CHAPTER 7

PARLIAMENTARY ELECTIONS

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CHAPTER 7

PARLIAMENTARY ELECTIONS

1 of 1992
2 of 1992
4 of 1996
11 of 2002

An Act to make new provision for the registration of voters in elections to the House of Assembly, for the conduct of such elections and the hearing of petitions in relation thereto, for the repeal of the Representation of the People Act and for purposes connected therewith or incidental thereto.

[Assent 10th January, 1992]
[Commencement 16th March, 1992]

PART I
PRELIMINARY

Short title.

1. This Act may be cited as the Parliamentary Elections Act, 1992.

Interpretation.

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

"candidate" means any person who stands nominated as a candidate for election for any constituency, and "intending candidate" means any person seeking such nomination for election;

"constituency" has the meaning assigned thereto in Article 68 of the Constitution;

"corrupt practice" means any offence against the provisions of section 96 or section 98;

"current register" means the register in force for the time being in accordance with the provisions of section 13 or 14;

"day" includes every day other than a Sunday or a public holiday;

"election" means the election in accordance with the provisions of this Act of a Member of Parliament;

"Election Court" means a court constituted in the manner, and having the powers and jurisdiction, mentioned in subsections (2) to (6) of section 80;

"election agent" means an election agent appointed under the provisions of subsection (1) of section 46;

"election petition" means a petition to an Election Court under Part VII;

"full age" means the age of eighteen years or upwards;

"general election" means the election of members to a new House of Assembly after any House of Assembly has been dissolved;

"illegal practice" means any offence against this Act which is not a corrupt practice or an offence by reason of section 16(8), 17(3) or section 99;

"Minister" means the Minister responsible for Parliamentary Registration and Elections;

"nomination day" means, in relation to any constituency, the day appointed under section 35 for the delivery of nomination papers by intending candidates;

"Parliamentary Commissioner" means the Parliamentary Commissioner appointed under section 12, and includes any person who is duly authorised in accordance with the provisions of that section to act on his behalf;

"polling day" means, in relation to any constituency, the day appointed under section 35 for the taking of the poll;

"polling division" means any of the polling divisions described in any order for the time being in force made by the Governor-General under the provisions of subsection (1) of section 11;

"polling place" means, in relation to any polling division in any constituency, a place appointed under section 49 as a place where the poll shall be taken in that polling division;

"prescribed" means prescribed by regulations made under the provisions of this Act;

"presiding officer" means, in relation to the taking of a poll at any polling place, the person appointed under section 48 to be in charge of that place;

"protest vote" means a vote which may be cast upon a coloured ballot paper under the provisions of section 58;

"register" or "register of voters" means the register of persons entitled to vote at an election which is to be prepared and kept under the provisions of this Act, and includes any part of the register;

"registered voter" means any person whose name is included in the register as being entitled to vote at an election;

"regular vote" means a vote properly cast under the provisions of this Act upon a white ballot paper;

"Member of Parliament" means, a candidate who has been elected and returned to represent a constituency in the House of Assembly;

"returning officer" means, in relation to any constituency, any person exercising or performing any of the functions of the returning officer under this Act, being the Parliamentary Commissioner or any person who is duly authorised in accordance with the provisions of section 12 to act as a returning officer;

"revising officer" means any person exercising or performing any of the functions of the revising officer under this Act in relation to any constituency, being the Parliamentary Commissioner or any person who is duly authorised in accordance with the provisions of section 12 to act as a revising officer;

"Speaker" means the person who holds the office of Speaker and includes any other person who, for the time being, is empowered under the Constitution to exercise the powers of Speaker;

"subscribe" means to sign, or in the case of a person who is unable to sign his name, to make his mark, and the words "sign" and "signature" shall be construed similarly;

"voter's card" means a card issued to a person registered as a voter in accordance with the provisions of this Act;

"writ of election" or "writ" means a writ issued in accordance with the provisions of this Act for the election of a Member of Parliament to represent a constituency in the House of Assembly.

PART II
GENERAL

Demise of the Crown not to cause dissolution.

3. The House of Assembly in being at the time of any demise of the Crown shall not be determined or dissolved by such demise, but shall continue in being so long as it would have continued but for such demise, unless it shall be sooner dissolved by the Governor-General.

Constituencies.

4. The number and boundaries of the several constituencies shall be those from time to time in being pursuant to Articles 68 and 70 of the Constitution.

This Act to regulate election of Member of Parliament.

5. The Members of Parliament for the several constituencies shall be elected in accordance with the provisions of this Act.

Qualification and disqualification for membership of the House of Assembly.

6. In pursuance of paragraph (2) of Article 48 of the Constitution, it is hereby enacted that in addition to the provisions of the Constitution relating to the qualifications and disqualifications of persons for being elected or serving as a Member of Parliament, no person shall be qualified to be so elected or to so serve if he is —

(a) a judge of the Supreme Court or of the Court of Appeal;

(b) a substantive public officer;

(c) acting temporarily as a public officer for a period exceeding three months;

(d) a member of any of the armed forces of the Crown otherwise than in time of war or emergency or as a member of the reserve of any such forces;

(e) on the personal staff of the Governor-General; or

(f) employed in the Ministry of Tourism.

Court to notify Speaker when the seat of a member of Parliament is vacated.

7. Where in pursuance of Article 49 of the Constitution the seat of a Member of Parliament becomes vacant or such Member of Parliament ceases to be entitled to perform the functions of his office by reason of a decision of any court in The Bahamas, such court shall forthwith certify to the Speaker the facts which gave rise thereto.

PART III
REGISTRATION OF VOTERS

Qualification for registration.

8. (1) Subject to the provisions of this Part, a person shall be entitled to be registered as a voter for a constituency if, and shall not be so entitled unless, on the day on which he applied for registration —

(a) he is a citizen of The Bahamas of full age and not subject to any legal incapacity; and

(b) he is, and has been during the whole of the period of three months immediately preceding that day, ordinarily resident in premises in that constituency.

(2) For the purposes of paragraph (b) of subsection (1) of this section and paragraph (b) of subsection (2) of section 9 and without prejudice to any other rule of law concerning the meaning of the term "ordinarily resident", a person's residence in premises in a constituency shall not be deemed to have been interrupted —

(a) by reason of that person's absence in the performance of any duty arising from or incidental to an office, service or employment held or undertaken by him —

(i) if he intends to resume actual residence within six months of giving up such residence and will not be prevented from so doing by the performance of the duty aforesaid; or

(ii) if he resumes actual residence within six months of giving up such residence as aforesaid;

(b) by reason of permission being given by letting or otherwise for the occupation furnished of such premises by some other person —

(i) if the permission is given in the expectation that throughout the period for which it is given, the person giving it will be absent in the performance of any such duty as aforesaid; or

(ii) if the person giving the permission intends to resume actual residence within three months of giving it up and will not be prevented from so doing by the permission given as aforesaid;

(c) by reason of that person's absence in pursuance of a course of study as a *bona fide* student, if he intends to resume actual residence within six months of the completion of such course of study.

(3) For the purposes of this Act, a person who is a patient in any establishment maintained wholly or mainly for the care of persons suffering from mental illness or mental defectiveness or who is detained in legal custody at any place, shall not by reason thereof be treated as resident there.

(4) No person's name which is included in any part of the register shall be retained therein if that person is not entitled to have his registration retained in that part in accordance with the provisions of this Act.

Persons entitled to vote.

9. (1) Subject to the provisions of this Act, every person who is registered as a voter in any polling division in any constituency shall be entitled to vote at that polling division at an election in that constituency.

(2) Notwithstanding the provisions of subsection (1), no person shall be entitled to vote at an election in any constituency, unless on the day of election —

(a) he is a citizen of The Bahamas of full age and not subject to any legal incapacity; and

(b) in the case of a person who is registered as a voter in a polling division in that constituency, he is, or has been at some time during the period of six months immediately preceding that day, ordinarily resident in premises in that constituency.

Legal incapacities of voters.

10. (1) In section 8 the expression "legal incapacity" means any disqualification for being registered as a voter and in section 9 that expression means any disqualification for voting, imposed by this or any other Act.

(2) A person shall be deemed to be suffering from a legal incapacity and shall not be entitled to apply for registration as a voter in any constituency or to vote at any election (whether registered as a voter or not) —

(a) while he is serving a sentence of imprisonment (by whatever name called) imposed by any court in The Bahamas, or is under sentence of death imposed by any such court, or is suffering imprisonment in lieu of the execution of such sentence; or

(b) while he is deemed to be a lunatic or of unsound mind by virtue of any finding or declaration under any Act,

and if at any time the Parliamentary Commissioner is satisfied that any person who is registered as a voter is subject to any legal incapacity, he shall forthwith make a mark to that effect against that person's name in the register and, if any person remains subject to any such legal incapacity for a period exceeding six months, he shall remove that person's name from the register in accordance with the provisions of subsection (3) of section 22.

Polling Divisions.

11. (1) Where an order is made by the Governor-General under paragraph (7) of Article 70 of the Constitution which has the effect of altering the boundaries of constituencies, the Governor-General shall as soon as is practicable thereafter by a further order, made under this subsection, divide such constituencies into polling divisions.

(2) The Governor-General may at any time if he thinks fit having regard in particular to the requirements of paragraph (d) of subsection (3) of this section by order, made under this subsection, re-draw the boundaries of polling divisions within any constituency, and the new boundaries of polling divisions within any constituency established by virtue of such an order shall take effect on such date as may be specified in the order.

(3) In establishing the boundaries of polling divisions under this section the Governor-General shall observe the following rules —

(a) regard shall be had to the relevant information concerning registered voters in the current register, which information shall be made available to him by the Parliamentary Commissioner;

(b) the boundaries of polling divisions in any constituency shall be described where practicable by reference to the centre lines of roads or streets or to any other clearly definable boundaries;

(c) in the case of constituencies in Family Islands, the boundaries of polling divisions shall be so drawn as to have particular regard to the geographical distribution of the settlements and the convenience of persons therein entitled to vote;

(d) so far as is practicable the boundaries of polling divisions shall be so drawn that the number of registered voters within any such division does not exceed approximately four hundred persons:

Provided that it shall not be a ground for contesting the validity of any election that registered voters in excess of four hundred reside within any polling division.

40 of 1969.

(4) Notwithstanding the repeal of the Representation of the People Act, any polling division constituted by an order made by the Governor-General under subsection (1) of section 11 of that Act and in force immediately before the coming into operation of this Act shall be deemed to be a polling division properly constituted under the provisions of this section.

Parliamentary Commissioner and Parliamentary Registration Department.

12. (1) The offices hitherto known as the Parliamentary Registrar and Deputy Parliamentary Registrar shall hereinafter be known as the Parliamentary Commissioner and the Deputy Parliamentary Commissioner respectively and the change of name of officers effected by this section shall not prejudice the appointments of holders of those offices existing immediately before the coming into operation of this Act.

(2) The Parliamentary Commissioner shall be the principal officer of the Parliamentary Registration Department, who shall be appointed by the Governor-General acting in accordance with the advice of the Public Service Commission, and such number of Deputy Parliamentary Commissioners and other officers of that Department as the Governor-General acting in accordance with the advice of the Public Service Commission, may from time to time appoint.

(3) The Parliamentary Commissioner and every Deputy Parliamentary Commissioner shall be a public officer.

(4) The appointment of the Parliamentary Commissioner and of every other officer appointed under this section shall be made on such terms as to emoluments, allowances and pension rights as the Governor-General may determine, and all such emoluments, allowances and pensions shall be payable out of the Consolidated Fund by warrant in the usual manner.

(5) It shall be the duty of the Parliamentary Commissioner to keep the register and to carry out the requirements of this Act regarding the registration of voters and the holding of elections.

(6) The functions under this Act of the Parliamentary Commissioner, the revising officer and the returning officer shall be exercised and performed by the Parliamentary Commissioner or by a Deputy Parliamentary Commissioner or other person who is authorised to act on his behalf:

Provided that in a Family Island any of the functions of the Parliamentary Commissioner, or of the revising officer or of the returning officer may be exercised or performed by any person, being the Commissioner or one of the Commissioners for that Family Island, or some other responsible person who is authorised in writing by or on behalf of the Parliamentary Commissioner so to act on his behalf; and the expressions "Parliamentary Commissioner", "revising officer" and "returning officer" in this Act shall be construed accordingly.

(7) Any person who exercises or performs any of the functions of the revising officer or of the returning officer otherwise than in the course of his duties as a public officer may be paid such fees for his services as the Parliamentary Commissioner may, with the approval of the Minister and with concurrence of the Minister of Finance, determine.

Register.

13. (1) A register of voters shall be prepared and shall thereafter be revised and amended from day to day in accordance with the provisions of this Act:

Provided that the register in being immediately before the coming into operation of this Act shall be deemed to have been prepared as the register of voters under the provisions of this section.

(2) The register shall be framed in separate parts for each polling division, and each part shall contain, in alphabetical order, the names of those who are registered as being entitled to vote at an election in the polling division to which it relates, and shall be in Form A in the First Schedule and shall contain the particulars therein referred to.

Form A.
First Schedule.

(3) The parts of the register for the polling divisions making up one constituency shall together form the register of voters for that constituency.

Quinquennial register.

14. (1) The register in being at any time shall cease to have effect —

2 of 1992, s. 2.

(a) upon such date as the Governor-General may appoint by notice published in the *Gazette* (being a date not earlier than thirty calendar days after the publication of the notice); or

(b) at the end of each succeeding period of five years next following the date of its coming into force,

and thereupon all voters' cards which have been issued and all counterfoils corresponding thereto shall also be of no effect.

(2) It shall be the duty of the Parliamentary Commissioner to have prepared a new register in readiness for the expiration of any register pursuant to the provisions of subsection (1) of this section (hereafter in this subsection referred to as "the expiration of the old register") and —

(a) for the purposes of the preparation of such new register the provisions of sections 15 to 24 and 26 to 28 shall *mutatis mutandis* apply as those provisions apply in relation to the registration of voters in a current register, so, however, that no voter's card prepared in connection with the preparation of such new register shall be issued to any person before the coming into force of such new register; and

(b) such new register so prepared shall, together with all voters' cards and counterfoils prepared in connection with the preparation of such new register, come into force immediately upon the expiration of the old register.

(3) Notwithstanding any of the foregoing provisions of this section, the Governor-General may by order, made not less than one month before a date appointed by the Governor-General pursuant to paragraph (a) of subsection (1) of this section or the end of a period of five years referred to in paragraph (b) thereof, postpone by not more than three months the date on which, but for such postponement, any register (or parts of a register relating to a constituency) for the time being in force would cease to have effect:

Provided that no such postponement shall affect the date of the ending of the next succeeding period of five years.

Attendance of revising officer to receive applications.

15. (1) The revising officer shall attend at the following places and at the following times for the purpose of hearing and determining applications by persons claiming to be included in any part of the register —

(a) in New Providence —

(i) at the office of the Parliamentary Commissioner, during usual Government office hours, for applications relating to any polling division in New Providence; and

(ii) at a place in each constituency on at least one day in every six months, of which place and time due notice shall have been given, between the hours of six and nine o'clock in the evening, for applications relating to polling divisions in that constituency;

(b) in the Family Islands —

(i) at his usual office during usual Government hours for applications relating to any polling division in a constituency for which he is the revising officer; and

(ii) at a place in each polling division on at least one day in each quarter for a period of not less than two hours, of which place and time due notice shall have been given by him, for applications relating to that polling division;

(c) in any constituency when so directed by the Parliamentary Commissioner on any day or days within any polling division or divisions to which he has been so assigned, by going from place to place (including any private residence), for applications relating to that polling division or those polling divisions.

(2) In this section "due notice" means at least three days' previous notice, given by public notice:

Provided that the revising officer may give notice of his intention to adjourn an attendance to the first or second day following that attendance by announcing such intention at the end of that attendance.

(3) The revising officer shall refuse to entertain any such application which is not made by the applicant in person.

Enumeration.

16. (1) The Parliamentary Commissioner may at any time after the coming into force of the register and prior to its closing for a general election have an enquiry made, as far as practicable, at every house in any constituency or any part thereof for the purpose of ascertaining the correctness of the register by way of information obtained through the use of a prescribed form.

(2) For the purpose of enabling the carrying out of any enquiry under subsection (1), the Parliamentary Commissioner shall appoint in writing for each polling division of the respective constituency not less than two persons of full age to be scrutineers, notice of which appointment shall be given in two daily newspapers

published in The Bahamas or, in the case of a constituency in a Family Island, posted on the public notice board at the office of a Commissioner in that constituency.

(3) Every political party which is represented in the House of Assembly at the time when any enumeration has been concluded in any constituency or any person who is not a member of such party but is a candidate in an election for that constituency shall upon request to the Parliamentary Commissioner and upon payment of the prescribed fee be supplied by the latter with a copy of the results of that enumeration.

(4) The Parliamentary Commissioner shall supply each scrutineer with —

(a) the scrutineers' prescribed form;

(b) a copy of the relevant list of voters; and

(c) notices of inability to obtain information.

(5) A scrutineer shall at the time of visiting the dwelling place of a person whose name appears on the copy of the list of voters provided by the Parliamentary Commissioner initial the entry on that list and indicate briefly whether the person was interviewed or not.

(6) In making an enquiry pursuant to subsection (1), scrutineers shall, as far as practicable, visit every dwelling place in their respective polling divisions —

(a) at least once between the hours of nine o'clock in the morning and nine o'clock in the evening; and

(b) unless they have ascertained from an occupant of each such dwelling place that no person residing therein remains to be included on that list or to be otherwise enumerated in respect of his registration, at least once again between the hours of five and nine o'clock in the evening,

and where, upon making the last of such visits, the scrutineers are unable to secure all the information necessary, a scrutineer shall leave at such dwelling place a notice indicating such inability (in this section referred to as a notice of inability to obtain information).

(7) Scrutineers shall at all reasonable times and upon producing proper identification under the hand of the Parliamentary Commissioner be given free access, for the purpose of their functions, to the entrance door to each dwelling unit in any building containing more than one dwelling unit.

(8) Any person who obstructs or interferes with a scrutineer in the performance of any of his duties or in the exercise of his rights under this section or who falsely holds himself out or acts as a scrutineer appointed under this section shall be guilty of an offence punishable on summary conviction by imprisonment for a term of one year or by a fine of five thousand dollars or by both such fine and imprisonment.

(9) Every scrutineer who wilfully neglects or omits or refuses to perform any of his duties under this section forfeits his right to payment for any services already rendered.

(10) Every scrutineer who knowingly submits or renders to the Parliamentary Commissioner any result of an enumeration carried out by him which is false by reason of —

(a) the wilful omission of the name of a person who is entitled to be; or

(b) the wilful insertion of the name of a person who is not entitled to be,

on that part of the register for the constituency in which the enumeration was carried out shall be guilty of an offence punishable on summary conviction by a fine not exceeding ten thousand dollars and by imprisonment for a term not exceeding two years or by both such fine and imprisonment.

