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St. Vincent and the Grenadines: Electoral Law

AN ACT to consolidate and revise the Laws of Saint Vicent and the Grenadines relating to the representation of the people and for matters incidental thereto.

Commencement: 28th December 1982
S.R.O. 60 of 1982

Preliminary

1. This Act may be cited as the Representation of the People Act.

2.(1) In this Act, unless the context otherwise requires -"appointed day" in relation to any year means the day specified as such, for the purposes of this Act, for that year by order of the Governor-General; candidate" in relation to an election, means a person who is-

(a) elected to serve in the House of Assembly at the election; or

(b) nominated as a candidate at the election or is declared by himself or by others to be a candidate, on or after the day of the publication of the notice of election in accordance with the election rules for the election or after the dissolution or vacancy in consequence of which the writ for the election was issued;

"constituency" means a constituency specified in the Constituency Boundary Commission Order for the time being in force;

"Court" means the High Court;

"election" means an election of a member to serve in the House of Assembly for a constituency;

"election documents" means the documents which a returning officer is required to transmit to the Supervisor of Elections;

"election officer" includes the Supervisor of Elections, Deputy Supervisor of Elections, returning officer, presiding officer, registering officer and any other officer duly authorised to perform any function relating to the registration of voters, the proceedings on polling day or the counting of the votes;

"election rules" means the rules for the time being;

"legal incapacity" includes (in addition to any incapacity by virtue of any subsisting provision of the common law) any disqualification imposed by this Act or by any other law;

"polling day" means the day fixed for the holding of the poll of voters at any election;

"polling division" means the polling division of a constituency fixed in accordance with section 24;

"polling station" means any enclosed or unenclosed space secured by the returning officer for the taking of votes of the voters on polling day and includes any extensions of such space where the extension is deemed necessary or expedient by the returning officer;

"qualifying date" means, in relation to the qualification of any person, to be registered as a voter, the date on which that person applies to be registered as a voter unless, in respect of any particular year of election, the Governor- General, by order, appoints some other date;

"qualified person" means any person who is qualified to be registered as a voter and entitled to vote as such;

"registering officer" means an officer referred to in section 10 as registering officer for a constituency of the person acting in that office;

"Registrar" means Registrar of the High Court; "voter" in relation to any election means any person whose name is for the time being on the appropriate register of voters to be used at that election;

"Supervisor of Elections" means the person appointed as such under section 34 of the Constitution or any person acting in that office;

(2) Where the Supervisor of Elections or a returning officer is required or authorised by this Act to give any public notice of an election, he shall, in the absence of any provision to the contrary, (and in the case of the returning officer, subject to any directions given to him by the Supervisor of Elections), do so by advertisement, placards, handbills or by such other means as in his opinion is the best way afford information to the voters.

3. (1) For the purpose of filling a casual vacancy in the membership of the House of Assembly the date on which the vacancy should be deemed to have occurred shall be-

(a) in the case of death, upon the date of death;

(b) in the case of an election being declared void on an election petition, upon the date of the certificate of the Court to that effect;

(c)in the case of a person ceasing to be qualified to be a member of the House of Assembly or becoming disqualified for any reason other than those mentioned in paragraphs (a) and (b), upon the date on which his office is declared by the Speaker or by the Court, as the case may be, to have been vacated.

(2) Whenever any casual vacancy arises in the membership of the House of Assembly, the Speaker of the House shall forthwith notify the Governor-General who shall issue a writ for an election to fill the vacancy.

PART I
Qualification of Voters

4. No person shall -

(a) at a general election, vote in more than one constituency; or

(b) at any election, vote more than once in the same constituency; or

(c) at any election, vote without first producing the identification card issued to him under this Act unless he proves to the satisfaction of the presiding officer that he has not been issued with an identification card or that he has been issued with an identification card and that such card has been lost or destroyed:

Provided that the presiding officer may, in the absence -of identification card, accept any other mode of identification that he may deem satisfactory having regard to the circumstances of the case.

5. (1) Subject to the provisions of this Act or of any written law imposing any disqualification for registration as a voter, every person, who has attained the age of eighteen years or upwards, shall be entitled to be registered as a voter in a constituency for the purpose of electing a representative for that constituency if, on the qualifying date he -

(a) is a citizen of Saint Vincent and the Grenadines; or

(b)is a Commonwealth citizen who has been residing in Saint Vincent and the Grenadines for a period of not less than twelve months immediately preceding the qualifying date,

and in either case has resided in that constituency for a period of not less than six months immediately preceding the qualifying date.

(2) No person shall be qualified to be registered as a voter for more than one constituency.

