals or certified true copies manifestly disclose the non-compliance alleged.	Although both sections have different marginal notations, Section 138 is a repetition of Section 137.	Section 137 should be reviewed to align with the marginal note while Section 138 should be maintained because it reflects the intended content of the section.

SUB HEAD

Paragraphs 4 (5), (6), (7) and (8)	Content of election petition	<p>Paragraph 4(5)- The election petition shall be accompanied by-</p> <ul style="list-style-type: none"> (a) A list of the witnesses that the petitioner intends to call in proof of the petition; (b) Written statements on oath of the witnesses; and (c) Copies or list of every document to be relied on at the hearing of the petition. <p>Paragraph 4(6)- A Petition which fails to comply with subparagraph (5) shall not be accepted for filing by the Secretary.</p> <p>Paragraph 4(7)- The election petition shall be accompanied by-</p> <ul style="list-style-type: none"> (a) A list of the witnesses that the petitioner intends to call in proof of the petition; (b) Written statements on oath of the witnesses; and (c) Copies or list of every document to be relied on at the hearing of the 	Paragraphs 4 (5) and (7) are repetitive while Paragraphs 4 (6) and (8) contain similar provisions	Paragraph 4(7) and 4(8) should be deleted
------------------------------------	------------------------------	--	---	---

		<p>petition.</p> <p>Paragraph 4(8)- A Petition which fails to comply with subparagraph (5) shall not be accepted for filing by the Secretary.</p>		
Paragraph 10(2)-	Non-filing of Memorandum of Appearance	The non-filing of a memorandum of appearance shall, not bar the respondent from defending the election petition if the respondent files his reply to the election petition in the registry within a reasonable time, but, in any case, not later than 21 days from the receipt of the election petition.	There is a grammatical error in the spelling of filing	The word “filing” appearing in the sub-heading and subparagraph should be replaced with the word “filing” to address the grammatical error.
Paragraph 14(2)	Amendment of Election Petition and reply	2. After the expiration of the time limited by- (a) Section 134 (1) of this Act for presenting the election petition, no amendment shall be made- ...	The provision contains a cross referencing error. The timeline provided for the filing of election petition is not contained in Section 134(1) of the bill. Section 134 provides grounds of petition	The phrase “Section 134(1) of the Act” should be deleted and replaced with the phrase “Section 285 (5) of the Constitution and Section 132(7) of this Act” which provides the timeline for filing election petitions.
Paragraph 16 (3)	Petitioner’s Reply	The petitioner in proving his case shall have 14 days to do so and the respondent shall have 14 days to reply.	Paragraph 16(3) is in conflict with the provision of paragraph 41(10) which outlines comprehensive timelines for petitioners to prove their case and respondents to file a response.	To address this conflict, Paragraph 16 (3) should be deleted.