Duty of chief occupant.

17. (1) It shall be the duty of the chief occupant of every house if required to do so, to furnish the Parliamentary Commissioner within thirty days of the date of such request with the names of every person living in the house who to the best of his knowledge is qualified to be registered as a voter for the constituency in which that house is located.

(2) For the purposes of subsection (1) —

"chief occupant" means —

(a) the person who is responsible for the payment of rent for the entire house to the landlord if such house is a rented house, or the person who owns that house otherwise than as mortgagee, or any person who for the time being is in charge of the house;

(b) where a building is let in separate apartments, flats or lodgings, the person receiving the rent payable by the tenants or lodgers, whether on his own account or as the agent of another person;

"house" means a dwelling house and includes any structure or building or a part of a building used as a residence and where a building is let in separate apartments, flats or lodgings such apartments, flats and lodgings.

(3) A chief occupant who without reasonable excuse fails to comply with a request made under subsection (1) or who pursuant to such a request knowingly submits in answer to that request a reply which is false in a material particular shall be guilty of an offence punishable on summary conviction by a fine not exceeding five thousand dollars or by imprisonment for a term not exceeding two years or by both such fine and imprisonment.

Directions as to registering.

18. (1) Any person wishing to be registered as a voter, being a person whose name has not at any time been included in the current register, and who has accordingly not been issued with a voter's card during the period for which that register has been in force, shall apply for registration in the polling division in which he is ordinarily resident.

(2) Any person who is or has at any time been registered as a voter in the current register may, whether or not he is still so registered, make application for a transfer of registration following a change of residence, and the provisions of section 20 shall apply to such application:

Provided that any such person who is no longer in possession of the voter's card issued to him during the period of the current register shall first apply for a replacement voter's card, in accordance with the provisions of section 28, before applying for a transfer of registration.

Initial application for registration.

19. (1) The revising officer, before registering any person as a voter who claims not to be, and never to have been, included in any part of the current register —

(a) shall require that person —

(i) to take and subscribe an oath (which shall be certified by the revising officer) in the first of the alternative forms in Form B in the First Schedule;

Form B.
First Schedule.

(ii) to produce a passport or a birth certificate or in lieu thereof a baptismal certificate or such reasonable evidence, whether documentary or otherwise, as the revising officer shall consider necessary, to prove that he is qualified to be, and is not already, so registered; and

(iii) to have two identical copies of a photograph taken of him by the revising officer, and being of such size as determined by the revising officer, portraying the head and shoulders of the person facing the camera;

(b) shall make or cause to be made such other enquiries as he thinks fit for the purpose of verifying that person's qualification to be so registered; and

(c) shall prepare a voter's card and a counterfoil for that person as provided in this section.

(2) The revising officer shall disregard any copy of a photograph which he reasonably considers is not a good likeness of the subject, or is in any other way unsuitable.

Form C.
First Schedule.

(3) A voter's card shall be in Form C in the First Schedule and shall contain all the particulars referred to therein, and shall have affixed thereto a photograph of the person to whom it is issued, which photograph shall be sealed to the page to which it is so affixed with an impression seal in such manner that the impression of the seal shall appear partly on the photograph and partly on the page to which it is affixed.

Form D.
First Schedule.

(4) The counterfoil corresponding to a voter's card shall be in Form D in the First Schedule and shall have affixed thereto the identical copy of the photograph in that voter's card, which shall be sealed to that voter's card.

(5) Notwithstanding the provisions of the foregoing subsections relating to photographs, if in a constituency, provision for the taking and providing of photographs is not effective or is not then reasonably available for the

purposes of the taking and providing of photographs, the revising officer shall proceed with the registration of a person and the preparation of the voter's card and the counterfoil thereof while deferring the issue of the card until the photograph is available for affixture to it, but for not later than the day immediately prior to the polling day following upon such registration.

(6) Before issuing a voter's card, the revising officer shall require the person to whom it is to be issued to sign that card and the counterfoil, and shall himself sign that card and the counterfoil.

(7) The Parliamentary Commissioner shall make such provision as he shall consider necessary and at such times and places in each constituency as he shall think fit, and without fee, for the purpose of taking and providing photographs of persons seeking registration as voters.

(8) Notwithstanding the repeal of the Representation of the People Act, any voter's card or counterfoil corresponding to such a card prepared under the provisions of section 17 of that Act and in force immediately before the coming into operation of this Act shall be deemed to be a voter's card or, as the case may be, a counterfoil duly prepared and in force under the provisions of this section. 40 of 1969.

Procedure on subsequent applications for registration or transfer of registration.

20. (1) The revising officer, before registering as a voter in any polling division any person who is or has formerly been registered as a voter in the current register —

(a) shall require that person —

(i) to produce his voter's card;

(ii) to take and subscribe an oath (which shall be certified by the revising officer) in the second of the alternative forms in Form B in the First Schedule; and Form B. First Schedule.

(iii) to produce such reasonable evidence, whether documentary or otherwise, as the revising officer shall consider necessary, to prove that he is qualified to be so registered;

(b) shall make or cause to be made such other enquiries as he thinks fit for the purpose of verifying that person's qualification to be so registered;

(c) shall make any necessary alteration or correction in that person's voter's card and in the counterfoil corresponding thereto, and shall require that person to subscribe his signature or mark, and shall himself subscribe his signature to that alteration or correction, to both that card and the counterfoil; and

(d) shall alter or correct any parts of the register accordingly.

(2) This section shall apply to any application to amend or correct any particulars of an entry in the register relating to the applicant, or to alter the qualification of the applicant, as it does to applications for registration provided for in this section.

Right of objection.

21. (1) Any person who is registered as a voter in a constituency may object to the application of any other person to be registered as a voter in any part of the register for that constituency by giving oral notice of objection to the revising officer in the presence of the applicant at the time when the application is made, and the revising officer shall thereupon, if the person objecting completes and signs a notice of objection in Form E in the First Schedule and discloses therein a *prima facie* ground why the application should not be granted —

Form E. First Schedule.

(a) refuse to register the applicant until the objection has been heard;

(b) fix a day for hearing the objection, which shall be a day not less than three nor more than fourteen days after the day on which the objection was made; and

(c) give a copy of the notice of objection, containing a notice of hearing, to the applicant if he so desires.

(2) Any three persons who are registered as voters in a constituency may object to the name of any other person being retained in any part of the register for that constituency, by delivering to the revising officer a notice of objection in Form F in the First Schedule and upon receiving a notice which discloses a *prima facie* ground why the name of that other person should be removed from that part of the register, the revising officer shall as soon as practicable —

Form F. First Schedule.

(a) fix a day for hearing the objection, which shall be a day not later than fourteen days after the day on which he received notice of objection; and

(b) not later than seven days before the day of such hearing send to that other person, to his address as shown on the register, a copy of the notice of objection containing notice of the day of that hearing, and to the persons objecting he shall send the like notice to the address as shown on the notice of objection.

Revision of register.

22. (1) The Parliamentary Commissioner shall cause the several parts of the register to be compared and to be kept under continuous review for the purpose of ensuring that no person shall be —

(a) named more than once in the register; or

(b) registered by virtue of a qualification which he does not hold.

(2) If at any time the Parliamentary Commissioner has reasonable cause to believe that any person whose name is included in any part of the register is not entitled to be so registered or to be retained there, he shall as soon as practicable —

Form G. First Schedule.

(a) send notice in Form G in the First Schedule to that person to his address as shown on the register stating that objection is made to the inclusion of that person's name in that part of the register, and giving notice of the day on which that objection shall be heard, which shall be a day not less than seven days after the sending of such notice; and

(b) cause such enquiries to be made as may be necessary for the purposes of that hearing.

(3) If at any time the Parliamentary Commissioner —

(a) has reasonable cause to believe that any person whose name is included in any part of the register is dead or is a fictitious person; or

(b) is required by section 10 to remove any person's name from the register,

he shall remove that person's name from the register wherever his name appears, and shall send notice in Form H in the First Schedule to that person to each one of his addresses as shown in the register, that his name has been

Form H. First Schedule.

so removed, and if within fourteen days of the date of such notice that person shall satisfy the Parliamentary Commissioner that he is entitled to be so registered, the Parliamentary Commissioner shall forthwith restore his name to the register.

(4) The Parliamentary Commissioner shall have access to all registers and other records of deaths which are required to be kept under the Births and Deaths Registration Act, and the Registrar General (as defined in that Act) shall furnish the Parliamentary Commissioner with a copy of any register or other record of deaths in The Bahamas as and when the Parliamentary Commissioner may require.

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(5) It shall be the duty of the Parliamentary Commissioner, (the failure of which however shall not be considered as any ground upon which to void an election), once every six months after the coming into operation of this section, to cause notice to be given in two daily newspapers published in The Bahamas or, in the case of a constituency in a Family Island, to cause notice to be posted on the public notice board at the office of a Commissioner in that constituency and at such other place in the constituency as may be determined by the Parliamentary Commissioner, as to the names and particulars of those persons whose names appear in a part of the register and whom he has reasonable cause to believe should seek a transfer to another part of the register.

Hearing of objections.

23. (1) This section shall apply to the hearing of any objection made under the provisions of section 21 or 22.

(2) At the hearing of an objection, which shall be a public hearing —

(a) the person who claims the right to be or to continue to be registered as a voter (in this section referred to as "the appellant") and any person who has objected under section 21 to the appellant being or continuing to be so registered (in this section referred to as "an objector") may appear and be heard as parties to the proceedings either in person or by any other person (whether or not an attorney) on his behalf;

(b) the onus of proof in all cases shall be on the appellant;

(c) the appellant and an objector may adduce oral and documentary evidence, cross-examine any witness called by any other party, and make a submission; and

(d) the revising officer may summon any witness through a police officer, require the production of any documentary evidence, require any evidence to be given on oath or by affidavit and administer oaths and take affidavits accordingly, examine any party or any witness called by a party, or adjourn the hearing to enable evidence to be obtained.

(3) If any party fails to appear at the hearing, the revising officer may on good cause being shown adjourn the hearing for not more than three days, but save as aforesaid shall hear and determine the matter notwithstanding the absence of any party.

(4) The revising officer shall cause the register to be altered as may be required to give effect to his decision.

Appeals from the revising officer.

24. (1) Any appeal under this section from a decision of the revising officer shall be to the Supreme Court and rules of court shall be made for the purpose of determining the procedure on any such appeals and for applying and adapting thereto any enactments relating to procedure.

(2) Any person —

(a) whose claim to be or to continue to be registered as a voter in any part of the register has been refused by the revising officer;

(b) whose name has been removed from the register; or

(c) whose objection to the claim of any other person to be or to continue to be registered as a voter in any part of the register has been heard and not upheld by the revising officer, may appeal under this section if he gives notice of intention to appeal to the revising officer within fourteen days of the giving of the revising officer's decision, and if he otherwise complies with any rules of court.

(3) The revising officer shall forward to the court any such notice of appeal, together in each case with a statement of the material facts which, in his opinion, have been established in the case, and of his decision, and shall furnish to the court any further information which the court may require and which he is able to furnish, and shall comply with any rules of court.

(4) On any appeal under this section the revising officer shall be deemed to be a party to the proceedings.

(5) Notice shall be sent to the revising officer, in the manner provided by rules of court, of the decision of the court on any appeal under this section, and the register shall be altered as may be required to give effect to that decision.

(6) No decision of the revising officer or of any court on appeal under this section shall be evidence in any court in any suit, action or proceeding whatsoever except for the purpose of the registration of voters or for purposes connected therewith.

(7) It shall be the duty of the Parliamentary Commissioner to maintain a book showing the names of persons who have been removed from or restored to the register, the date thereof and the respective part of the register to which the removal or restoration relates and, within six months of the coming into operation of this section and thereafter at six monthly intervals, to cause notice to be given in two newspapers published in The Bahamas or, in the case of a constituency in a Family Island, to cause notice to be posted on the public notice board at the office of a Commissioner in that constituency, as to those names and other particulars not shown in a preceding publication.

(8) A failure to comply with the requirements of subsection (7) or any irregularity or error in a publication pursuant to that subsection shall not be a ground for questioning the validity of an election.

Closing the register for elections and suspension of registration during elections.

25. (1) In each month, by a day not later than the fourteenth day in that month, the Parliamentary Commissioner shall prepare and make open for inspection a copy of all parts of the register relating to the constituencies in New Providence and which copy shall have made thereto all the alterations, additions or deletions required to be

made to the register in accordance with the provisions of this Act before the commencement of that month in which it is prepared.

(2) Where a general election is held or an election is held in any constituency in New Providence the register for the purpose of the election shall be the register comprising of those persons named therein at the end of the period for the normal attendance of public officers at their respective offices on the day immediately preceding the day of the issue of the writ of election and upon which issue the following provisions shall have effect, namely —

(a) the Parliamentary Commissioner shall within fourteen days of the day of the issue of the writ of election publish the register at the office of the Parliamentary Commissioner and a copy of the parts of the register relating to any constituency in a Family Island at the office of the Administrator and such publication shall be for the purposes of such election, final and conclusive of the entries made therein and shall make available free of charge to each person a copy of the register which relates to the constituency for which he is a candidate; *11 of 2002, s. 2.*

(b) no application under section 18, 19 or 20 and no objection under section 21, being an application or objection relating to the appropriate parts of the register, shall be entertained by the revising officer until after polling day;

(c) no appeal under section 24 relating to any of the appropriate parts of the register shall be heard or determined until after polling day;

(d) no name or entry shall be removed from any of the appropriate parts of the register under section 22 until after polling day.

(3) The provisions of subsections (1) and (2) of this section shall apply to all the parts of the register relating to the constituencies in the Family Islands, but for the purposes of such application for references to "the fourteenth day" and "New Providence" there shall be substituted references to "the twenty-first day" and "the Family Islands" respectively.

(4) In any case where the Parliamentary Commissioner or the revising officer would but for the closing of the register have sent notice of objection to, or removed the name of, a registered voter from the register, he shall make

a mark in the appropriate column of the register opposite that name, and the returning officer shall require that person if he claims to vote on polling day, to take and subscribe the same oath as if his right to vote had been challenged by a candidate at the polling place.

Publication and inspection of register.

26. (1) It shall be the duty of the Parliamentary Commissioner to keep at all times and make open for inspection a copy of the register to which any alteration required to be made thereto in accordance with the provisions of this Act is made as soon as it is practicable to do so and in the case of an alteration relating to a part of the register for New Providence, within seven days, and in the case of an alteration to a part of the register for a Family Island within fourteen days, of the day when such alteration is first due to be made.

(2) Not less than once every three years the Parliamentary Commissioner shall publish a copy of the register for The Bahamas which shall be certified by him as having been correct on a day not more than fourteen days before the day of publication.

(3) Where any copy of the register is required by this section or by section 25 to be published, such publication shall be made by giving public notice that printed copies certified by the Parliamentary Commissioner are available for sale at the office of the Parliamentary Commissioner at such cost as may be prescribed.

11 of 2002, s. 3(a).

(4) Where any copy of the register is required by this section or by section 25 to be made open for inspection, a copy shall be kept available for inspection and the taking of extracts by the public at the office of the Parliamentary Commissioner during Government office hours, and a copy of the parts of the register relating to any constituency in a Family Island shall, so far as practicable, also be kept available for inspection and the taking of extracts by the public during office hours at the office of an Administrator, being the office which is usually appointed as the place for the delivery of nomination papers.

11 of 2002, s. 3(b).

Action to be taken following orders under Art. 70(7) of the Constitution and s. 11(1) and (2) of this Act.

27. (1) Where by an order made under paragraph (7) of Article 70 of the Constitution or under subsection (1) of section 11 of this Act the boundaries of constituencies are altered or, as the case may be, new polling divisions are established or the boundaries of polling divisions altered, the Parliamentary Commissioner shall make a copy of the register and shall make in such copy all such corrections as may be necessary in consequence of such order.

(2) The copy of the register made by the Parliamentary Commissioner under the provisions of subsection (1) is in this Act referred to as the "Corrected Register."

(3) A registered voter shall not be required to re-register by reason only of the alteration of boundaries or the creation of new polling divisions as aforesaid.

(4) As persons are registered from time to time in the current register for the several constituencies to which any order under paragraph (7) of Article 70 of the Constitution or subsection (1) of section 11 of this Act relates, the Parliamentary Commissioner shall make all such additions, deletions or alterations in the Corrected Register as may be necessary as a result of such registration.

(5) The Parliamentary Commissioner shall from time to time make any necessary alterations or corrections to the counterfoils of the voters' cards of those persons in respect of whom corrections were made in the Corrected Register pursuant to subsection (1).

(6) From time to time after the counterfoils have been corrected pursuant to subsection (5) the Parliamentary Commissioner shall publish a notice requesting all persons affected by the corrections to attend at the office of the Parliamentary Commissioner or such other places as specified with their voters' cards in order to have such cards corrected in conformity with the corrections made to the corresponding counterfoils, and shall require those persons to subscribe their signatures or marks and shall himself subscribe his signature to the corrections on the counterfoils; and each such notice shall be inserted in at least three consecutive issues of not less than two newspapers published in the Island of New Providence and may be published in such additional manner as the Parliamentary Commissioner may deem fit.

(7) Upon the dissolution of the House of Assembly in being at the time of the making of an order under the provisions of paragraph (7) of Article 70 of the Constitution, the register in being made under the provisions of subsection (1) of section 13 shall cease to have effect and shall be replaced by the Corrected Register which shall thereafter be the register of voters until it expires pursuant to paragraph (b) of subsection (1) of section 14 at the end of the succeeding period of five years which period is to be reckoned from the date of such replacement, or until the register ceases to have effect pursuant to paragraph (a) of that subsection or pursuant to this subsection.

(8) Where by an order made under subsection (2) of section 11 the boundaries of any polling divisions in any constituency are re-drawn, the following provisions shall have effect, that is to say —

(a) a registered voter shall not be required to re-register by reason only of the re-drawing of such boundaries;

(b) the Parliamentary Commissioner shall publish a notice requesting the persons named in such notice to produce their voters' cards at the office of the Parliamentary Commissioner or such other place or places as the Parliamentary Commissioner may direct upon such days and between such hours as shall be set out in the notice;

(c) where the voter's card of any person is produced in accordance with paragraph (b) of this subsection, the Parliamentary Commissioner shall make any necessary alteration or correction in that person's voter's card and in the counterfoil corresponding thereto, and shall require that person to subscribe his signature or mark, and shall himself subscribe his signature to that alteration or correction in both the card and the counterfoil; and

(d) the Parliamentary Commissioner shall make in any parts of the register affected by such order such alterations or corrections as may be necessary in consequence of the order.