(3) Where a person has been registered as a voter for a constituency ceases to reside in that constituency, he shall not on that account cease to be qualified to be registered as a voter for that constituency until he has become qualified to be registered as a voter for another constituency.

(4) In reckoning the period of residence in a constituency of a voter for the purpose of subsection (1), the period between the qualifying date and the polling day in that constituency shall not be reckoned as a period of residence.

6. A person is disqualified from being registered as a voter and shall not be so registered if he -

(a) is a person found or declared to be a person of unsound mind or a patient in any establishment maintained wholly or mainly for the reception and treatment of persons suffering from mental illness or mental defectiveness by virtue of any enactment;

(b) is undergoing any sentence of imprisonment in Saint Vincent and the Grenadines;

(c) is under sentence of death imposed on him by a competent court in any part of the Commonwealth or under sentence of imprisonment (by whatever name called) exceeding twelve months imposed on him by such a court or under some sentence substituted therefor by a competent authority and has not suffered the punishment to which he was sentenced or has not received a free pardon therefor; or

(d) is under any law disqualified from being registered as a voter.

7. Every person registered as a voter pursuant to this Part shall remain registered unless and until his name is deleted from the register because -

(a) he has died;

(b) an objection to his registration has been allowed;

(c) he has been absent from Saint Vincent and the Grenadines for a period exceeding five years, except in cases of absence for approved studies abroad; or

(d) he has become disqualified under any law for registration or for exercising his rights as a voter.

8.(1) Every person who is qualified to be registered as a voter for a constituency shall, unless registered in the register of voters for that constituency, within thirty days ofthe relevant date, apply to the registering officer for that constituency to have his name entered in the quarterly list of voters prepared for that constituency.

(2) Without prejudice to subsection (1), every occupier of a house shall, within thirty days of the relevant date, furnish the registering officer of the constituency in which the house is situated with the names of every person living in that house who, to the best of his knowledge, is qualified to be registered as a voter for that constituency.

(3) 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, shall, if requested so to do by or on behalf of the registering officer for the constituency in which the building is situate, furnish the registering officer with the name of every tenant or lodger by whom the rent of an apartment, flat or lodging is payable.

(4) For the purposes of this section -

"house" means a dwellinghouse and includes any building occupied as a separate dwelling;

"occupier" in relation to any building let in separate apartments, flats or lodgings, means the tenant, lodger or other person by whom the rent for such apartment, flat or lodging is payable;

"relevant date" means -

(a) in the case of a person who on the 28th December, 1982, is not qualified to be registered as a voter, the date on which that person first becomes so qualified;

(b) in any other case the date appointed by the Governor-General, by order, for the purposes of this section.

9. Notwithstanding the provisions of section 5, a person shall not be entitled to be registered as a voter until he has complied with the remaining provisions of this Act and the rules and regulations relating to the registration of voters.

10. (1) The Governor-General shall appoint persons who are considered fit and proper to be registering officers and each of them shall be assigned to a constituency.

(2) The Governor-General may appoint any suitable person to assist any registering officer in the performance of his duties under this Act.

(3) Subject to the authority, directions and control of the Supervisor of Elections, an assistant appointed under subsection (2), unless be is appointed only as an enumerator, shall have all the powers and may perform all or any of the duties of a registering officer under this Act.

(4) Every registering officer or other person appointed under subsection (2) shall receive such remuneration as may be prescribed.

(5) Every registering officer and every assistant shall, before entering on his duties as such, take and subscribe an oath in Form A given, below and shall transmit such oath to the Supervisor of Elections:

Provided that in the case of an enumerator, such oath shall be taken in Form B.

A

REPRESENTATION OF THE PEOPLE ACT,

(Cap. 6)

Oath of Registering Officer

I.....do swear that I will faithfully perform all the duties of registering officer of the constituency of.....in accordance with the provisions of the Representation of the People Act, and of any rules made thereunder, to the best of my ability.

SO HELP ME GOD

.....

Registering Officer

Sworn before me

.....

Magistrate of Justice of the peace

(as the case may, be)

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B

REPRESENTATION OF THE PEOPLE ACT,

(Cap. 6)

Oath of an Enumerator

I, the undersigned ..... appointed as enumerator for polling division No .....in the constituency of ...do solemnly swear that I will act faithfully and in every respect according to law.

SO HELP ME GOD

.....

Enumerator

Sworn before me

.....

Magistrate of Justice of the peace

(as the case may, be)

_____

(6) The Supervisor of Elections shall be the,cbief registration officer and he shall supervise the performance by the registering officers of their functions under thisAct, and every registering officer shall comply with such general or specific directions that he may give.

