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Mr. Keith Lowenfield
Chief Elections Officer (CEO)
Guyana Elections Commission (GECOM)
41 High Street
Georgetown
Guyana.

2nd April, 2019

Dear Mr. Lowenfield,

Re: Proposed Legal Proceedings

I act on behalf of **Mr. Robeson Benn**, a People's Progressive Party (PPP) nominated Commissioner of the Guyana Elections Commission (GECOM).

I am instructed that despite my client's vehement objections, GECOM has made a decision to embark upon a house-to-house registration.

The move to house-to-house registration is said to be predicated upon the ground that the Voters' List is "*bloated*" with dead persons and persons who have migrated. The reason proffered for this proposed exercise is to sanitise the list of these two categories of occupants.

It cannot be disputed that the List can be cleansed of dead persons by a simple engagement between the Chief Elections Officer and the Office of the Registrar General. Such an engagement of comparing the relevant data and making the adjustments can be accomplished with relative ease within a fortnight. Naturally, this does not require the tedious, expansive and anachronistic methodology of a house-to-house inspection – a process to which there is rarely resort in this technological age, elsewhere.

However, it is the decision to resort to house-to-house registration with the express intention of removing persons from the List, who maybe out of Guyana, that agitates my apprehension. In my considered view, such an exercise is fraught with hazards, including, the violation of the Constitution and the constitutional rights of qualified

electors to vote and creating the potential for a subsequent vitiation of the entire elections.

A convenient point to begin is perhaps Article 59 of the Constitution. It provides thus:

"Subject to the provisions of article 159, every person may vote at an election if he or she is of age eighteen years or upwards and is either a citizen of Guyana or a Commonwealth citizen domiciled and resident in Guyana."

Article 159 provides that no one shall vote at an election unless he is registered as an elector and a person shall be qualified to be so registered, if on the qualifying day, that person is eighteen years and over and a citizen of Guyana or, a Commonwealth citizen, who is domiciled and resident in Guyana for a period of one year immediately preceding the qualifying date.

It is excruciatingly clear that neither residency nor domicile within the State of Guyana are qualifications, which a citizen of Guyana must possess before he is eligible for to vote or to be registered as an elector. The natural corollary is the lack of residency and domicile within the State of Guyana cannot be the basis for disqualifying a person from being registered or from voting. In short, a Guyanese, residing either permanently or temporarily in Timbuktu, once he or she is eighteen years and over is qualified to be registered and, if registered, is qualified to vote. At this juncture, it is apposite that I emphasize that by acquiring citizenship of another country, a Guyanese citizen, does not necessarily lose his/her Guyanese citizenship. He/she remains a citizen of Guyana and, therefore, qualifies to be registered and, if registered, qualifies to vote. So, while dual citizens are disqualified from being elected, they are not disqualified from being electors.

GECOM is now proceeding on a house-to-house registration to create a new List of National Registrants from which the Preliminary Voters' List will be extracted and this is being done with the stated intention of excluding persons, who will be absent from Guyana during the exercise. Consequently, those persons who are currently duly registered and are on the List and, therefore, now qualified to vote but absent from Guyana, are now going to be intentionally excluded from the List in this proposed process, as this is one of the stated purpose of this exercise. In other words, these persons are going to be de-registered and thereby disqualified from voting and denied their constitutional right to vote, through no fault of theirs.

The ultimate consequence of this decision of GECOM is that GECOM is, indirectly, adding a new qualifying requirement to vote, which is not provided for by the Constitution, and which is ultra vires the Constitution: that requirement is *"residency within Guyana."* This is clearly unlawful and unconstitutional.

In the circumstances, I respectfully demand that you refrain from embarking on or, proceeding with, this unlawful and unconstitutional exercise, which will disenfranchise thousands of persons now qualified to vote. If I do not hear from you within seven (7) days of the date hereof, I will assume that you have rejected my demand and I will have no alternative but to advise my client to institute legal proceedings against you, to restrain you from embarking on, or proceeding with, the aforesaid house-to-house registration.

Please be guided accordingly.

Yours faithfully,

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Mohabir Anil Nandlall, MP
Attorney-at-Law
Mohabir A. Nandlall & Associates

CC: The Chairman of the Guyana Elections Commission
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