Replacement of voters' cards.

Form I. First Schedule.

28. (1) The revising officer may issue a voter's card, to replace a voter's card already issued, to a person applying in the same manner as an applicant for registration, provided such application is made not later than seven days before the day on which an election is to be held in the constituency in which the applicant is a registered voter, but before doing so the revising officer —

(a) shall require that person —

(i) to satisfy him that the card has been lost, stolen or completely destroyed and is not likely to be found or recovered, and to take and subscribe an oath to that effect (which shall be certified by the revising officer) in Form I in the First Schedule; or

Form I. First Schedule.

(ii) to satisfy him by producing the card, that the card has been mutilated or defaced;

(b) shall require that person to produce such reasonable evidence, whether documentary or otherwise, as the revising officer considers necessary, to identify that person as the person to whom the relevant counterfoil relates;

(c) shall make or cause to be made such other enquiries as he thinks fit for the purpose of verifying that the application is made *bona fide*;

(d) shall require that person to facilitate two identical copies of a photograph of himself to be taken by the revising officer and who shall act in accordance with subsections (2), (3), (4) and (5) of section 19, as if that person had made an application under that section; and

(e) shall mark every relevant entry in any part of the register, and the counterfoil corresponding to the voter's card which has been replaced, to the effect that the card has been so replaced.

(2) Any person who finds a voter's card which appears to have been lost or stolen shall without delay take the same to a police station or to the revising officer, and any person found in possession of a voter's card (not being his own card) without lawful excuse shall be guilty of an offence against this Act.

PART IV
THE ELECTORAL BROADCASTING COUNCIL

Electoral Broadcasting Council.

29. (1) There shall be an Electoral Broadcasting Council (in this Part referred to as the "Council").

(2) The Council shall consist of a Chairman, a Deputy Chairman and one other member.

(3) The Chairman and another member of the Council shall be appointed by the Governor-General, acting on the recommendation of the Prime Minister after consultation with the Leader of the Opposition, by instrument under the Public Seal, and the Deputy Chairman shall be appointed by the Governor-General, acting on the recommendation of the Leader of the Opposition after consultation with the Prime Minister, by instrument under the Public Seal.

(4) A person shall not be qualified to hold office as a member of the Council if he is a Minister, a Parliamentary Secretary, a member of, or a candidate for election to the House of Assembly, a Senator or a public officer.

(5) Subject to the provisions of this section, the office of a member of the Council becomes vacant —

(a) at the expiration of five years from the date of his appointment or such shorter period as may be specified in the instrument by which he was appointed; but he is eligible for reappointment;

(b) where any circumstances arise, that, if he were not a member of the Council, would cause him to be disqualified for appointment as a member; or

(c) if he resigns his office by writing under his hand addressed to the Governor-General.

(6) Where any member of the Council is unable, by reason of ill health or for any other reason, to perform the functions of his office the Governor-General may in accordance with the manner provided by subsection (3) appoint a person to act as a temporary member of the Council and authorise him to perform the functions of that office.

(7) Where the Prime Minister or the Leader of the Opposition fails to make a recommendation to the Governor-General in accordance with the requirements of subsection (3) or (6), as the case may be, the Governor-

General after giving to the Prime Minister or the Leader of the Opposition, as the case may be, three days' written notice of his intention to make an appointment in view of the failure shall proceed to do so according to his own deliberate judgment.

(8) Any appointment made by the Governor-General pursuant to subsection (7) shall be deemed to have been made in accordance with subsection (3) or (6) as the case may be.

(9) The Council may regulate its own procedure.

(10) Any question proposed for decision at any meeting of the Council shall be determined by a majority of the votes of the members thereof present and voting, and if on any such question the votes are equally divided, the member presiding shall have and exercise a casting vote.

Staff of Council.

30. (1) The Council shall be provided with a staff adequate for the efficient discharge of its functions.

(2) The salaries and allowances of the staff of the Council are hereby charged on and shall be paid out of the Consolidated Fund.

Functions and autonomy of the Council.

31. (1) The Council shall —

(a) monitor the coverage of the election campaign being done by The Broadcasting Corporation of The Bahamas for the purpose of ensuring that there is accuracy and fairness in the reporting of the campaign;

(b) act as a board of review to hear any complaints made by a political party or candidate at an election in respect of the breach by the Broadcasting Corporation of The Bahamas or its General Manager of the rules relating to political broadcasts or advertisements.

(2) The Council in exercising its functions as a board of review may obtain oral or written complaints and shall deal with them expeditiously.

(3) In the exercise of its functions, under this section, the Council shall not be subject to the direction or control of any person or authority.

PART V
ELECTIONS

Writs of Election

General Elections.

32. As soon as practicable after the issue of the proclamation summoning a new House of Assembly there shall be issued the writs of election bearing the same date and, except where a poll is countermanded in accordance with the provisions of this Act, there shall be not less than twenty-one nor more than thirty days between the issue and the return of a writ.

Bye–elections.

33. (1) Upon the occurrence of a vacancy in the House of Assembly whilst in session, the Speaker shall send a message to the Governor-General requesting the issue of a writ of election.

(2) If, during any recess of the House of Assembly, any member shall die or become disqualified from continuing to serve as a member by virtue of any of the provisions of the Constitution or this Act, the Speaker shall, upon the fact coming to his notice, send a message to the Governor-General requesting the issue of a writ of election.

(3) Upon receipt of the Speaker's message the Governor-General shall as soon as practicable issue a writ of election for the election of a member for the constituency for which the vacancy has occurred, and there shall be not less than twenty-one nor more than thirty days between the issue of the writ of election and the return of that writ.

Form or writs of election.

34. (1) Each writ shall be in Form A in the Second Schedule.

(2) The returning officer to whom a writ of election is directed shall endorse the date of receipt on the writ in Form A in the Second Schedule.

Form A. Second Schedule.

Public notice of elections.

Form B. Second Schedule.

35. (1) The returning officer shall not later than the second day after the day on which he receives a writ of election give public notice of the election in Form B in the Second Schedule, stating —

(a) the date, place in the constituency and times (which shall be between the hours of nine in the morning and noon) on or at which nomination papers are to be delivered; and

(b) the date and times of the poll in the event of a contest, which shall be not earlier than the twenty-first day and not later than the twenty-sixth day after the date of the issue of the writ,

and the notice shall state at what places and times forms of nomination papers may be obtained.

(2) Nomination day of any election shall not be earlier than the fifth day, and not later than the tenth day, after the day on which public notice of the election is given.

Nominations

Nomination of candidates. Form C. Second Schedule.

36. (1) Each person seeking nomination as a candidate for any constituency shall be nominated by a separate nomination paper, which shall be in Form C in the Second Schedule, and shall be subscribed by not less than five persons registered as voters in that constituency, and shall be delivered by the intending candidate himself or by one of the said subscribers to the returning officer for that constituency.

(2) A person shall not be validly nominated unless there is delivered to the returning officer at the place and within the time for the delivery of nomination papers a declaration of qualification, signed by that person in the presence of a justice of the peace, which is made and dated on a day not more than ninety days before nomination day and which is in Form D in the Second Schedule.

Form D. Second Schedule.

(3) It shall not be lawful for any person to be nominated as a candidate in any election for more than one constituency so that if such person were elected in each such constituency he would be entitled to be the Member of Parliament for more than one constituency in the House of Assembly at the same time, and any person who —

(a) having been so nominated by any other person, does not forthwith upon becoming aware of the fact notify in writing the Parliamentary Commissioner thereof; or

(b) knowingly nominates any other person to be a candidate in contravention of this subsection,

shall be guilty of an offence against this Act.

(4) Where it comes to the attention of the Parliamentary Commissioner that any person has been nominated as a candidate in contravention of subsection (3), the Parliamentary Commissioner shall by notice published in the *Gazette* cancel the nomination of such person in any constituency or constituencies (to be selected by such person, if he so desires, or failing such selection, by the Parliamentary Commissioner) for the purpose of ensuring that the requirements of that subsection are complied with as far as within him lies, and the publication of such a notice shall operate to cancel forthwith the candidature of such person in the said constituency or constituencies:

Provided that such cancellation shall not affect the liability of any person to be tried and punished under the provisions of the said subsection (3).

Declaration of assets and deposit.

37. (1) A person shall not be validly nominated unless —

(a) a declaration by him to the best of his knowledge, estimation or endeavours as the circumstances permit of the assets, income and liabilities in the form prescribed by Form E in the Second Schedule as pertaining to himself, his spouse and children (if any) at such date and during such period as are mentioned in the said declaration, is filed; and

Form E.
Second Schedule.

(b) the sum of four hundred dollars is deposited by him or on his behalf, with the returning officer at the place and during the time for delivery of nomination papers.

(2) The meaning respectively assigned to terms and expressions by section 2 of the Public Disclosure Act shall apply to any such term or expression used in subsection (1)(a) or in the said Form E.

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(3) The deposit under subsection (1) shall be made in cash or by a manager's or certified cheque drawn on a Bank licensed in The Bahamas and the returning officer shall forthwith give a receipt for the said sum and pay it into the Consolidated Fund.

(4) The deposit made under this section shall as soon as practicable after the result of the election is declared be returned to the candidate, or if he is dead to his legal personal representatives, except in the cases mentioned in subsection (5).

(5) If a candidate for any constituency —

(a) withdraws on or after the fifth day after nomination day, and a poll is taken on polling day; or

(b) being alive on the day of the poll, and not having withdrawn, is not elected, and the number of votes polled by him does not exceed one-sixth of the total number of votes polled in that constituency,

the deposit shall be forfeited to Her Majesty.

Delivery and validity of nomination papers.

38. (1) The returning officer shall attend at the times and places specified in the notice of election for the purpose of receiving nomination papers.

(2) Except for the purpose of delivering nomination papers or of assisting the returning officer, no person shall be entitled to attend the proceedings during the time for delivery of nomination papers unless he is a person standing nominated as a candidate or a person authorised in writing by such candidate to attend in his stead.

(3) Where a nomination paper, a declaration of qualification and a declaration of assets are delivered and a deposit is made in accordance with this Act by or on behalf of an intending candidate, as the case may be, he shall stand nominated unless the returning officer rejects the nomination paper as invalid at the time of such delivery, either of his own motion or by reason of any objection made at the time of such delivery, by any person entitled to be present at the proceedings.

(4) The returning officer shall reject a nomination paper —

(a) if he is satisfied that the intending candidate is dead or that he has withdrawn or that he is disqualified from being elected by virtue of any of the provisions of the Constitution or this Act; or

(b) if the particulars in the nomination paper or in the declaration of qualification or of assets are not as required by section 36 or 37, as the case may be, or that paper or any such declaration is not subscribed as so required and such defect as to particulars or subscription is not remedied by or on behalf of the intending candidate before the close of the proceedings on the day in question.

(5) Before returning a nomination paper as being rejected to the person delivering the same, the returning officer shall endorse and sign the paper as in Form F in the Second Schedule, stating the fact and the grounds for his decision.

Form F. Second Schedule.

(6) The decision of the returning officer to reject a nomination paper shall be final, and shall not be questioned in any proceedings except on an election petition.

Publication of notice of nominations. Form G. Second Schedule.

39. (1) Not later than the second day after nomination day the returning officer shall give public notice of nominations in Form G in the Second Schedule, showing the names of the persons standing nominated as candidates, arranged alphabetically in order firstly of their surnames and then if necessary of their other names, and showing all the particulars concerning the candidates and the subscribers contained in the nomination papers.

(2) The returning officer at the time of making the publication required by subsection (1) shall in addition publish a copy of any declaration filed with him pursuant to section 37(1)(a).

Adjournment of nomination proceedings.

40. Where the proceedings on nomination day are interrupted or obstructed by any circumstances beyond the control of the returning officer which in his opinion makes it impracticable to continue the proceedings, the proceedings shall be abandoned for that day and shall be continued between the same hours at the same place on the next day or on the next subsequent day on which it is practicable to do so; and that next or next subsequent day shall be treated for the purposes of this Act as the nomination day:

Provided that nothing done before such abandonment of proceedings shall be invalidated thereby.

Withdrawal of candidates. Form H. Second Schedule.

41. (1) A candidate not already declared to be elected may withdraw his candidature, by notice of withdrawal in the first of the alternative Form H in the Second Schedule, signed by him and attested by one witness, and delivered to the returning officer as follows —

(a) at any time before the fifth day after nomination day;

(b) at any time before polling day, if the effect of such withdrawal is that one candidate only remains standing nominated for election to the constituency.

Form H. Second Schedule.

(2) In the case of a candidate who is outside The Bahamas, a notice of withdrawal in the second of the alternative Form H in the Second Schedule signed by three or more of the subscribers of his nomination paper, and exhibiting a communication of his authority and containing a written declaration of the candidate's absence from The Bahamas, shall be of the same effect as a notice of withdrawal signed by the candidate.

Form I. Second Schedule.

(3) Not later than the second day after receiving such notice of withdrawal the returning officer shall give public notice of the withdrawal of the candidate in the appropriate Form I in the Second Schedule.

Offences relating to withdrawals.

42. The following persons shall be guilty of an offence against this Act, namely —

(a) any person who, before or during an election, knowingly publishes a false statement of the withdrawal of a candidate at the election for the purpose of promoting or procuring the election of another candidate:

Provided that the election of a candidate shall not be avoided for any offence against this paragraph committed by his agent, other than his election agent, other than his election agent, unless such offence was committed with the knowledge or consent of the candidate or his election agent;

(b) any person who corruptly induces or procures any other person to withdraw from being a candidate at an election, in consideration of any payment or promise of payment, and any candidate withdrawing his candidature in pursuance of such inducement or procurement.

Death of a candidate.

43. (1) If, after nomination day and before commencement of the poll on polling day, proof is given to the satisfaction of the returning officer that a person standing nominated as a candidate and not already declared to be elected has died on or after nomination day and before the poll is commenced, the returning officer shall forthwith countermand the poll, and all proceedings with reference to the election shall be commenced afresh in all respects as if the writ of election had been received on the day on which proof was given to the returning officer of the death, and the returning officer shall comply with the provisions of this Act accordingly:

Provided that no fresh nomination shall be necessary in the case of a person shown as standing nominated in the public notice of nominations published in accordance with the provisions of section 39.

(2) Upon countermanding the poll the returning officer shall forthwith —

(a) close all polling places in the constituency for all purposes connected with the election until after the day of the countermanded poll; and

(b) place a notice at the entrance to each polling place stating that the poll has been countermanded; and not later than the second day after the day on which the poll was countermanded; give public notice of the countermanding of the poll, in the Form J in the Second Schedule, which notice may contain the fresh public notice of election.

Form J. Second Schedule.

Method of Election

Method of election and notice of poll.

44. (1) Where at the close of proceedings on nomination day, or where by reason of the withdrawal of a candidate before the fifth day after that day, one candidate only remains standing nominated for election to a constituency, the returning officer shall forthwith publicly declare that candidate to be elected in respect of that constituency, and shall also declare the result in accordance with subsection (3) of section 72.

(2) Where in accordance with subsection (1) of this section more than one candidate remains standing nominated for election to a constituency, a poll shall be

taken in accordance with the provisions of this Act, and the public notice of nominations given in accordance with section 39 shall include a notice of a poll, which shall state the day on which and the hours during which the poll will be taken, the situation of each polling place and the description of voters entitled to vote at each polling place.

Contested Elections

Voting by ballot.

45. The votes at the poll shall be given by ballot, and, subject to the provisions of this Act, the result shall be ascertained by counting the votes given to each candidate and the candidate receiving the greatest number of regular votes shall be declared to be elected.

Election agents.

46. (1) A candidate may by appointments in writing authorise any number of persons to act as his election agents who shall on polling day present their respective appointments to the presiding officer and thereafter only those persons whose appointments have been so notified to the presiding officer shall be entitled to act as election agents for that candidate subject to the right of the returning officer or the presiding officer to demand from any agent during the course of the polling day the production of his written authority.

(2) Any reference in this Act to election agents shall be taken as a reference to election agents who are entitled to act as such and, where the number of such agents is restricted, who are within the permitted number.

(3) Where by this Act any act or thing is required or authorised to be done in the presence of a candidate or of his election agent, it may be done in the presence of the candidate or of any one of his election agents who is present at the time and place appointed for the purpose, and the non-attendance of a candidate or of any of his agents at that time and place shall not, if the act or thing is otherwise duly done, invalidate the act or thing done.

(4) Any person who represents himself to be or acts as an election agent on polling day and whose appointment as such was not presented to the presiding officer in accordance with subsection (1) shall be guilty of an offence under this Act.

Prohibition of Family Island Commissioners acting as agents, etc.

47. It shall not be lawful for any commissioner in a Family Island or returning officer, presiding officer or polling clerk to act as an agent, or to canvas or solicit votes, or to use any influence on behalf of any candidate seeking election as a Member of Parliament, and the holder of any such office who shall act in contravention of this section shall be guilty of an offence against the Act.

Appointment of presiding officers, etc.

48. (1) During the poll each polling place shall be in the charge of a presiding officer, who may be assisted by such number of polling clerks as the Parliamentary Commissioner may think fit.

(2) The presiding officer shall be an officer of the Department of the Parliamentary Commissioner, or some other public officer or any suitable person specially appointed for the purpose by the Parliamentary Commissioner.

(3) Polling clerks shall so far as is practicable be public officers, and shall not in any event be persons who have been employed by or on behalf of a candidate in or about the election.

(4) A presiding officer may do by a polling clerk any of the acts which he is required or authorized to do by this Act, except order the arrest of any person or his exclusion or removal from the polling place.

(5) Any presiding officer or polling clerk who is not a public officer may be paid such reasonable remuneration and expenses for his services as the Parliamentary Commissioner may, with the approval of the Minister and with the concurrence of the Minister of Finance, determine.

Provisions of polling places.

49. (1) The returning officer shall appoint one or more places in each polling division for the purpose of taking a poll, and shall for that purpose provide the use of a suitable and convenient building, or suitable and convenient buildings, for the use of which he may pay a reasonable rent or reasonable rents.

(2) When no suitable and convenient building or buildings are available in a polling division in a constituency for use as a polling place or polling places, the Parliamentary Commissioner shall appoint a polling place

or polling places in another polling division or in other polling divisions whether of that constituency or of any adjacent constituency.

Adjournment of poll.

50. (1) Without prejudice to section 53 where the proceedings at any polling place are interrupted or obstructed by any circumstances beyond the control of the presiding officer which in his opinion make it impracticable to continue the taking of the poll on that day, he may adjourn the proceedings until the following day, to be held at the same place, or if necessary at another place, and shall at once inform the returning officer of his decision.