11. (1) The Supervisor of Elections shall cause to be prepared and shall publish not later than the appointed day in 1984 and the same day in every succeeding year a register of voters for each constituency who are entitled to vote at any election.

(2) Not later than the appointed day in 1984 the Supervisor of Elections shall cause to be prepared and shall publish a preliminary register of voters for each constituency which shall consist of all qualified persons -

(a) whose names appear in the register of voters for that constituency last published under the House of Assembly Elections Act, 1951; and who have been photographed for the purpose of being issued with identification cards under section 20;

(b) who although not registered in the register mentioned in paragraph (a), have since the publication of that register and not later than the appointed day in any relevant year been photographed for the purpose of being issued with identification cards under section 20 for that year.

(3) The preliminary register of voters shall not include persons who, on the information available to the Supervisor of Elections, appear since the publication of the last rbgister -

(a) to have died; or

(b) to have ceased, as on the relevant date, to possess the qualifications for registration spelt out in section 5 or have incurred any disqualifications under section 6 or have lost the right to remain in the register pursuant to section 7.

(4) A person who is entitled to be registered as a voter for a constituency but whose name does not appear in the preliminary register of voters for that constituency shall, subject to the provisions of subsections (5), (6) and (7), be registered upon his making application in such form as may be prescribed.

(5) Where any person whose name does not appear in the appropriate preliminary register of voters for a constituency claims to be qualified to be a voter as mentioned in subsection (4), he may make personal application at a prescribed place in the constituency and his claim shall, subject to the regulations, be determined as if it were a claim made under section 14.

(6) The Supervisor of Elections shall make all additions to the appropriate preliminary register and shall make removals therefrom in consequence of any action taken under this section or under section 7 and shall publish not later than the date appointed for the purpose the preliminary register of voters so corrected as the register of voters entitled to vote at any election for that constituency.

(7) The registers of voters required by subsection (1) to be prepared and published in each year after 1984 shall consist of

(a) all persons who were registered in the register of voters last published for that constituency; and

(b) all persons whose names appear in the supplementary registers of voters prepared and published for * that constituency, subsequent to the date of publication of the register mentioned in paragraph (a), as ordinarily resident in that constituency and qualified under this Act as voters,

but shall not include persons who, on the information available to the Supervisor of Elections, appear, since the publication of the last register to have died or to have ceased to be qualified for the reasons set out in subsection (3) (b).

12. The Supervisor of Elections shall cause to be prepared and shall publish in accordance with section 16 for each constituency a supplementary register of voters entitled to vote at any election.

13. (1) Not later than the appointed day in 1984 and not later than that day in every quarter in every succeeding year, the Supervisor of Elections shall cause to be prepared and shall publish as soon as possible thereafter (and in any case not later than the 15th day of the next month following the end of the quarter) a list of voters for each constituency which shall consist of all persons -

(a) whose names appeared on the register for another constituency who have notified the Supervisor of Elections of a change of address in this constituency in accordance with the regulations and who appear to be ordinarily resident therein;

(b) whose names appeared in the register for the constituency who have effected a change of address within the constituency and who have notified the Supervisor of Elections in accordance with the regulations;

(c) who have attained the age of eighteen years and who appear to the Supervisor of Elections to be otherwise qualified; and

(d) who have otherwise become qualified to be voters.

(2) The names of those persons referred to in subsection (1) shall, as far as practicable, appear-

(a)in the case of those persons mentioned in paragraphs (a) and (b) of that subsection, in the quarterly list prepared for the quarter in which the notification was made; and

(b) in the case of those persons mentioned in paragraphs (c) and (d) of that subsection, in the quarterly list prepared for the quarter in which a claim to be registered has been made.

14. (1) All claims for registration made by a person whose name does not appear in the register or the appropriate quarterly list and all objections to the registration of persons whose names appear in the registers of voters and in the quarterly lists, as the case may be, shall be determined in accordance with the regulations by the appropriate registering officer actingrwith respect to the constituency to which the register or list in question relates.

(2) Notwithstanding subsection (1), when a claim thereunder has been disallowed, the registering officer may, in accordance with the regulations, refer the matter to the Supervisor of Elections whose decision thereon shall be final.

15. The Supervisor of Elections shall make all additions to the appropriate quarterly lists and shall make removals therefrom in lists. consequence of any action taken under section 7 or under section 13 and shall publish as soon as possible after the fifteenth day of the next succeeding month after the end of the quarter (and in any case not later than the last day of each such month) the corrected quarterly lists as the revised quarterly lists of voters.

16. The Supervisor of Elections shall not later than seven days after the publication of the revised quarterly list of voters for each constituency cause to be published a supplementary register of all the names of persons which appear in the revised quarterly list published in accordance with section 15 if such persons have been photographed in accordance with the regulations for the purpose of being issued with identification cards.

17. (1) Where the Governor-General issues a writ for an election in a constituency -

(a)he shall declare the period ending fifteen days after the issuing of the writ to be a special voters registration period; and

(b)the Supervisor of Elections shall, not later than three days after the issuing of the writ, publish a revised register of voters in accordance with section 13 to be known as a preliminary list.

(2) The Supervisor of Elections shall, during the sixteen days after the publication of this preliminary list in accordance with section 13, make additions and changes to the list.

(3) The Supervisor of Elections shall, not later than twenty-one days after the issuing of a writ for an election for a constituency, publish in respect of that constituency, a register of voters -

(a)containing the name, address, occupation, if any, and electoral number of every person qualified under this and

(b) to be known as the register of voters which will comprise the register of voters, the supplementary register and the register comprised under this section.

(4) The voters registered under this section shall be photographed, in accordance with the regulations, for the purpose of being issued with identification cards under section 20.

18. The register of voters and the supplementary published for each constituency under sections 11 and 16 respectively and the list compiled under section 17 in any year shall constitute the register of voters for that constituency and shall be used for any election held in that constituency after the publication thereon until it is superseded by the register for voters published and constituted for that constituency in the next succeeding year in accordance with this Part.

19. (1) The Supervisor of Elections shall in each year make out from information furnished to him under the provisions relating to election offences under this Act, a corrupt and illegal practices list containing -

(a)the names and description of the persons who, though otherwise qualified to be registered in a register of voters for each constituency, are not so qualified because they have been convicted or reported guilty of a corrupt or illegal practice; and

(b)a statement of the offence of which each person has been found guilty.

(2) The Supervisor of Elections shall - (a)in the case of the year 1984, at the same time as he publishes the preliminary register under section 11 (2); and

(b)in the case of any year after 1984 at least fourteen days before he publishes the register for any succeeding year as is required by section 11 (1), publish the corrupt practices list by making a copy thereof available for inspection at the specified address of each registering officer.

20. The Supervisor of Elections shall cause identification cards Identification containing the prescribed matters to be issued in accordance with the cards. regulations.

21. (1) The registers of voters prepared under this Act and the regulations shall, for the purposes of this Part, be conclusive on the following questions -

(a)whether or not any person registered therein was on the date of publication of the register resident at the address shown;

(b)whether or not that address is in any constituency or any particular part of that constituency.

(2) A person registered as a voter shall not be excluded from voting on the ground that he is not a Commonwealth citizen or has not attained the age of eighteen or has otherwise become subject to any legal incapacity to vote;

Provided that the vote so cast may on scrutiny be subject to rejection and any such person may be liable for the penalty in that regard.

(3) No misnomer or inaccurate description of any person or place named in the register of voters or in any list, record, nomination paper, ballot paper, notice or other document required for the purposes of this Act shall affect the full operation of the document with respect to that person or place in any case where the description of the person or place is such as may be commonly understood.

PART II

Offences and Election Machinery

22. (1) Any person who -

(a)has ceased to be a Commonwealth citizen after attaining the age of eighteen and has not subsequent thereto become a Commonwealth citizen;

(b) has not attained the age of eighteen; or

(c)does not have the requisite residential qualifications for inclusion in the register of voters, and who wilfully makes any false claim to be included in the register of voters, is guilty of an offence and liable to a fine of seven hundred and fifty dollars and to imprisonment for six months.

(2) Any person who objects under this Actor the regulations to the inclusion of any other person in any list or register relating to voters I- repared under this Act or the regulations upon any ground which he nows, or has reasonable cause to believe, to be false is guilty of an of ence and liable to a fine of seven hundred and fifty dollars and to imprisonment for six months.

(3) Any person who knowingly makes a false statement for the purpose of being registered as a voter is guilty of an offence and liable to a fine of seven hundred and fifty dollars and to imprisonment for six months.

23. (1) A registering officer or an enumerator who, wilfully or qualified person without reasonable excuse, omits to register the name of any person from register. qualified to be registered is guilty of an offence and liable to a fine of seven hundred and fifty dollars and to imprisonment for six months.