(2) Where the poll at any polling place is adjourned —

(a) the hours of polling on the day to which it is adjourned shall be the same as for the original day;

(b) references in this Act to the close of the poll shall be construed accordingly;

(c) the ballot box shall be effectively sealed by the presiding officer in the presence of all the candidates or their election agents then present; and

(d) the returning officer shall forthwith use every reasonably practicable means to bring the adjournment to the attention of the public in the polling division in question.

Ballot papers and boxes.

51. (1) The ballot of every voter shall consist of a ballot paper, and the candidates standing nominated for the constituency on polling day, and no others, shall be entitled to have their full names inserted in the ballot paper.

Form K. Second Schedule.

(2) Every ballot paper shall be in Form K in the Second Schedule, and —

(a) shall contain the names of the candidates in alphabetical order according firstly to their surnames and then, if necessary, according to their other names, and opposite to the name of each candidate there shall be a prescribed symbol;

(b) shall be printed without any margin to the left side of the candidates' names;

(c) shall be capable of being folded up;

(d) shall have a number printed on the back; and

(e) shall have attached a counterfoil with the same number printed on the face.

(3) Ballot papers printed and provided under the provisions of this section shall be printed on white paper for the purposes of regular votes and upon coloured paper for the purposes of protest votes.

Equipment of polling places.

52. (1) The returning officer shall provide each presiding officer with a locked ballot box or such number of ballot boxes as the returning officer shall consider necessary, one of which shall contain such number of ballot papers as in the opinion of the returning officer may be necessary.

(2) Every ballot box shall be so constructed that the ballot papers can be put therein, but cannot be withdrawn therefrom, without the box being unlocked.

(3) The returning officer shall provide each polling place with —

(a) such number of compartments as may be necessary in which the voters can mark their votes screened from observation, so that at least one compartment is provided for every one hundred and fifty persons registered as voters for that constituency;

(b) indelible pencils to enable voters to mark the ballot papers; and

(c) a copy of the register in abbreviated form and a copy of the part of the register for the polling division.

Form L. Second Schedule.

(4) A notice in Form L in the Second Schedule giving directions for the guidance of voters in voting, shall be printed in conspicuous characters and exhibited in a conspicuous place outside every polling place, and in every compartment of every polling place.

The Poll

Duration of the poll.

53. (1) Subject to subsection (2) the poll shall be taken on the day appointed for the taking of the poll and between the hours of eight o'clock in the morning and six o'clock in the evening.

(2) If for any reason, voting at a polling place is not commenced at the proper time or is interrupted during the polling hours, the Parliamentary Commissioner shall be advised by the respective returning officer and at his discretion, the Parliamentary Commissioner shall extend the closing time designated in subsection (1) to such time as is necessary to ensure that the poll has been open with free access to the electors for ten hours in total.

Advanced poll.

54. (1) Where any police officer or member of The Royal Bahamas Defence Force is or is likely to be on the day appointed for the taking of the poll, assigned, sent or employed in the discharge of his duty in some other polling division so as to prevent his voting at the polling station at which he would otherwise be entitled by law to vote, such police officer or member of The Royal Bahamas Defence Force may vote at an advanced poll to beheld for this purpose at such place as the Parliamentary Commissioner shall determine upon a date prior to the said day appointed for the taking of the poll as shall be appointed by the Governor-General.

(2) The Commissioner of Police and the Commodore of The Royal Bahamas Defence Force, as the case may be, shall not less than fourteen days prior to the date appointed for the taking of an advanced poll submit to the Parliamentary Commissioner a list of the members of The Royal Bahamas Police Force and of the Royal Bahamas Defence Force, respectively, and which lists the Parliamentary Commissioner shall, not later than seven days before the aforementioned appointed date, make available for inspection and the taking of extracts at the office of the Parliamentary Commissioner.

(3) The provisions of this Act as they apply to voters, voting and elections shall apply *mutatis mutandis* to an advanced poll.

(4) At any advanced poll held as above a separate ballot box shall be provided for each constituency, and at the close of such advanced poll the ballot papers in each box shall, without any examination, be placed in separate packets and sealed by the presiding officer, each packet clearly designating the number of ballot papers it contains and the constituency to which it relates, and the presiding officer shall also prepare a statement in writing showing the number of regular and protest votes cast in each constituency.

(5) Each sealed packet of ballot papers shall be immediately returned to the Parliamentary Commissioner

to be kept intact in his office or in some other safe place until delivery by him on the day appointed for the taking of the poll to one of the presiding officers for the same constituency to which such packet relates.

(6) The presiding officer shall open such packet immediately before the commencement of the poll in the presence of all persons who are lawfully in the polling place and without examining the ballot papers shall place them in the ballot box at his poll before he locks it up and places his seal on it as hereinafter provided.

11 of 2002, s. 4.

(7) Subsections (1), (3), (4), (5) and (6) shall apply *mutatis mutandis* in respect of presiding officers, returning officers and polling clerks appointed to attend at the polling place.

11 of 2002, s. 4.

(8) The Parliamentary Commissioner shall not less than 14 days prior to the date appointed for the taking of an advanced poll, prepare a list of the presiding officers, returning officers and polling clerks appointed to attend at the polling place which list the Parliamentary Commissioner shall, not less than 7 days before the appointed day, make available for inspection and the taking of extracts at the office of the Parliamentary Commissioner.

Admission to polling place.

55. (1) The presiding officer shall not permit the number of persons who are in the polling place at the same time for the purpose of voting to exceed the number of compartments in that polling place, and shall exclude all other persons except —

(a) the returning officer, and the polling clerks appointed to attend at the polling place;

(b) the candidates;

(c) the permitted number of election agents for each candidate, being a number not exceeding three persons at any time;

(d) the police officers on duty;

(e) the friend of an incapacitated voter.

(2) Subject to subsection (1) a candidate shall not be permitted to have present at any one time on the day of the poll at the polling place election agents in excess of six.

(3) For the purposes of subsection (2) and of section 64 the expression "polling place" includes the area within one hundred yards of any building in which a poll is being taken.

Sealing of ballot boxes.

56. (1) Immediately before the commencement of the poll, the presiding officer shall, in the presence of all persons who are lawfully in the polling place, unlock the ballot box, remove the ballot papers therefrom and show the ballot box empty to such persons, so that they may see that it is empty, and shall, after replacing therein any ballot papers which may be delivered to him in respect of an advanced poll, then lock it up and place his seal on it in such manner as to prevent its being opened without breaking the seal, and shall place it in his view for the receipt of ballot papers and shall keep it so locked and sealed.

(2) The presiding officer shall arrive at the polling place on polling day in sufficient time as would facilitate the commencement by him at 7:30 o'clock in the morning of the discharge of the duties mentioned in subsection (1), including that of the completion in Form M in the Second Schedule of a pre-poll ballot paper account of the ballot papers intended for use at the poll which pre-poll ballot paper account shall be delivered by the presiding officer to the returning officer at the time of the delivery to him of the ballot box.

Forms M. Second Schedule.

Voter to be identified before voting.

57. (1) No person shall be permitted to vote in any polling division at any election unless —

(a) he produces his voter's card or other sufficient means of identification and it is apparent that he has not already voted at the same election in the same constituency or in any other constituency; and

(b) his name is on the part of the register for that polling division, and the presiding officer has scrutinised the voter's card or other means of identification produced by him and is satisfied as to his identity and his right to vote.

(2) The name of every voter who is permitted to vote upon the production of sufficient means of identification other than his voter's card, and the means of identification produced, shall be entered on a list to be kept by the presiding officer.

(3) In any case where a voter's card bears the date of registration on page two of such card but is defective only because it does not bear a date or date stamp on the face of page one of such card then such card shall be accepted as valid.

Protest votes.

58. (1) If during the course of identifying any person before voting in any polling division at any election under the provisions of paragraph (b) of subsection (1) of section 57, the presiding officer is not satisfied as to the identity of such person or as to his right to vote because —

(a) such person's voter's card has any defect;

(b) the entry relating to such person in the register is incorrect; or

(c) such person has a voter's card but his name does not appear in the register for the relevant constituency or polling division,

then the presiding officer shall permit such person to cast a vote upon a coloured ballot paper and such vote shall be known as a protest vote.

(2) In any other case in which the presiding officer permits any person to vote such vote shall be cast upon a white ballot paper.

Voting procedure.

59. (1) The presiding officer shall give one ballot paper, and no more, to any person whom he permits to vote, but before doing so he shall —

(a) sign his own name on the back of the ballot paper;

(b) call out the number, full name and description of that person as stated in the register, and mark the said number on the counterfoil;

(c) put a mark against the name of that person in the copy of the register in use in the polling place, so as to indicate that that person has voted in that polling division; and

(d) mark the thumb of the person by dipping the thumb of his right hand up to at least the first joint in such indelible ink or by such other mark as designated by the Parliamentary Commissioner by notice in the *Gazette*, after approval by the Prime Minister in consultation with the Leader of the Opposition, save that if the person has no right hand thumb or if for any other reason it is, in the opinion of the presiding officer, not practical to mark that thumb, the thumb of the left hand or such other finger as the

presiding officer shall direct shall be so marked or if in the opinion of the presiding officer it is not practicable to mark any finger of the person, that person shall be marked in such a way as the presiding officer considers sufficient to indicate that a ballot has been issued to that person; and

(e) stamp that person's voter's card with a stamp which shall indicate that the holder of that card has voted in that election in that polling division.

(2) Subject to any exceptions contained in paragraph (d) of subsection (1), a presiding officer shall refuse to give a ballot paper to a voter unless the officer is satisfied that there does not appear —

(a) upon the appropriate finger of the voter; or

(b) in the case of a voter who the presiding officer is satisfied is suffering from an injury to the appropriate finger, upon any of the fingers of such voter,

any mark of the indelible ink (in this section referred to as "electoral ink").

(3) For the purpose of satisfying himself in the manner required by subsection (2), the presiding officer shall in the presence of the poll clerk and of the election agents of the candidates inspect the appropriate finger of each voter or all of the fingers of each voter, as the case may require and for that purpose shall use any equipment designed for the purpose of detecting any mark of indelible ink as may be prescribed:

Provided that if the prescribed equipment fails to function or is illegally removed from, or is for any reason not available for use at, any polling place, the presiding officer, in lieu of using that equipment, shall require the voter —

(i) to take an oath in the prescribed form to the effect that he has not previously voted in that election; and

(ii) to make one or more impressions in ink on the form of the oath as follows —

(a) with his right thumb;

(b) with his left thumb, should he not have a right thumb; or

(c) with any other finger should he not have any thumb.

(4) Where the appropriate finger or any other finger which any voter may be required to immerse in electoral ink is concealed or covered with any bandage or other material, the presiding officer shall refuse to give to the voter any ballot paper unless the voter either —

(a) removes such bandage or other material and wholly uncovers the appropriate or other finger aforesaid; or

(b) satisfies the presiding officer that he is suffering from injury to such appropriate or other finger takes an oath to that effect in the prescribed form and makes one or more impressions in ink on that form, as follows —

(i) with his right thumb;

(ii) with his left thumb, should he not have a right thumb; or

(iii) with any other finger, should he not have any thumb.

(5) Where the presiding officer delivers a ballot paper to a voter pursuant to subsection (4), he shall record in the copy of the register in use in the polling place, against the entry of the name of that voter, the facts in relation to the delivery of the ballot paper.

(6) Any presiding officer who refuses to deliver a ballot paper to any voter under the provisions of subsections (2) to (4) shall record in the copy of the register in use in the polling place, against the entry of the name of that voter, the facts in relation to such refusal.

(7) Every person who applies for any ballot paper at a time when there is upon any of his fingers or elsewhere upon him pursuant to subsection (1)(d) any mark of electoral ink shall be guilty of an offence against this Act.

(8) The presiding officer shall before giving the ballot paper to the voter satisfy himself, if the voter has an appropriate finger that there does not appear upon such finger any substance which in his opinion is likely to prevent the adhesion of electoral ink and cause the voter to immerse such finger in the electoral ink:

Provided that where the presiding officer is satisfied that the voter is suffering from some injury to his appropriate finger which is of such nature as to render it

undesirable for him to immerse such finger in the electoral ink the presiding officer may require him to immerse in such ink any other finger upon which the presiding officer is satisfied that there is no substance which is likely to prevent the adhesion of electoral ink.

(9) Each voter shall vote without undue delay and, on receiving the ballot paper, shall forthwith go into one of the compartments in the polling place and there secretly with the indelible pencil provided place one cross only in the space opposite the name of the candidate for whom he votes, and shall then fold up the ballot paper so as to conceal his vote, and shall then show the back of the paper to the presiding officer so that that officer can see his own signature thereon, and then drop the ballot paper so folded up into the ballot box in the presence of the presiding officer without showing the front of the ballot paper to any person, and the voter shall then retire from the polling place without delay.

Spoilt and void ballot papers.

60. (1) A voter who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper may, on returning it to the presiding officer and proving to the satisfaction of that officer the fact of the misadventure, obtain another ballot paper in the place of the ballot paper so returned and the presiding officer shall forthwith endorse the word "spoilt" on the ballot paper so returned.

(2) Any ballot paper —

(a) which does not bear the signature of the presiding officer;

(b) on which votes are given for more than one candidate;

(c) on which anything is written or marked by which the voter can be identified except the printed number on the back; or

(d) which is unmarked or void for uncertainty,

shall, subject to the provisions of subsections (3), (4) and (5), be entirely void and not counted.

(3) A ballot paper on which a vote is marked —

(a) elsewhere than in the proper place;

(b) otherwise than by means of a cross; or

(c) by more than one mark,

shall not by reason thereof be deemed to be void if an intention that the vote shall be for one of the candidates clearly appears and the way the paper is marked does not of itself identify the voter and it is not shown that he can be identified thereby:

Provided that no ballot paper shall be deemed to be void in part and good in part.

(4) At the count the presiding officer shall in the presence of the candidates or their election agents endorse the word "rejected" on any ballot paper which under subsections (2) and (3) is not to be counted.

(5) The decision of the presiding officer on any question arising in respect of a ballot paper shall be final, but shall be subject to review by the returning officer at the re-count.

Declaration as to qualifications by registered voter.

61. The presiding officer may, and, if required so to do by any candidate or his election agent, shall, require any person applying for a ballot paper at the time of his application, but not afterwards, to take and subscribe an oath before the presiding officer (which shall be certified by the officer) in Form N in the Second Schedule and if such person does not comply with the foregoing provision, he shall not be permitted to vote, and his name shall be marked on the register accordingly.

Form N. Second Schedule.

Challenge and arrest of voter.

62. (1) If at the time a person applies for a ballot paper for the purpose of voting, or after he as applied for a ballot paper for that purpose and before he has left the polling place, a candidate or his election agent declares to the presiding officer that he has reasonable cause to belive that person has committed an offence of personation, and undertakes to substantiate the charge in a court of law, the presiding officer may order a police officer to arrest that person, and the order of the presiding officer shall be sufficient authority for the police officer or constable so to do.

(2) A person against whom a declaration is made under this section shall not by reason thereof be prevented from voting, unless the presiding officer is satisfied that he is not qualified to vote.

(3) A person arrested under the provisions of this section shall be dealt with as a person taken into custody by a police officer for an offence without a warrant.

Voting by incapacitated persons.

63. (1) The presiding officer, on the application of any voter who is incapacitated by blindness or any other physical cause from voting in the manner prescribed by this Act and who takes and subscribes an oath (which shall be certified by the presiding officer) in Form O in the Second Schedule and is accompanied by a friend, shall permit such friend to accompany the incapacitated voter into one of the compartments in the polling place and mark such voter's ballot paper for him, but no person shall at any election be allowed to act as the friend of more than one incapacitated voter.

Form O. Second Schedule.

(2) Any friend who is permitted to mark the ballot paper of an incapacitated voter as aforesaid shall first be required to take an oath in Form P in the Second Schedule that he will keep secret the name of the candidate for whom the ballot paper of such incapacitated voter is marked by him, and that he has not already acted as the friend of an incapacitated voter for the purpose of marking his ballot paper at the pending election.

Form P. Second Schedule.

(3) Whenever any voter has had his ballot paper marked as provided in this section, the presiding officer shall enter on a list of incapacitated persons to be kept by him the name of every such voter and the reason why it is so marked.

(4) Any person who acts as the friend of more than one incapacitated voter in breach of subsection (1) shall be guilty of an offence against this Act.

Keeping of order in polling place.

64. (1) It shall be the duty of the presiding officer to keep order at his polling place.

(2) Without prejudice to subsection (3) the presiding officer for the purposes of giving effect to subsection (1) may direct persons assembling or congregating at the polling place to disperse or remove themselves from the polling place, not being persons referred to in section 55 or persons who are entitled to vote at the polling place and are there for the purpose of doing so.

(3) If any person misconducts himself in a polling place, or fails to obey the lawful orders of the presiding officer, he may immediately, by order of the presiding officer, be removed from the polling place by a police officer or by any other person authorised in writing by the returning officer to remove him, and the person so removed shall not, without the permission of the presiding officer, again enter the polling place during the day:

Provided that the powers conferred by this section shall not be exercised so as to prevent a person who is otherwise entitled to vote at a polling place from having an opportunity of voting at that place.

Procedure on Close of Poll

Procedure on close of poll.

65. (1) As soon as practicable after the close of the poll the presiding officer, in the presence of such of the candidates or their election agents as are present in the polling place —

(a) shall open the ballot box and ascertain the result of the poll for the polling place by counting the regular and protest votes for each candidate, and forthwith declare such result;

(b) in counting the regular and protest votes shall keep the ballot papers with their faces upwards, and, in the event of the back of a ballot paper being examined for any purpose whatsoever, take all proper precautions for preventing any person from seeing the number printed on the back thereof;

(c) immediately thereafter shall prepare a statement in writing (in this Act referred to as a "ballot paper account"), in Form Q in the Second Schedule showing —

Form Q. Second Schedule.

(i) the number of regular and protest votes polled by each candidate; and

(ii) the number of ballot papers entrusted to the presiding officer, and accounting for them under the heads of unused and spoilt ballot papers, rejected ballot papers and counted ballot papers;

(d) immediately after preparing the said statement shall make up into separate packets, sealed with his own seal and the seals of such candidates or their election agents as are present and desire to affix their seals —

(i) the unused and spoilt ballot papers placed together;

(ii) the rejected ballot papers;

(iii) the counted ballot papers;

(iv) the counterfoils of the used, spoilt and rejected ballot papers placed together;

(v) the marked copy of the part of the register for the polling division; and

(vi) the list of incapacitated voters kept in accordance with section 63,

and endorse on each packet a description of the contents and the date of the election and the name of the polling division and constituency, and place all the said packets in the ballot box, and lock up the ballot box and place his seal on it in such a manner as to prevent its being opened without breaking the seal; and

(e) immediately after complying with the foregoing provisions of this section, shall deliver the ballot box and a signed copy of the ballot paper account to the returning officer of the constituency.

(2) The presiding officer shall forthwith supply a true copy of the ballot paper account signed by him to any candidate or his election agent requesting the same, upon payment of a fee of one dollar and fifty cents for each copy.

(3) The presiding officer shall permit any one person on behalf of each candidate, being the candidate himself or his election agent, to accompany the person delivering the said ballot box to the returning officer.

Attendance at re-count of votes.

66. (1) The returning officer shall re-count the regular and protest votes from each polling division in the constituency, in the presence of such of the candidates or their election agents as are present, as soon as practicable after receiving the ballot boxes and ballot paper accounts from all the polling places in the constituency, and before the close of the poll shall give to the presiding officer at each polling place in the constituency, notice of the appointed time and place of the re-count so that the candidates and their agents may have notice thereof.

(2) No person other than —

(a) the returning officer and his clerks;

(b) the candidates; and

(c) the permitted number of election agents for each candidate, being a number corresponding to the number of official persons present (being the returning officer and his clerks),

may be present at the re-counting of the regular and protest votes, unless permitted to attend by the returning officer.

(3) The returning officer shall give the candidates and their election agents all such reasonable facilities for overseeing the proceedings, and all such information with respect thereto, as he can give them consistently with the orderly conduct of the proceedings and the discharge of his duties in connection therewith.

The re–count.

67. (1) Upon a re-count the returning officer shall in the presence of such of the candidates or their election agents as are present —

(a) open and re-count the contents of each ballot box in turn (taking them in any order) and check the accuracy of the ballot paper account accompanying that ballot box, and forthwith declare the result of that re-count to any candidates or their election agents present;

(b) carry out the same procedure as the presiding officer is required to do under paragraph (d) of subsection (1) of section 67 in relation to each ballot box which has been opened before opening another ballot box; and

Form Q.
Second Schedule.

(c) endorse and sign on each presiding officer's ballot paper account a certificate, in Form Q of the Second Schedule, either stating that the account is correct, or stating that it is incorrect and stating the corrections to be made thereto.

(2) A candidate or his election agent, if present when any re-count or further re-count is completed, shall be given a reasonable opportunity to exercise the right of requiring the returning officer to have the regular and protest votes again re-counted but the returning officer may refuse to do so if in his opinion the request is unreasonable.

(3) Upon completion of the counting and re-counting the returning officer shall deliver all the ballot boxes and ballot paper accounts into the custody of the Parliamentary Commissioner.

(4) The returning officer shall without delay supply a true copy of any ballot paper account as certified by him to any candidate or his election agent requesting the same, upon payment of a fee of one dollar and fifty cents for each copy.

(5) The returning officer shall, so far as practicable, proceed continuously with the re-count of the regular and protest votes, allowing only time for refreshment.

(6) The decision of the returning officer on any question arising in respect of a ballot paper shall be final, but shall be subject to review on an election petition.

Special election procedure.

68. (1) Immediately following the re-count made pursuant to the provisions of section 67 the returning officer shall inform the candidates or their respective election agents of the number of regular votes and the number of protest votes cast in respect of each of such candidates.

(2) In the case of a contested election in a constituency, if the candidate for whom the largest number of regular votes has been cast has more regular votes than the aggregate of the number of regular votes and the number of protest votes (if any) cast in respect of each of the other candidates for such constituency, then no protest votes cast in such election shall be taken into account, the provisions of section 69 shall not apply, and such first-named candidate shall be deemed to be elected under this Act.

Testing of protest votes.

69. (1) In the case of a contested election in any constituency in which the candidate to be returned is not an elected candidate, that is to say, if the number of regular votes cast in favour of that candidate is equal to or exceeds the number of regular votes cast for any other candidate for that constituency but is less than the aggregate of the number of regular votes and the number of protest votes cast for such other candidate, then the protest votes received by all the candidates shall be taken into account and their validity determined by an Election Court.

(2) In the event of any candidate wishing to avail himself of the provisions of subsection (1), either he or his election agent shall notify the returning officer in writing thereof immediately following the re-count made pursuant to the provisions of sections 66 and 67, and in such case —

(a) no such declaration or notice as is provided for in subsection (1) of section 72 shall be made or given with respect to the relevant constituency; and

(b) an application for the purpose shall be made by such candidate to an Election Court within ten days of the re-count aforesaid.

(3) The procedure and practice of the Election Court on the hearing of such applications shall be regulated by rules which shall be made by the Rules Committee under section 75 of the Supreme Court Act, such rules making due provision for the preservation of the secrecy of the name or names of the candidate or candidates for whom each such protest ballot was cast; and at the hearing of any application all candidates for the relevant constituency shall be entitled to appear personally or by counsel, to call, examine or cross-examine any witnesses; and generally to be heard by the Election Court.

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(4) On hearing such application if the Election Court is satisfied after taking into account the matters mentioned in paragraphs (a), (b) and (c) of subsection (1) of section 58 or any of them that a voter was entitled to be properly registered and was entitled to vote in the relevant constituency then it shall allow such vote and, if necessary, order that the register be rectified accordingly, and at the conclusion of the hearing of the application the Election Court shall certify in writing to the returning officer the number of protest votes which it has allowed in respect of each candidate for the constituency, and shall cause copies of such certificate to be forwarded to the Governor-General and to the clerk of the House of Assembly; and the determination so certified shall be final to all intents and purposes.

(5) Upon the returning officer receiving the certificate of the Election Court mentioned in subsection (4), the protest votes allowed by such certificate shall be deemed to be regular votes and taken into account and added to the regular votes cast in favour of each candidate, and the returning officer shall declare the final result of the poll in accordance with the provisions of section 72.

(6) In the event either —

(a) of any candidate for any constituency not having notified the returning officer pursuant to the provisions of subsection (2) of his desire to avail himself of the provisions of subsection (1); or

(b) of such a candidate having notified the returning officer as aforesaid but so that —

(i) no application is made by such candidate within the time allowed by paragraph (b) of subsection (2);

(ii) all applications made by any such candidate are not proceeded with before the Election Court in accordance with any directions issued by that court and are struck out by that court; or

(iii) all applications made by any such candidate are disallowed by the Election Court,

then all protest votes cast in respect of the election of a Member of Parliament for such constituency shall be ignored, and, taking into account only the regular votes cast, the returning officer of his own knowledge or on being notified by the Election Court, as the case may be, shall forthwith declare the final result of the poll in such constituency in accordance with the provisions of section 72.

(7) In this section "elected candidate" means a candidate deemed to be elected under the provisions of subsection (2) of section 68.

Effect of sections 57(3), 58, 68 and 69 in regard to offences.

70. The provisions of subsection (3) of section 57 and of sections 58, 68 and 69 shall have effect without prejudice to the provisions of section 95 or any other section of the Act relating to offences.

Equality of votes between candidates.

71. Where, after the counting of the votes (including any re-count or any addition of protest votes in pursuance of subsection (5) of section 69) is completed, an equality of votes is found to exist between any candidates and the addition of a vote would entitle any one of those candidates to be declared elected, the following provisions shall apply for the purpose of electing one of those candidates —

(a) the returning officer shall when declaring the results of the election declare a void election as between those candidates;

(b) a fresh poll shall be taken in the constituency on the fourteenth day after such declaration;

(c) the returning officer shall delay the return of the writ until the result of the fresh poll is declared and the time within which the writ is required to be returned shall be extended by fourteen days;

(d) if the result of a fresh poll is an equality of votes the returning officer shall forthwith decide between the candidates by lot, and proceed as if the candidate on whom the lot falls had received an additional vote.

Final Proceedings in Contested and Uncontested Elections

Declaration of result.

72. (1) Subject to the provisions of this Act, in a contested election, when the result of the poll has been ascertained, the returning officer shall forthwith —

(a) publicly declare to be elected the candidate to whom a majority of regular votes has been given; and

Form R. Second Schedule.

(b) give public notice, in Form R in the Second Schedule, of the name of the elected candidate and of the total number of regular votes cast for him.

(2) Where in the case of a contested election in any constituency the candidate to be returned is not ascertained to be an elected candidate within the meaning of subsection (2) of section 68 and any candidate or his election agent gives notice that such last-mentioned candidate wishes to avail himself of the provisions of subsection (1) of section 69, the returning officer shall make the declaration and give the public notice prescribed by subsection (1) as regards the final result of the poll upon either —

(a) receiving the certificate of the Election Court in pursuance of subsection (5) of section 69; or

(b) the happening of one of the events mentioned in paragraph (a) or (b) of subsection (6) of section 69.

(3) In an uncontested election the public notice of nominations or the public notice of withdrawal of a nomination as may be appropriate, shall contain a declaration of results in Form G or I, as the case may require, in the Second Schedule.

Form G or I. Second Schedule.

Return to the writ of election.

73. (1) Subject to the provisions of subsection (2), as soon as practicable after the declaration of results the returning officer shall return the name of the Member of Parliament elected by endorsing on the writ of election a certificate in Form A in the Second Schedule, attaching to the writ the nomination and qualification papers of each candidate in the election and transmitting the same to the Parliamentary Commissioner; and the Parliamentary Commissioner shall deliver the writ to the Governor-General.

Form A. Second Schedule.

(2) Where in the case of a contested election in any constituency the candidate to be returned is not ascertained to be an elected candidate within the meaning of subsection (2) of section 68, and any candidate or his election agent gives notice that such last-mentioned candidate wishes to avail himself of the provisions of subsection (1) of section 69, the returning officer shall not take any step required by subsection (1) until either —

(a) receiving the certificate of the Election Court in pursuance of subsection (5) of section 69; or

(b) the happening of one of the events mentioned in paragraph (a) or (b) of subsection (6) of section 69.

Keeping of records in Parliamentary Commissioner's Office.

74. (1) The Parliamentary Commissioner shall retain in his custody for six months all ballot papers and all other documents relating to an election and, unless otherwise directed by order of the Supreme Court, shall thereafter cause them to be destroyed.

(2) The Parliamentary Commissioner shall at all times keep a record of the results of all elections held after the commencement of this Act, including a record of the number of votes cast for each candidate at an election, and a copy of such record shall be open to inspection by the public at the office of the Parliamentary Commissioner during Government office hours, and any person shall be entitled to take extracts therefrom.

Inspection of ballot papers prohibited except as ordered by an Election Court or Supreme Court.

75. After the result of an election has been determined and declared no person shall be permitted to inspect any ballot papers or to open any sealed packet in the custody of the Parliamentary Commissioner, except under an order of an Election Court made for the purposes of a petition questioning an election or return, or under an order of the Supreme Court, which may be made on the Court being satisfied by evidence on oath that the inspection or production of such ballot papers or sealed packets is required for the purpose of instituting or maintaining a prosecution for an offence against this Act; and any such order may be made subject to such conditions as to persons, time, place or mode of inspection or production as any such Court making the same may think expedient, and shall be complied with by all persons to whom it is directed.

Proof of documents produced by the Parliamentary Commissioner.

76. Where an order under section 75 is made for the production by the Parliamentary Commissioner of any papers in his custody relating to an election, the production of such papers in such manner as may be directed by any order of an Election Court or Supreme Court shall be conclusive evidence that such papers relate to that election; and any endorsement on any packet or document so produced shall be evidence that such packet or document is what it is stated to be in such endorsement.

PART VI
PROCEEDINGS IN THE HOUSE OF ASSEMBLY

Production of writs in the House of Assembly.

77. Every writ of election duly endorsed in accordance with the provisions of Part V shall be produced and brought into the House of Assembly by a person appointed by the Governor-General for that purpose at or before the hour appointed for the sitting of the House of Assembly upon the first meeting thereof after the day appointed for the return of that writ of election:

Provided that in any case where it shall be necessary to make a return in accordance with the provisions of subsection (2) of section 73 and such return cannot be made before the time appointed for the first sitting of the House of Assembly after the day appointed for the return of that Writ of election, a copy of such writ duly endorsed shall be produced and brought into the House of Assembly as soon as is practicable.

Qualification oath.

78. (1) Every person elected after the commencement of this Act to serve as a Member of Parliament shall, before he presumes to sit or vote as a Member of Parliament, and after he has taken and subscribed the oath of allegiance, take and subscribe the following oath in the Chamber where the House of Assembly is duly sitting, with the Speaker in the Chair and any three other Members of Parliament present, namely —

"I, A.B., do swear that I have no knowledge of any cause or impediment why I am not capable of sitting or voting as a Member of Parliament of The Bahamas, for any constituency within the same according to the tenor and true meaning of the Constitution and the Parliamentary Elections Act, 1991, or any enactment amending or replacing the same, so help me God."

(2) Where the election of the person referred to in subsection (1) is consequent upon a bye-election the business of the House of Assembly shall be suspended by the Speaker to permit the oath to be taken under that subsection when the person presents himself in the House after notification to the Speaker of his attendance for that purpose.

(3) The oath and subscription prescribed by this section shall be entered in a book kept for the purpose by the Clerk to the House of Assembly.

PART VII
ELECTION PETITIONS AND INQUIRIES INTO QUALIFICATIONS

Avoidance of election on election petition.

79. The election of a candidate as a Member of Parliament shall be declared to be void on an election petition on any of the following grounds which may be proved to the satisfaction of an Election Court, namely —

(a) that by reason of general bribery, general treating or general intimidation, or other misconduct or other circumstances, whether similar to those before enumerated or not, the majority of electors were or may have been prevented from electing the candidate whom they preferred;

(b) non-compliance with the provisions of this Act relating to elections, if it appears that the election was not conducted in accordance with the principles laid down in such provisions and that such non-compliance affected the result of the election;

(c) that a corrupt or illegal practice was committed in connection with the election by the candidate or with his knowledge and consent or by an election agent of the candidate or with the knowledge and consent of an election agent of the candidate;

(d) that the candidate was at the time of his election a person disqualified for election as a Member of Parliament.

Appointment and powers of Election Court.

80. (1) Every election petition shall be tried by an Election Court.

(2) An Election Court shall from time to time be constituted, in the manner mentioned in paragraph (1) of Article 51 of the Constitution, for the purposes of this Act and of that Article; and either the Chief Justice or another Justice of the Supreme Court shall be president of the Court.

(3) An Election Court shall, subject to the provisions of this Act, have the same powers, jurisdiction and authority as the Supreme Court at the trial of a civil cause without a jury, and shall be a court of record.

(4) Witnesses shall be subpoenaed and sworn in the same manner as nearly as circumstances admit as in a trial by the Supreme Court in the exercise of its original civil jurisdiction and shall be subject to the same penalties for the giving of false evidence.

(5) An Election Court shall have all the powers of the Supreme Court with regard to punishment for contempt of court, and every act which would be a contempt of court if done or omitted to be done in connection with or in relation to a proceeding before the Supreme Court shall be a contempt of court if done or omitted to be done in connection with or in relation to a proceeding before an Election Court.

(6) Every proceeding before an Election Court shall be a judicial proceeding within the meaning of section 82 and Title XXVIII of the Penal Code.

(7) On the trial of an election petition under this Act an Election Court may, by order under the hand of the President of the Court, compel the attendance of any person as a witness who appears to such Election Court to have been concerned in the election to which the petition refers and, without prejudice to the generality of subsection (4), any person refusing to obey such order shall be guilty of a contempt of court.

(8) An Election Court may examine any witness so compelled to attend or any person in court, although such witness or person is not called and examined by any party to the petition and after the examination of a witness or person as aforesaid by an Election Court, such witness or person may be cross-examined by or on behalf of the petitioner and respondent, or either of them.

Who may present petition.

81. An election petition may be presented by any one or more of the following persons, namely —

(a) some person who voted or had a right to vote at the election to which the petition relates;

(b) some person claiming to have had a right to be returned or elected at such election;

(c) some person alleging himself to have been a candidate at such election.

Relief may be claimed.

82. All or any of the following relief to which the petitioner may be entitled may be claimed in an election petition, namely —

(a) a declaration that the election is void;

(b) a declaration that the return of the person was undue;

(c) where the seat is claimed for an unsuccessful candidate on the ground that he had a majority of lawful votes, a scrutiny;

(d) where an unsuccessful candidate is found on a scrutiny to have had a majority of lawful votes, a declaration that that candidate was duly elected and ought to have been returned.

(2) At a scrutiny any tendered vote proved to be a valid vote shall, on the application of any party to the petition, be added to the poll.

Leave to present election petition.

83. (1) No election petition shall be presented unless leave therefor has been granted on an application made *ex parte* to a judge of the Supreme Court; and every such application shall be accompanied by a statement setting out the name and description of the petitioner and the relief sought, and by affidavits verifying the facts relied on, and shall be made in accordance with the rules of the Election Court.

(2) At the time of presenting an election petition or within three days afterwards the petitioner shall give security for all costs, charges and expenses which may become payable by him to any witness summoned by him or to any respondent, in the sum of three thousand dollars as the judge, on summons, shall direct, and shall be given in the prescribed manner by recognisance entered into by any number of sureties not exceeding four.

(3) Within the prescribed time, not exceeding five days after the presentation of the petition, the petitioner shall serve on the respondent a notice of the presentation of the petition, and of the nature of the proposed security, and a copy of the petition.

(4) Within a further prescribed time, not exceeding five days after service of the notice, the respondent may object in writing to any recognisance on the ground that any surety is insufficient or is dead or cannot be found or ascertained for want of a sufficient description in the recognisance, or that a person named in the recognisance has not duly acknowledged the recognisance.

(5) An objection to a recognisance shall be decided in the prescribed manner.

(6) If the objection is allowed, the petitioner may within a further prescribed time not exceeding five days, remove it by a deposit in the prescribed manner of such sum of money as will, in the opinion of the judge, make the security sufficient.

(7) If no security is given as required by this section or any objection is allowed and not removed as aforesaid, no further proceedings shall be had on the petition, and the

respondent may apply to the Election Court for an order for the dismissal of the petition and for the payment by the petitioner of the respondent's costs.

Time for presen–tation of election petition and security for costs.

84. (1) Every election petition shall be presented within twenty-one days of the date of the production of the writ for the election to the House of Assembly under the provisions of section 77:

Provided that —

(a) an election petition questioning the return or the election upon the ground of a corrupt practice and specifically alleging a payment of money or other act to have been made or done since the date of the production of the writ by the Member of Parliament whose election is questioned or by an agent of the Member of Parliament with the privity of the Member of Parliament or his election agent in pursuance or in furtherance of such corrupt practice shall, so far as respects such corrupt practice, be presented at any time within twenty-eight days after the date of such payment or act but in no event shall an election petition be presented after the expiration of six months from the date of the production of the writ of election to the House of Assembly as aforesaid;

(b) an election petition questioning the return or the election upon an allegation of an illegal practice shall, so far as respects such illegal practice, be presented within twenty-eight days after the date of the alleged commission of such illegal practice, but in no event shall an election petition be presented after the expiration of six months from the date of the production of the writ of election to the House of Assembly as aforesaid.

(2) An election petition presented in due time may, for the purpose of questioning the return or the election upon an allegation of a corrupt or illegal practice, be amended, with the leave of the Election Court, within twenty-eight days of its presentation.

Conclusion of trial of election petition.

85. (1) At the conclusion of the trial of an election petition, the Election Court shall determine whether the Member of Parliament whose election or return is complained of was duly returned or elected, and whether the election was void, and, where the seat is claimed for an unsuccessful candidate on the ground that he had a majority of lawful votes and a scrutiny is taken, whether any and what other person has a majority of lawful votes and was accordingly duly elected and ought to have been returned, and shall certify in writing the determination to the Governor-General and to the Speaker; and the determination so certified shall be final to all intents and purposes:

Provided that —

(a) if the judges constituting the Election Court differ as to whether the Member of Parliament whose election or return is complained of was duly elected or returned, they shall certify that difference and the Member of Parliament shall be deemed to be duly elected and returned;

(b) if the judges determine that the Member of Parliament was not duly elected or returned but differ as to the rest of the determination, they shall certify that difference and the election shall be deemed to be void; and

(c) if the judges differ as to any other matter, they shall certify that difference and make no determination on that matter.

(2) Upon the issue of a certificate of an Election Court all necessary steps shall be taken —

(a) for confirming the return where the election and return are determined to have been due;

(b) for altering the return, where an unsuccessful candidate is determined on a scrutiny to have had a majority of lawful votes; or

(c) for issuing a writ for a new election, where the return or election of a candidate is determined (otherwise than on a scrutiny) to have been undue or void.

(3) The House of Assembly, on being informed by the Speaker of a certificate of an Election Court, shall order the certificate to be entered in its journals.

Report of Election Court as to corrupt or illegal practice and effect.

86. (1) The Election Court shall, in addition to giving its certificate, at the same time make a report in writing to the Governor-General and to the Speaker stating —

(a) whether any corrupt or illegal practice has or has not been committed at the election, and the nature of the corrupt or illegal practice (if any); and

(b) the names and descriptions of all persons (if any) who have committed any corrupt or illegal practice.

(2) The report shall also state whether any of the candidates has been personally guilty or guilty by his election agents of any corrupt or illegal practice in reference to the election.

(3) Every report made under this section shall be signed by both judges of the Election Court, and, if the judges differ as to the subject of the report, they shall certify that difference and make no report on the subject on which they so differ.

(4) Before any person, not being a party to the election petition, is reported by the Election Court in this connection, the court shall give such person an opportunity of being heard by himself or by his counsel and of giving and calling evidence in his defence to show why he should not be so reported.

(5) Where the Election Court is of the opinion that any person may have committed a corrupt or illegal practice at the election to which the election petition relates, for which that person may subsequently be prosecuted, the court shall, so far as may seem necessary and desirable to the court for the purpose of ensuring that the trial of that person for that offence is not prejudiced, direct that no report of the proceedings of the court, except in so far (if at all) as may be permitted by the direction of the court, shall be published, whether in any newspaper or otherwise, and any person who publishes any matter in contravention of any such direction shall be guilty of contempt of court, and shall be liable to be punished by the Election Court accordingly.

(6) The report shall be laid before the Attorney-General with a view to his instituting or directing a prosecution against any person with respect to whom the

evidence should, in his opinion, be sufficient to support a prosecution, and, where any prosecution is brought in consequence of such a report, the Attorney-General shall take all such steps as seem practicable and desirable to him to ensure that the trial of such person is not prejudiced by the fact that such report has been made, or by the fact that the prosecution is brought in consequence of that report.

(7) Subject to the provisions of sections 89 and 91, a candidate or other person reported by an Election Court personally guilty of a corrupt or illegal practice, and a candidate so reported guilty by his election agents of a corrupt or illegal practice, shall be liable to be disqualified for being registered as a voter or for voting at any election, or for being elected to or sitting in the House of Assembly, for such period from the date of the report as the Election Court may determine in its report, being a period not exceeding seven years in the case of a commission of a corrupt practice or three years in the case of a commission of an illegal practice.

(8) The Attorney-General shall upon the receipt of a report of an Election Court give notice of any disqualification imposed by the court to the Parliamentary Commissioner (who shall forthwith amend the register accordingly) and to the person so disqualified, and when the Attorney-General is satisfied that the publication of the report will not prejudice the trial of any person for an offence in connection with the election to which the report relates he shall cause a copy of the report to be published in the *Gazette*.

Prohibition of disclosure of vote.

87. No elector who has voted at any election shall, in any scrutiny or proceeding to question the election or return, be required to state for whom he has voted.

Votes to be struck for corrupt practices.

88. Where on an election petition claiming the seat for any person, a candidate is proved to have been guilty by himself, or by any person on his behalf, of bribery, treating or undue influence in respect of any person who voted at the election, the Election Court shall, on a scrutiny, strike off from the number of votes appearing to have been given to the candidate one vote for every person who voted at the election and is proved to have been so bribed, treated or unduly influenced.

Exonerating candidates in certain cases of corrupt or illegal practice.

89. Where upon the trial of an election petition respecting an election under this Act the Election Court reports that a candidate at such election has been guilty by his agents of a corrupt or illegal practice in reference to such election, and the Election Court further reports, after giving the Attorney-General an opportunity of being heard, that the candidate has proved to the Election Court —

(a) that no corrupt or illegal practice was committed in respect of such election by the candidate or any of his election agents and the offence or offences mentioned in such report were committed without the sanction or connivance of such candidate or any of his election agents;

(b) that such candidate and his election agents took all reasonable means for preventing the commission of corrupt or illegal practices at such election; and

(c) that in all other respects the election was free from any corrupt or illegal practice on the part of such candidate and of his election agents,

then, unless the Election Court in its report states that the offences mentioned in such report were of a serious, important and general character, the election of such candidate shall not, by reason of those offences, be void, nor shall the candidate be subject to any incapacity under this Act, but if the Election Court in its report states that the offences mentioned in such report were of a serious, important and general character, the election of such candidate shall, by reason of those offences, be void, and the candidate shall be subject to all incapacities under this Act.

Additional jurisdiction of Election Court.

90. (1) An Election Court shall also have jurisdiction to entertain and adjudicate upon any petition for a declaration that any Member of Parliament —

(a) has vacated his seat; or

(b) is required in pursuance of the provisions of paragraph (2) of Article 49 of the Constitution to cease to exercise any of his functions as a Member of Parliament,

and the decision of the Election Court thereon shall be final.

(2) No proceedings shall be instituted under this section by any person other than —

(a) the Attorney-General;

(b) a Member of Parliament; or

(c) a person who pursuant to this Act is a registered voter for the constituency represented by the person in respect of whom (hereinafter referred to as "the respondent") the application is made.

(3) Proceedings for the determination of any question referred to in subsection (1) shall not be instituted except with the leave of a judge of the Supreme Court.

(4) An appeal shall lie to the Court of Appeal on a point of law from the decision of a judge of the Supreme Court granting or refusing leave to institute proceedings under this section; but, subject thereto, that decision shall be final.

(5) Any applicant under this section other than the Attorney-General shall give, in such manner as may be directed by the Election Court, security for the costs of the proceedings in the sum of one thousand five hundred dollars.

(6) Where in proceedings under this section it is proved that the respondent has acted or has claimed to act as a Member of Parliament while disqualified from acting or while required to cease to exercise any of his functions as such Member of Parliament, the Election Court shall have power —

(a) to make a declaration to that effect;

(b) where in the opinion of the court the Member of Parliament has vacated his seat, to declare the seat vacant;

(c) to grant an injunction restraining the respondent from acting as a Member of Parliament;

(d) to make any order which may seem proper as to the costs of the proceedings,

and shall certify to the Speaker any determination of the court under this section.

Application for relief.

91. (1) An application for relief under this section may be made to the Supreme Court or an Election Court.

(2) If it is shown to the court by such evidence as the court deems sufficient —

(a) that any act or omission of any person would apart from this section by reason of being in contravention of this Act be an illegal practice; and

(b) that the act or omission arose from inadvertence or from some other reasonable cause of a like nature,

and in the circumstances it seems to the court to be just that either that person or any other person should not be subject to any consequences under this Act for the act or omission, the court may make an order allowing the act or omission to be an exception from the provisions of this Act making it an illegal practice and thereupon no person shall be subject to any consequence under this Act for the said act or omission.

Procedure and practice.

92. The procedure and practice on election petitions and petitions under section 90 shall be regulated by rules which shall be made by the Rules Committee under section 76 of the Supreme Court Act.

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Removal of incapacity by Supreme Court.

93. (1) Where any person is subject to any incapacity by virtue of the report of an Election Court, and he or some other person in respect of whose act the incapacity was imposed is on a prosecution acquitted of any of the matters in respect of which the incapacity was imposed, the court which acquits such person may order that the incapacity shall thenceforth cease so far as it was imposed in respect of those matters.

(2) Where any person is subject to any incapacity by virtue of a conviction or a report of an Election Court and any witness who gave evidence against that person upon the proceeding for the conviction or report is convicted of perjury in respect of that evidence the incapacitated person may apply to the Supreme Court, and the court, if satisfied that the conviction or report so far as respects that person was based upon perjury, may order that the incapacity shall thenceforth cease.

PART IX
VARIOUS OFFENCES

Offences in connection with registration.

94. Any person who —

(a) makes any false statement, for the purpose of being registered as a voter; or in answer to any lawful enquiry by a revising officer, returning officer or presiding officer, or for the purpose of making any objection to the registration of any other person as voter, or in any oath or declaration taken or made by him by virtue of any of the requirements of this Act, knowing such statement to be false;

(b) makes an application as some other person (whether living, dead or fictitious) for the registration of that person as a voter;

(c) procures the registration of himself or of some other person (whether living, dead or fictitious) as a voter in any constituency, knowing that he or such other person is not entitled to be registered in that constituency;

(d) procures the removal from the register for any constituency of the name of any person by making a false statement which he knows to be false, and knowing that such person is entitled to have his name on the register for that constituency; or

(e) fails without lawful excuse to comply with any order or request lawfully given or made to him by any revising officer in accordance with any of the provisions of this Act,

shall be guilty of an offence against this Act, and any person who aids, abets, counsels or procures the commission of any such offence shall also be guilty of an offence against this Act.

Offences in connection with nomination and voting without right.

95. (1) Any person who —

(a) votes at an election in any polling division in any constituency knowing that he is not entitled or has ceased to be entitled to vote in that division;

(b) votes at an election more than once;

(c) votes at an election as some other person (whether that other person is living or dead or is a fictitious person); or

(d) at an election allows himself to be nominated as a candidate, knowing that he is not duly qualified therefor in accordance with the provisions of this Act,

shall be guilty of an offence against this Act.

(2) For the purposes of this section a person who has applied for a ballot paper for the purpose of voting in person shall be deemed to have voted.

(3) A person shall also be guilty of an offence against this Act if he knowingly aids, abets, councils or procures some other person to do an act which is, or but for that other person's want of knowledge would be, an offence on the part of that other person under the foregoing provisions of this section.

Bribery at elections.

96. The following persons shall be guilty of an offence against this Act —

(a) every person who shall, directly or indirectly, by himself or by any other person on his behalf, give, lend, or agree to give or lend, or shall offer, promise or promise to procure, or to endeavour to procure, any money or valuable consideration to or for any voter, or to or for any person on behalf of any voter, or to or for any person in order to induce any voter to vote or refrain from voting, or shall do any such act as aforesaid on account of any such voter having voted or refrained from voting at any election;

(b) every person who shall directly or indirectly by himself or any other person on his behalf give or procure, or agree to give or procure, or offer, promise or promise to procure, or to endeavour to procure, any office, place or employment to or for any voter, or to or for any person on behalf of any voter, or to or for any other person in order to induce such voter to vote, or refrain from voting or shall do any such act as aforesaid on account of such voter having voted or refrained from voting at any election;

(c) every person who shall directly or indirectly by himself or by any other person on his behalf make any such gift, loan, offer, promise, procurement, or agreement as aforesaid, to or for any person in order to induce such person to procure or endeavour to procure the return of any person to serve in the House of Assembly, or the vote of any voter at any election of a Member of Parliament therefor;

(d) every person who shall, upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procure, or engage, or promise or endeavour to procure the return of any person to serve in the House of Assembly or the vote of any voter at any election of a Member of Parliament therefor;

(e) every person who shall advance or pay, or cause to be advanced or paid, any money to or to the use of any other person with the intent that such money, or any part thereof, shall be expended in bribery at any election, or who shall knowingly pay or cause to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any election;

(f) every voter who shall before or during any election directly or indirectly by himself, or by any other person on his behalf, receive, agree or contract for any money, gift, loan, or valuable consideration, office, place, or employment, for himself or for any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at any election;

(g) every person who shall, after any election, directly or indirectly, by himself or by any other person on his behalf receive any money or valuable consideration on account of any person having voted or refrained from voting, or having induced any other person to vote or refrain from voting at any election;

(h) every voter who shall solicit from a candidate or from any other person purporting to be acting on behalf of a candidate any money, gift, loan or valuable consideration, office, place or

employment, for himself or for any other person in consideration of his voting or agreeing to vote or of his refraining or agreeing to refrain from voting at an election.

(2) In this section the expression "voter" shall include any person who has or claims to have a right to vote at an election.

(3) Paragraphs (a) to (d) inclusive and paragraphs (f) to (h) inclusive of subsection (1), and subsection (2), shall apply only to all or any such acts done or performed as aforesaid from the date of the issue of the writ of election under Part V, or during or within six months after any election.

Treating.

97. (1) Every person who shall corruptly by himself, or by or with any person or by any other way or means on his behalf at any time, either from the date of the issue of the writ of election under Part V, during or after any election, directly or indirectly, give or provide, or cause to be given or provided, or shall be accessory to the giving or providing, or shall pay, wholly or in part, any expenses incurred for any meat, drink, entertainment or provision to or for any person, in order to be elected, or for being elected, or for the purpose of corruptly influencing such person, or any other person to give or refrain from giving his vote at such election, or on account of such person having voted or refrained from voting at such election, shall be guilty of an offence against this Act.

(2) Every person who has or claims to have a right to vote at an election, who corruptly accepts or takes any such meat, drink, entertainment or provision shall also be guilty of an offence against this Act.

Undue influence.

98. (1) Every person who —

(a) upon any public road or in any public place within one hundred yards of any building in which a polling station is situate, seeks to influence any elector to vote for any candidate or to ascertain for what candidate any elector intends to vote or has voted;

(b) shall directly or indirectly by himself or by any other person on his behalf, make use of, or threaten to make use of any force, violence or

restraint, or inflict or threaten the infliction by himself or by or through any other person, or any injury, damage, harm or loss, or in any other manner practise intimidation upon or against any person in order to induce or compel such person to vote or refrain from voting, or on account of such person having voted or refrained from voting, at any election, or who shall by abduction, duress, or any fraudulent device or contrivance, impede, prevent or otherwise interfere with the free exercise of the right to vote of any person or shall thereby compel, induce or prevail upon any person, either to give or to refrain from giving his vote at any election,

shall be deemed to be guilty of an offence against this Act.

(2) Any person who with intent to influence persons to support or not support the election of members of a political party or to give or refrain from giving their votes at an election uses or aids abets, counsels or procures the use of, any television or other wireless transmitting station outside The Bahamas for the transmission of any matter having reference to an election otherwise than in pursuance of arrangements made with the Broadcasting Corporation of The Bahamas for it to be received and re-transmitted by that Corporation shall be guilty of an offence against this Act.

(3) The court before whom a person is convicted of an offence under subsection (2) may, if they think it just in the special circumstances of the case, mitigate or entirely remit any incapacity imposed by virtue of section 104(2).

(4) Where any act or omission of an association or body of persons, corporate or unincorporate, constitutes an offence under subsection (2), any person who at the time of the act or omission was a director, general manager, secretary or other similar officer of the association or body, or was purporting to act in any such capacity, shall be deemed to be guilty of the offence unless he proves —

(a) that the act or omission took place without his consent or connivance; and

(b) that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

Prohibition on sale of intoxicating liquor during polling hours. Ch. 372.

99. All licences issued under the provisions of the Liquor Licences Act shall be suspended during the hours of the day on which a poll is being held for a general election and any person selling or exposing or offering for sale any intoxicating liquor during such hours shall be deemed to be so doing while not holding a licence under the provisions of the Liquor Licences Act:

Provided that when there is a bye-election in a constituency all licences issued under the provisions of the Liquor Licences Act in respect of premises in that constituency and within five miles of the boundaries of that constituency shall be suspended during the hours of the day in which a poll is being held for the election of a candidate in such constituency; and any person selling or exposing or offering for sale any intoxicating liquor during such hours in breach of the foregoing provisions of this proviso shall be deemed to be doing so while not holding a licence under the provisions of the Liquor Licences Act.

Improper conduct and use of certain publication materials or misstatements during or at election prohibited.

100. (1) Any person who at any election behaves in a violent, offensive, disorderly or insulting manner shall be guilty of an offence against this Act.

(2) Any person who at any time on the day of an election tampers, defaces or interferes with a polling booth or obstructs the entrance to any polling place, or, obstructs or interferes with any voter or loiters or does any electioneering within one hundred yards or hearing distance of a polling place, shall be guilty of an offence against this Act.

(3) A person shall not —

(a) print or publish, or cause to be printed or published, any bill, placard, or poster having reference to an election or any printed document distributed for the purpose of promoting or procuring the election of a candidate; or

(b) post or cause to be posted any such bill, placard or poster as aforesaid; or

(c) distribute or cause to be distributed any printed document for the said purpose,

unless the bill, placard, poster or document bears upon the face thereof the name and address of the printer and publisher.

(4) Any person who at a lawful public meeting to which this subsection applies acts, or incites others to act, in a disorderly manner or uses or aids or abets the use by any other person of a loud speaker or any other instrument for the purpose of preventing the transaction of the business for which the meeting was called together is guilty of an offence against this Act.

(5) In this section —

(i) "electioneering" means the distribution or display of any circular or printed matter, the offer of any suggestion, the solicitation of any support, or any speech, address or harangue, which is calculated or intended to pursuade or induce any person to vote or refrain from voting for any candidate, political party or public question but does not include the mere wearing of any badge, rosette or apparel bearing the image or name of a candidate or party;

(ii) any process for multiplying copies of a document, other than copying it by hand, shall be deemed to be printing, and the expression "printer" shall be construed accordingly;

(iii) subsection (4) applies to a meeting held with reference to an election in the constituency for that election at any time on or after the day of the publication of the notice of election for an election in the constituency and prior to the day on which the result of the election is declared.

(6) Where any police officer reasonably suspects any person of committing an offence under this section, he may if requested so to do by the chairman of the meeting require that person to declare to him immediately his name and address and, if that person on being requested to do so by the police officer refuses to give his name and address he may be arrested by the police constable.

(7) Any person who contravenes the provision of subsection (3) or who refuses to give his name and address when requested under subsection (6) or gives a false name or address he shall be guilty of an offence against this Act.

(8) Any person who, or any director of any body corporate which, before or during an election, for the purpose of effecting the return of any candidate at the election, makes or publishes any false statement of fact in relation to the personal character or conduct of the candidate is guilty of an offence against this Act, unless he can show that he had reasonable grounds for believing, and did believe, the statement to be true.

(9) A person making or publishing any false statements of fact as aforesaid may be restrained by interim or perpetual injunction by the Supreme Court from any repetition of that false statement or of a false statement of a similar character in relation to the candidate and, for the purpose of granting an interim injunction, *prima facie* proof of the falsity of the statement shall be sufficient.

Offences relating to ballot papers and secrecy of ballot.

101. Any person who at an election —

(a) interferes with a voter when marking his vote or otherwise misconducts himself in a polling place;

(b) obtains or attempts to obtain in a polling place information as to the candidate for whom any voter is about to vote or has voted;

(c) communicates at any time to any person any information obtained in a polling place as to the candidate for whom any voter is about to vote or has voted;

(d) during the hours when a poll is being conducted prints, broadcasts or publishes any statement, matter or material purporting to contain information as to how or for whom persons have voted;

(e) directly or indirectly induces any voter to display his ballot paper after he has marked the same, so as to make known the name of any candidate for whom he has voted;

(f) forges or fraudulently defaces or destroys any nomination paper, or delivers to the returning officer any nomination paper, knowing the same to be forged;

(g) forges or counterfeits or fraudulently defaces or destroys any ballot paper, or the signature on any ballot paper;

(h) without authority supplies any ballot paper to any person;

(i) fraudulently puts into any ballot box any paper other than the ballot paper which he is authorised by law to put in;

(j) fraudulently takes out of the polling place any ballot paper; or

(k) without due authority takes, destroys, opens or otherwise interferes with any ballot box or ballot paper then in use for the purpose of an election,

shall be guilty of an offence against this Act.

Provision of transport at elections.

102. (1) For the removal of doubt it is hereby declared that nothing in this Act shall make it an offence on the part of any person to provide for the conveyance of any other person to or from the poll, or to or from any place for the purpose of applying for, objecting to, or appealing against a registration or otherwise prohibit any person from making such provision.

(2) In this section the expression "conveyance" means the carriage as a passenger of any person in any vehicle, vessel or craft, whether by land, sea or air, and whether or not any payment by that person is made or demanded for such carriage.

Rules of evidence in criminal proceedings under this Act.
4 of 1996, s. 180 and Sch.
Ch. 65.

103. (1) Subject to the provisions of paragraphs (e) and (f) of the proviso to section 171 of the Evidence Act, in criminal proceedings brought in any court in The Bahamas against a person for an offence against this Act, a witness shall not be compelled to answer any question which would tend to expose the witness to a criminal charge or to a penalty or forfeiture, and, where it appears to the court

that the answer to a question might expose the witness to a criminal charge or to a penalty or forfeiture as aforesaid, the court shall warn the witness before the witness answers the question that he is not bound to answer the said question.

(2) If in any criminal proceedings brought in any court in The Bahamas for an offence against this Act it appears to the judge or, as the case may be, the magistrate, presiding in the court that any evidence given by a witness has been induced, either directly or indirectly, by any person whatsoever, by any promise of favour or advantage or by the use of fear or threats or pressure, whether generally or in regard to any liability to prosecution or punishment of that other person for any offence against this Act —

(a) it shall be the duty of the judge to draw the attention of the jury to such inducement and to the possible effects of such inducement on the value of such evidence; or

(b) it shall be the duty of the magistrate to direct himself similarly.

(3) In criminal proceedings brought in any court in The Bahamas against a person for an offence against this Act no person shall be convicted on the uncorroborated testimony of one witness and the testimony of one accomplice shall not be deemed to be corroborated by the testimony of another accomplice or other accomplices.

Mode of trial and punishment for corrupt and illegal practices.

104. (1) Every person charged with an offence which is a corrupt practice under the provisions of this Act shall be tried on information before the Supreme Court and shall be liable on conviction of any such offence to imprisonment for a term not exceeding two years or to a fine not exceeding two thousand dollars or to both such imprisonment and such fine and shall become incapable for a period of seven years from the date of his conviction of being registered as a voter or of voting at an election under this Act or of being elected a Member of Parliament, and if at that date he has been elected a Member of Parliament his seat shall be vacated from the date of such conviction.

(2) Every person charged with an offence which is an illegal practice under the provisions of this Act shall be tried summarily before a magistrate and shall be liable on conviction of any such offence to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding three months or to both such fine and imprisonment and shall become incapable for a period of three years from the date of his conviction of being registered as a voter or voting at an election under this Act or of being elected a Member of Parliament, and if at that date he has been elected a Member of Parliament his seat shall be vacated from the date of such conviction.

Ch. 91.

(3) Any appeal under the provisions of the Criminal Procedure Code Act against a conviction in a Family Island under the provisions of subsection (2) shall lie to the Supreme Court.

(4) No person shall be prosecuted for an offence against this Act unless such prosecution shall be commenced within six months next after the offence was committed.

(5) A prosecution for a corrupt practice shall not be instituted without the consent of the Attorney-General.

PART X
MISCELLANEOUS

Custody of records of House of Assembly.

105. Upon the dissolution of any House of Assembly, the person holding the office of Clerk to the House of Assembly at the time of such dissolution, or, of there is no such person, the Assistant Clerk to the Assembly, shall have charge of and be responsible for the proper and safe care and keeping of the books, papers, records and archives of the Assembly until the meeting of the next succeeding Assembly, when he shall either retain possession of the same, if then Clerk or Assistant Clerk as aforesaid, or otherwise deliver up the same to his successor in the said office.

Oaths and declarations. Ch. 60.

106. (1) The provisions of the Oaths Act shall apply to any oath required by this Act to be administered or taken and to any declaration so required to be received or made, as if such oath or declaration had been prescribed

by that Act, and such oath or declaration may be administered or taken, or received or made, as provided in that Act.

(2) The Parliamentary Commissioner, the revising officer, the returning officer and the presiding officer shall have all the authority necessary to administer the oaths and receive the declarations prescribed by this Act.

(3) No fee shall be payable in respect of any oath or declaration required to be taken or made by any of the provisions of this Act.

Publication of notices, etc.

107. (1) Where the Parliamentary Commissioner or the revising officer, returning officer or presiding officer is required by this Act to give any public notice, and no specific provision is made as to the manner of publication, he shall publish the notice in the *Gazette*, and in any one newspaper in The Bahamas in which Government notices are published from time to time, and if the notice applies to any constituency in a Family Island, he shall cause a copy of that notice to be posted on the public notice board at the office of a Commissioner in that constituency and at such other place in the constituency as may be determined by the Parliamentary Commissioner; being the office which is usually selected as the place at which nomination proceedings take place, and in any case, if he thinks fit, in any other manner which is, in his opinion, desirable for the purpose of bringing the contents of the notice to the attention of those interested.

(2) Any failure to publish a notice in accordance with the provisions of this section shall not invalidate the notice or any election.

(3) Any person who without lawful authority destroys, mutilates, defaces or removes any copy of a notice which is published by being publicly posted in accordance with the provisions of this section shall be guilty of an offence against this Act.

Mode of sending notices.

108. Any notice which is required by this Act to be sent by the Parliamentary Commissioner, the revising officer, the returning officer, or the presiding officer to any person, shall be sufficiently sent if sent by post to the address of that person as given by him for the purpose, or if not so given, as appearing on the register, or, if not so appearing, to his last-known place of abode.

Provisions and use of forms.

109. (1) Where under the provisions of this Act, a document in any particular form is required to be delivered to, or sworn or signed in the presence of, the Parliamentary Commissioner, the revising officer, the returning officer or the presiding officer, that officer shall, on the application of the person requiring the document, supply a document in the appropriate form, without fee.

(2) No document to which this section applies shall be invalid by reason of the fact that it is not prepared on the form supplied as aforesaid.

(3) Where any form used for the purposes of a form set forth in either the First or Second Schedule contains any slight variation from such scheduled form consistent with the provisions of this Act, such variation shall not invalidate the form so used.

Misnomer.

110. No misnomer or inaccurate description of any person or place in the register or in any notice or form shall prejudice the operation of this Act or of that register, notice or form, as respects that person or place, provided that the person or place is so designated as to be commonly understood.

Expenses.

111. All expenses incurred in carrying out the provisions and objects of this Act shall be paid out of the Consolidated Fund by warrant in the usual manner.

Saving of privileges of the House of Assembly.

112. Subject to the provisions of Part VI, nothing in this Act contained shall be construed to affect, impair or interfere in any manner with the rights, powers, authorities and privileges of the House of Assembly as the same have been hitherto enjoyed and exercised under or by virtue of any charter, deed, usage, law or custom whatsoever.

Regulations.

113. The Minister may make regulations —

(a) prescribing the duties of the revising officers and the returning officers and the procedure to be followed in the performance of those duties;

(b) prescribing the symbols to be used on ballot papers and the mode of allocation to candidates of such symbols;

(c) prescribing the period during which every employer shall permit his employees to be absent from their employment for the purpose of recording their votes, and fixing a penalty for any offence against any such regulation not exceeding one thousand dollars or to a term of imprisonment not exceeding six months;

(d) prescribing anything which may be or is to be prescribed under this Act;

(e) generally for the better carrying into effect of the purposes and provisions of this Act.

FIRST SCHEDULE

REGISTRATION FORMS

FORM A (Section 13)

Register Of Voters.

POLLING DIVISION NO. ————

———————————— Constituency

Voter's Number	Voter's Surname and other names in full	Date of Birth	Place of Birth	Address (Place of ordinary residence)	Marks by Revising Officer
(1)	(2)	(3)	(4)	(5)	(6)

Form of Certification of published copy of the Register.

I hereby certify this copy of this Part of the Register to be corrected and complete as at the close of registration.

Parliamentary Commissioner

(1) Each voter shall be given a number which is not in use in respect of any other person registered as a voter at the same polling division.

(1) List voters in alphabetical order of surnames, and then, if necessary, of other names.

(2) Insert place of ordinary residence in all cases.

(3) This space is provided for marking the register in accordance with the provisions of this Act.

FORM B (First alternative) (Section 19)

Form of Oath to be Taken by Applicant for Registration who has not Previously been Registered in the Current Register

Constituency.....

Polling Division No.....

I, ...

of .....

swear by Almighty God (1) that —

1. I am a citizen of The Bahamas and of full age.
2. I am not subject to any legal incapacity for being registered as a voter.
3. I am and have for the period of three months immediately preceding this day been ordinarily resident in the above mentioned Constituency.
4. My name is not included in any part of the Current Register and I have not been issued with a voter's card during the period of the Current Register, that is to say since .....

Date .....

(2).....

Signature of Applicant

I, the undersigned, the Revising Officer for the said Polling Division of the said Constituency, do hereby certify that the above oath (3) was this day taken by the person claiming to be the above named, by repeating the words after me, after the whole oath (4) had first been read and explained to him, and was signed by him in my presence (5).

.....

Revising Officer for the said Constituency.

NOTES

(1) If any person objects from conscientious grounds to swearing, delete the words "swear by Almighty God" and insert in place thereof the words "solemnly, sincerely and truly affirm."

(2) If the applicant is incapacitated and thus unable to subscribe (sign or make his mark on) the form he may authorize the Revising Officer to sign for him.

(3) If affirmed under (1) delete "oath" and substitute "affirmation".

(4) If affirmed under (1) delete "oath" and substitute "affirmation".

(5) The Revising Officer shall ensure that the applicant understands the oath or affirmation he is taking.

FORM B (Second alternative) (Section 20)

Form of Oath to be Taken by an Applicant for Registration who is or Previously been Registered in the Current Register

Constituency .....

Polling Division No. .....

I, ...

of.....

swear by Almighty God —

1. I am a citizen of The Bahamas and of full age.
2. I am not subject to any legal incapacity for being registered as a voter.
3. (a) I am registered as a voter in Polling Division No. .... in the .....Constituency;

   (b) I am not now registered as a voter in any Constituency, but I was registered in Polling Division No. ..... in the ..... Constituency until .....when my name was removed from the Current Register by reason of .....
4. I am now ordinarily resident at the above mentioned address, and I have been for the ..... months immediately preceding this day ordinarily resident in the above mentioned Constituency.

Date .....

.....

Signature of Applicant

I, the undersigned, etc. (as in the preceding form of Oath).

Notes:

(1) Notes (1), (2), (3) and (4) to the preceding form of oath apply to this form.

(2) Paragraph 3(a) or 3(b) of the oath (affirmation) is to be struck out as appropriate, and paragraph 4 should be completed.

(3) Any person who is or has been registered as a voter and whose voter's card is lost or destroyed should apply for a replacement voter's card before applying for any registration.

FORM C (Section 19(3))

Form of Voter's Card

The Format and arrangement of this form as set out below need not be strictly adhered to, provided that the particulars set out therein are not omitted

Page 1.

VOTER'S CARD.

THE BAHAMAS.

Name.....

Date of Birth.....:.....

Signature.....

Particulares of Issue Polling Division No..... Constituency..... Space for date stamp and signature of Revising Officer	Space for Photograph

NOTE: This card is issued to the person named herein and should be produced when voting at an election.

This card is of no value to any other person and, if found, should be handed in at a Police Station or Government Office for return to the Parliamentary Commissioner.

This card is the property of the Government of The Bahamas and should be surrendered when no longer valid.

Page 2 (1)

Date of Registration or re-registration	Constituency	Polling Division	Signature of Voter	Signature of Revising Officer	Spaces for Presiding Officer's stamp at elections

-2

-3

(1) A voter's card may contain more that one page in this form.

(2) When re-registration is entered on a fresh line the former registration should be cancelled across the whole line.

(3) When all the spaces for the Presiding Officer's stamp are used up at elections, the registration may be re-entered on a fresh line. The left hand space should be used first.

FORM D (Section 19)

Form of Counterfoil

COUNTERFOIL

Name

Date of Birth

Place of Birth

Constituency of

Issue

Polling Division No.

Stamp and

Signature of
Revising Officer

Space for Photograph

Registration

Date	Constituency	Polling Division	Address	Signature of Voter	Signature of Revising Officer
1					
2					
3					
4					
5					
etc.					

FORM E (Section 21)

Notice of Objection to an Application for Registration

To the Revising Officer for the .....Constituency.

TAKE NOTICE that I (1) .....

of .....

being registered as a voter in the above mentioned Constituency, do hereby object to the inclusion in the Register for the above mentioned Constituency for the Polling Division No. .....

on the grounds that.....

.....

.....

Date .....

.....

Signature of registered voter objecting.

Notice of Hearing (3)

TAKE NOTICE that the above mentioned objection will be heard by the Revising Officer for the above mentioned Constituency at (4) .....

Date .....

.....

Revising Officer.

NOTES:

(1) Insert full name and address of objector.

(2) Insert full name and address of the applicant objected to. Only one person may be objected to on each form.

(3) This notice may be printed on the Notice of Objection.

(4) Insert the place, date and time.

FORM F (Section 21)

Notice of Objection to a Registration

To the Revising Officer for the ..... Constituency

TAKE NOTICE that we — (1)

1. .....
   of.....
2. .....
   of.....
3. .....
   of.....

being all registered as voters in the above mentioned Constituency, do hereby object to the inclusion in the Register for the above mentioned Constituency for the Polling Division No. .....

of (2).....

on the grounds that .....

.....

.....

Date .....

1. .....
2. .....
3. .....

Signatures of three registered voters objecting.

Notice of Hearing (3)

TAKE NOTICE that the above mentioned objection will be heard by the Revising Officer for the above mentioned Constituency at (4)

.....

Date .....

.....

Revising Officer.

NOTES:

(1) Insert full names and addresses of the three objectors.
(2) Insert full name and address of the registered voter objected to. Only one person may be objected to on each form.
(3) This notice may be printed on the Notice of Objection.
(4) Insert the place, date and time.

FORM G (Section 22)

Notice of Objection by the Parliamentary Commissioner to a Registration

To (1) .....

of .....

TAKE NOTICE that objection is taken by me to the inclusion or retention of your name in the Register for Polling Division No. ..... of the ..... Constituency on the grounds that .....

AND FURTHER TAKE NOTICE that the above mentioned objection will be heard by the Revising Officer for the above mentioned District at (2) .....

Date .....

(3) .....

Parliamentary Commissioner

NOTES:

(1) Insert full name and address (as on the Register) of the person whose registration is objected to.

(2) Insert the place, date and time for the hearing of the objection.

(3) This form should be signed by or on behalf of the Parliamentary Commissioner.

FORM H (Section 22)

Notice of removal from the Register

To (1).....

of .....

TAKE NOTICE that your name has been removed from the Register for Polling Division No. ..... in the .... Constituency (2), in accordance with the provisions of section 22(3) of the Parliamentary Elections Act, 1991.

AND FURTHER TAKE NOTICE that if, within fourteen days of the date of this Notice, you appear at the office of the Parliamentary Commissioner in Nassau during office hours or appear at an attendance of the Revising Officer in the above mentioned Polling Division of the above mentioned Constituency and satisfy me or the Revising Officer, as the case may be, of your true identity and of your right to be registered in the name as above mentioned, your said name shall forthwith be restored to the Register.

Date .....

(3) .....

Parliamentary Commissioner

NOTES:

(1) Insert full name and address (as on the Register) of the person removed from the Register.

(2) If convenient, any number of entries in the several parts of the register may be listed here, provided that one copy of the notice is sent to each one of the addresses of the person concerned appearing in the several parts of the register.

(3) This form should be signed by or on behalf of the Parliamentary Commissioner.

FORM I (Section 28)

Form of Oath to be Taken by an Applicant for Replacement of his Voter's Card

Constituency .....

Polling Division No.....

I,.....

of.....

swear by Almighty God that (1) —

1. I was issued with a voter's card in the above name by the Revising Officer for the above mentioned Polling Division of the above mentioned Constituency on or about.....,

when I was first registered as a voter in the Current Register by virtue of residence at.....

2. (a) The said voter's card has been lost or stolen, and to the best of my knowledge, information and belief is not likely to be found or recovered. When I last remember seeing my said voter's card it was in.....

(b) The said voter's card has been completely destroyed, the circumstances being that (2) .....

Date .....

.....

Signature of applicant.

I, the undersigned, etc. (as in the form of Oath in Form B in this Schedule).

NOTES:

(1) Notes (1), (2) and (3) to the first alternative Form B in this Schedule apply to this form.

(2) Paragraphs 2(a) and 2(b) are alternatives and should be completed or deleted as appropriate.

SECOND SCHEDULE

ELECTION FORMS

The forms contained in this Schedule may be adapted as far as circumstances require. Where alternative forms appear, the appropriate form should be used.

FORM A (Section 34)

Form of Writ Election

THE BAHAMAS

Elizabeth the Second, by the Grace of God Queen of the Commonwealth of The Bahamas and of Her other Realms and Territories, Head of the Commonwealth.

To the Returning Officer for the ..... Constituency.

Greeting:

(1) Whereas We have ordered a House of Assembly to be holden at Nassau on the ..... day of ..... next, (1)

We command you that, due notice being first given, you do cause an election to be made according to law of a Member of Parliament to serve in the House of Assembly for the said Constituency ..... (in the place of (2) .....), and that you do cause the name of such Member of Parliament when so elected, whether he be present or absent, to be certified to us without delay.

Dated this ..... day of ..... 19 ....

Governor-General

Endorsement of Receipt of Writ

Received the within Writ on the ..... day of ..... 19 .....

.....

Returning Officer for the Constituency

Endorsement of Certificate on Writ

I hereby certify, that the Member of Parliament elected for the .....Constituency, in pursuance of the within Writ is.....

Date .....

Returning Officer for the
..... Constituency.

NOTES:
(1) Omit this preamble in the case of a bye-election.
(2) In the case of a bye-election insert "A.B. deceased" or otherwise state the cause of the vacancy; omit the words in parentheses in the case of a general election.

FORM B (Section 35)

Form of Notice of Election

HOUSE OF ASSEMBLY ELECTION FOR

THE ..... CONSTITUENCY

NOTICE OF ELECTION

1. An election is to be held of a Member of Parliament to serve in the House of Assembly for the said Constituency.

2. Nomination papers may be delivered by the intending candidate or by one of the subscribers thereto to the Returning Officer at (1).....
between the hours of nine in the morning and noon on .....
being nomination day for the said Constituency.

3. Forms of nomination paper may be obtained from the Returning Officer at the place, date and times aforesaid or on any day at the office of the Parliamentary Commissioner in Nassau during office hours. The Returning Officer will at the request of any person registered as a voter for the said Constituency prepare a nomination paper for signature.

4. If the election is contested, the Poll will take place on the ..... day of .....

Date .....

.....

Returning Officer

NOTE: The attention of intending candidates and subscribers of nomination papers is drawn to the requirements of the Parliamentary Elections Act, 1991, regarding nomination, and particularly to the requirements that a declaration of qualification shall be delivered and a deposit of B$400.00 shall be made to the Returning Officer on nomination day.

NOTE:
(1) Insert the place in the Constituency and the date.

FORM C (Section 36)

Form of Nomination Paper

HOUSE OF ASSEMBLY OF THE BAHAMAS.

ELECTION IN THE ..... CONSTITUENCY.

We, the undersigned, being registered as voters in the said Constituency, do hereby nominate the under mentioned person as a candidate at the said election, and we hereby certify that to the best of our knowledge and belief he is qualified to represent the said Constituency in the House of Assembly.

Candidate's surname	Other names in full	Place of Residence	Occupation

1. .....
2. .....
3. .....
4. .....
5. .....

Signatures of five subscribers.

NOTE:

The attention of intending candidates and subscribers of nomination papers is drawn to the requirements of the Parliamentary Elections Act, 1991, regarding nomination, and particularly to the requirements that a declaration of qualification shall be delivered and a deposit of B$400.00 shall be made to the Returning Officer on nomination day. A nomination paper must be signed by not less than five subscribers.

FORM D (Section 36(2))

Form of Declaration of Qualification

I, ...

of .....

do hereby solemnly declare that I am qualified according to law to be elected and to serve as a Member of Parliament in the House of Assembly of The Bahamas.

.....

Signature of intending candidate

Declared and signed before me, this ..... day of ..... 19 .....

.....

Signature of Justice of the Peace

FORM E (Section 37)

Declaration

THE PARLIAMENTARY ELECTIONS ACT, 1991

Declaration of assets and liabilities of the Declarant his spouse* and children* as at the 31st December last and of income for the period of twelve months ending on that date as are known estimated (state on reverse side of this form where necessary in respect of any item hereunder whether information is estimated or whether information is not obtainable and reason therefor e.g. no records, or inability to obtain information or make estimation thereof as assets or liabilities are those of a person other than the declarant.)

Name of Declarant:

ASSETS	INCOME	LIABILITIES
Savings Account(s)..$...c	Salary.....$.....c	Accounts Payable..$..c
Current Account(s)	Securities Income	Notes Payable
Securities	Real Estate Income	Mortgages payable
Accounts Receivable	Other Income	Debts
Cash Value of Life Insurance(s)		
Real Estate		
Real Estate Mortgages Receivable		
Automobile(s)		
Other Personal Property		
TOTAL ASSETS	TOTAL INCOME	TOTAL LIABILITIES
NET WORTH		

I do solemnly and sincerely declare that the particulars and statements given by me herein are, to the best of my knowledge, true and correct.

Signed this.....day of..... 19.....

..... Declarant

Before .....Justice of the Peace/Notary Public

NOTE:

* Delete as necessary, if none or if the spouse was not living with the declarant for a continuous period of three months during the period in relation to which the declaration is made; or if a child of the declarant has attained the age of eighteen years and was not living with the declarant at any time during the period in relation to which the declaration is made, the particulars required to be furnished by the declarant shall be limited to assets held by the spouse or child (as the case may be) in trust for, of the declarant.

Reverse Side of Declaration

FORM F (Section 38(5))

Form of Rejection of Nomination Paper (1)

I, the Returning Officer for the .....

Constituency have this day rejected this nomination paper on the following grounds .....

.....

.....

Date .....

.....

Returning Officer

NOTE:

(1) The Returning Officer is required to make the above endorsement on any nomination paper which he has rejected before returning the same to the person by whom it was tendered.

FORM G (First Alternative) (Section 39 and 72(3))

Form of Notice of Nominations in an Uncontested Election

HOUSE OF ASSEMBLY ELECTION FOR

THE..... CONSTITUENCY.

NOTICE OF NOMINATIONS AND
DECLARATION OF RESULT.

NOTICE is hereby given that the candidate named below, being the only candidate standing nominated in the above mentioned election, IS HEREBY DECLARED elected to serve as Member of Parliament in the House of Assembly for the said Constituency.

Candidate's Surname	Other names in full	Place of Residence	Occupation

Date .....

.....

Returning Officer

FORM G (Second Alternative) (Sections 39 and 72(3))

Form of Notice of Nomination in a Contested Election

HOUSE OF ASSEMBLY ELECTION FOR

THE .....CONSTITUENCY

NOTICE OF NOMINATIONS AND NOTICE OF POLL

NOTICE is hereby given that the candidates named below stand nominated in the above mentioned election, and

NOTICE is hereby given that the Poll will take place on the ..... day of ..... between the hours of ..... in the morning and .....

in the afternoon in the following polling places —

	Polling Place
Polling Division No	.....
Polling Division No	.....
Polling Division No.....	.....
Polling Division No	.....

Candidate's surname	Other names in full	Place of Residence	Occupation

Date .....

.....

Returning Officer

FORM H (First Alternative) (Section 41)

Form of Withdrawal of Candidature by the Candidate

To the Returning Officer of the ..... Constituency.

1.(1) .....

of.....

being a candidate duly nominated for election as a Member of Parliament in the House of Assembly for the said Constituency; and not being already declared to have been elected for the said Constituency, do hereby withdraw my said candidature and nomination.

Date .....

.....

NOTE:

(1) Insert full name and address as on the nomination paper.

FORM H (Second Alternative) (Section 41)

Form of Withdrawal of Candidate where the Candidate is Outside The Bahamas

To the Returning Officer for the ..... Constituency

We, the undersigned, being subscribers of the nomination paper of the candidate named below, who is a candidate duly nominated for election as a Member of Parliament in the House of Assembly for the said Constituency, and who has not already been declared to have been elected for the Constituency, do hereby withdraw the candidature and nomination of the said candidate, and do, each of us solemnly declare that the candidate named below is at present outside The Bahamas and has authorised and instructed

(1) .....by means of (2) ..... which is exhibited hereto, to withdraw his said candidature and nomination:

Candidate's surname	Other names in full	Place of Residence	Occupation

1. .....
2. .....
3. .....

Signatures of three subscribers of the candidate's nomination paper.

NOTES:

(1) Insert the full name and address of any one of the three subscribers of this notice who has been so authorised and instructed.

(2) Insert the nature and date of the communication which is exhibited e.g. "a cable dated .....".

FORM I (Section 41(3))

Form of Public Notice of Withdrawal of a Nomination, where the Election remains Contested

HOUSE OF ASSEMBLY ELECTION FOR

THE ..... CONSTITUENCY.

NOTICE OF WITHDRAWAL OF NOMINATIONS

NOTICE is hereby given that the candidates named below have withdrawn their respective candidatures, and no longer stand nominated in the above mentioned election, and

NOTICE is hereby given that the Poll will take place at the places and on the day as already published.

Candidates' surnames Other names in full

....

....

Date .....

.....

Returning Officer

Form of Public Notice of Withdrawal of a Nomination, where the Withdrawal Results in an Uncontested Election

HOUSE OF ASSEMBLY ELECTIONS FOR

THE .....CONSTITUENCY

DECLARATION OF RESULT

CONSEQUENT UPON NOTICE OF WITHDRAWAL

NOTICE is hereby given that the following candidates have withdrawn their respective candidatures and no longer stand nominated in the above mentioned election —

Candidates' surnames Other names in full

....

....

AND the candidate named below, being the only candidate remaining standing nominated,

IS HEREBY DECLARED elected to serve as a Member of Parliament in the House of Assembly for the said Constituency:

Candidate's surname	Other names in full	Place of Residence	Occupation

Date .....

.....

Returning Officer

FORM J (Section 43(2))

Form of Notice Countermanding Poll

HOUSE OF ASSEMBLY ELECTION FOR

THE ..... CONSTITUENCY

NOTICE COUNTERMANDING POLL.

NOTICE is hereby given that the Poll fixed for the .. day of . has been countermanded by reason of the death before the commencement of the Poll of the candidate named below, and that accordingly a fresh notice of election shall issue —

Candidate's surname Other names in full

....

....

NOTE: The candidates standing nominated at the time of the countermanding of the poll are not required to seek fresh nomination, but other candidates may be nominated.

(1) (NOTICE OF ELECTION)

Date .....

.....

Returning Officer

NOTE:

(1) The Notice of Election as in Form B in this Schedule may be inserted here, in which case the signature of the Returning Officer shall be printed once only.

FORM K (Section 51(2))

Form of Ballot Paper

Counterfoil No	ADAMS (John Allan Adams)	Symbol
	BARTAN (William James Bartan)	Symbol
	HOLMES (James Holmes)	Symbol
	JOHNSON (Morton Thomas Johnson)	Symbol
	WILLIAMS (Peter John Williams)	Symbol

NOTES.

(1) The ballot paper shall have a number printed on the back in small type to correspond to the number printed on the face of the counterfoil.

(2) The dividing line between the ballot paper and the counterfoil shall be perforated.

(3) The horizontal dividing lines on the ballot paper shall be not less than one-eighth of one inch in thickness

FORM L (Section 52(4))

Directions for the Guidance of Voters

1. The voter may vote for not more than one candidate.
2. The voter should see that the ballot paper, before it is handed to him, is signed by the Presiding Officer.
3. The voter will go into one of the compartments and with the indelible pencil provided in the compartment, place a cross on the right hand side of the ballot paper, opposite the name and symbol of the candidate for whom he votes, thus X.
4. The voter will then fold up the ballot paper so as to show the signature on the back, and leaving the compartment will, without showing the front of the paper to any person, show the signature on the back to the Presiding Officer, put the paper in the ballot box, and forthwith leave the polling place.
5. If the voter inadvertently spoils a ballot paper he can return it to the Presiding Officer, who will, if satisfied of such inadvertence give him another paper.
6. If the voter votes for more than one candidate, or places any mark on the paper by which he may afterwards be identified, his ballot paper will be void, and will not be counted.

FORM M (Section 56(2))

Form of Pre-Poll Ballot Paper Account

Constituency .....
Polling Division No.....
Date of Poll .....
Number of ballot papers entrusted to me .....
White ballot papers.....
Coloured ballot papers .....
Total number of pre-poll ballot papers .....
I hereby certify that the above statement is correct.

Date .....

.....
Presiding Officer for the above mentioned Polling Division.

FORM N (Section 61)

Form of Oath to be Taken by Challenged Voter

Constituency .....

Polling Division No. .....

I, (1) .....

Identity .....

swear by Almighty God that (2) .....

1. I am the person of the above mentioned name and description who is registered as a voter for the above mentioned Polling Division of the above mentioned Constituency.

Residence qualifications

2. (a) I am still ordinarily resident in the above mentioned Constituency: (or as the case may be)

I have ceased to be ordinarily resident in the above mentioned Constituency within the last six months.

(b) I am not registered in any Polling Division or in any Constituency other than the above mentioned Polling Division of the above mentioned Constituency.

(c) I have not already voted at the election or general election now in progress at any Polling Place in any Constituency.

(3) .....
Signature of challenged voter.

I the undersigned, the Presiding Officer for the Polling Place in the said Polling Division of the said Constituency, do hereby certify that the above oath ..... (4) was this day taken by the person claiming to be the above named, by repeating the words after me, after the whole oath ..... (4) had first been read and explained (5) to him, and was signed by him in my presence.

Date.....

.....

Presiding Officer

NOTES:

(1) Insert full name and address as on the Register.

(2) If the challenged voter objects from conscientious grounds to swearing delete the words "swear by Almighty God" and insert in place thereof the words "solemnly, sincerely and truly affirm".

(3) If the challenged voter is unable to subscribe (i.e. sign or make his mark) he may authorise the Presiding Officer to subscribe for him, and the form shall be altered accordingly.

(4) If affirmed under (2) delete "oath" and substitute "affirmation".

(5) If affirmed under (2) delete "oath" and substitute "affirmation".

(6) The Presiding Officer shall ensure that the challenged voter understands the oath he is taking

FORM O (Section 63(1))

Form of Oath to be Taken by Incapacitated Voter

I, (1) ..... of ..... Swear by Almighty God (2) ..... that I am the person of the above mentioned name and description who is registered as a voter for Polling Division No. ..... of the ..... Constituency and that I am unable to vote without assistance by reason of (3) .....

(4).....

Signature of Incapacitated Voter.

I, the undersigned, the Presiding Officer for the Polling Place in the said Polling Division of the said Constituency, do hereby certify that the above oath was this day taken by the above named person namely (1) ..... after the whole oath ..... (5) had first been read and explained (6) to him, by repeating the words after me, and was signed by him in my presence or by me on his behalf and with his authority.

Date .....

Presiding Officer

NOTES:

(1) Insert full name and address as on the Register.
(2) If the deponent objects from conscientious grounds to swearing delete the words "swear by Almighty God" and insert in place thereof the words "solemnly, sincerely and truly affirm".
(3) State the precise nature of the incapacity e.g. "blindness", or "inability to write".
(4) If the disabled voter is unable to subscribe (i.e. sign or make his mark on) the form he may authorise the Presiding Officer to sign for him.
(5) If affirmed under (2) delete "oath" and substitute "affirmation".
(6) The Presiding Officer shall ensure that the applicant understands the oath or affirmation he is taking.

FORM P (Section 63(2))

Form of Oath to be Taken by Friend of Incapacitated Voter

1. I, (1) .....
of .....
swear by Almighty God (2) ..... that I will keep secret the name of the candidate for whom I mark the ballot paper of the incapacitated voter on whose behalf I act.

2. That I have not already acted as the friend of an incapacitated voter for the purpose of marking his ballot paper at this election.

.....
Signature of Friend of
Incapacitated Voter.

I, the undersigned, the Presiding Officer for the Polling Place in the said Polling Division of the said Constituency, do hereby certify that the above oath was this day taken by the above named person namely .....
(3) after the whole oath (4) had first been read and explained (5) to him, by repeating the words after me, and was signed by him in my presence or by me on his behalf and with his authority.

Date .....

.....
Presiding Officer

NOTES:
(1) Insert full name and address as on Register.
(2) If the deponent objects from conscientious grounds to swearing delete the words "swear by Almighty God" and insert in place thereof the words "solemnly, sincerely and truly affirm".
(3) Insert full name and address as on Register.
(4) If affirmed under (2) delete "oath" and substitute "affirmation ".
(5) The Presiding Officer shall ensure the deponent understands the oath or affirmation he is taking.

FORM Q (Sections 65 and 67)

Form of Ballot Paper Account

Constituency .....
Polling Division No .....
Date of Poll .....

Number of regular votes cast for ....
" " " " " " ....
" " " " " " ....

Number of protest votes cast for ....
" " " " " " ....
" " " " " " ....

Number of ballot papers —
entrusted to me ....
unused ....
counted ....
rejected ....
spoilt ....
Totals

Number of ballot papers —
found in the ballot box after the poll..... .....
counted ....
rejected ....
Totals

Number of names on the Register for the above mentioned Polling
Division .....

I hereby certify that the above statement is correct.

Date .....
.....
Presiding Officer for the above mentioned Polling Division.

Certificate of Returning Officer for the Constituency.

I hereby certify that the above statement is correct (subject to the corrections endorsed thereon by me in red ink and initialled by me) (1)

Date .....
.....
Presiding Officer for the above mentioned Constituency.

NOTE:
(1) Delete the words in brackets if inappropriate.

FORM R (Section 72)

Notice of Result of a Contested Election

HOUSE OF ASSEMBLY ELECTION

FOR THE ..... CONSTITUENCY.

DECLARATION OF RESULT OF THE POLL.

NOTICE is hereby given that on the taking of the Poll in the above mentioned election which was contested, the following was elected as the Member of Parliament for the above mentioned Constituency —

(1)	Candidate's surname	Other Names in full	Occupation and address
	.....	.....	.....
	.....	.....	.....

AND NOTICE is hereby given that the numbers of the votes cast for the several candidates in the said election were as follows —

(1)	Candidate's surname	Other Names in full	Votes polled
	.....	.....	.....
	.....	.....	.....

Date .....

.....

NOTE:
(1) These headings need not be printed in the form.