(2) A registering officer or an enumerator convicted of an offence under subsection (1) shall, in addition to any penalty provided in that subsection, forfeit his right to payment for his services as a registering officer or as an enumerator, as the case may be, and, subject to subsection (3), shall be incapable during a period of seven years from the date of his conviction -

(a) of being qualified as a voter and shall not vote at any election; and

(b) of being elected a member of the House of Assembly.

(3) Notwithstanding that an appeal is made against a conviction for an offence under subsection (1), the incapacity provided for by subsection (2) in the event of any such conviction shall continue until the appeal is determined and thereafter, unless the conviction is quashed, such incapacity shall remain in force for a period of seven years from the determination of the appeal unless the court hearing the appeal directs that the period of seven years shall run from the date of conviction.

24. (1) Subject to this section, each constituency shall be divided into polling divisions.

(2) Each polling division shall, so far as practicable, contain approximately four hundred qualified persons.

(3) Where the Supervisor of Elections is satisfied that because of congestion or of the sparsity of the population or other special circumstances it is more convenient so to do, he may, notwithstanding anything in subsection (2), constitute a polling division containing either more or less than four hundred qualified persons.

(4) In determining the boundaries of any polling division the Supervisor of Elections shall have regard to geographical considerations and such other factors as may affect the facilities of communications between various places within the polling division.

(5) It is the duty of the Supervisor of Elections -

(a) to keep polling divisions of each constituency under review; and

(b) by notice, and subject to the approval of Cabinet, to make alteration in such divisions including the abolition or establishment of any polling division as he may consider proper having regard to provisions contqined in subsections (2) to (4).

PART III

Administrative Provisions

25. (1) For the purposes of an election, the Supervisor of Elections shall be the chief electoral officer and he shall

(a) exercise general directions and supervision over the administrative conduct of the elections and enforce on the part of all election officers fairness, impartiality and compliance with the provisions made by or under this Act;

(b) issue to election officers such instructions as he con- siders necessary for ensuring effective implementation of the said provisions;

(c) execute and perform all other functions which are con- ferred or imposed upon him by or under this Act.

(2) For the purposes of an election, the Governor-General may appoint a Deputy Supervisor of Elections and he shall, subject to any general or specific directions of the Supervisor of Elections, have power to perform any of the functions which the Supervisor of Elections is by or under this Act required to perform.

26. The Governor-General may, in consultation with the Supervisor of Elections, appoint for each constituency a returning officer who shall receive such remuneration as the Governor-General may specify for the purpose.

27. (1) The Supervisor of Elections may appoint one or election clerks for each constituency who shall receive such remuneration as Cabinet may specify for the purpose and where more than one such clerk has been appointed for a constituency the Supervisor of Elections shall assign an order of seniority among them.

(2) If at any time between the issue of a writ and the declaration ofthe result of the election the returning officer dies or becomes incapable of performing his functions as such, the election clerk where only one such clerk has been appointed or the senior election clerk where more than one such clerk has been appointed shall forthwith report the fact to the Supervisor of Elections and shall perform the functions ofthe returning officer until some other returning officer is appointed or the returning officer ceases to be incapable of performing his functions, as the case may be.

28. (1) The Supervisor of Elections shall appoint a presiding officer for each polling station.

(2) The Supervisor of Elections shall appoint for each polling station such number of poll clerks as may be necessary and where more than one such clerk has been appointed for a polling station the Supervisor of Elections shall assign an order of seniority

among them.

(3) If the presiding officer dies or becomes incapable of performing his functions during the taking of the poll, the poll clerk where only one such clerk has been appointed or the senior poll clerk where more than one such clerk has been appointed shall report the fact to the Supervisor of Elections and shall, until some other person is appointed as presiding officer by the Supervisor of Elections, perform the functions of the presiding officer and may appoint some other person to act as poll clerk.

(4) Any person appointed by the Supervisor of Elections as presiding officer and any person appointed as poll clerk under subsection (3) shall respectively perform the functions of those officers, whilst acting in the capacity of presiding officer or poll clerk, as the case may be, and shall receive in respect of their services such remuneration as the Cabinet may specify for the purpose.

29. No person shall be subject to any incapacity to vote at an election because he is or is acting as Supervisor of Elections, Deputy Supervisor of Elections, returning officer, election clerk, presiding officer, or is acting in any capacity as an election officer.

30. Every election officer shall take an oath in Form I in the Schedule before a justice of the peace, returning officer or presiding officer and every'such officer is hereby authorised to administer an oath for that purpose.

PART IV

Conduct of Elections

31. (1) For the purposes of every election, the Governor-General shall issue a writ under the Public Seal addressed to the returning office for the constituency for which the election is to be held, and every such writ shall be forwarded to the Supervisor of Elections for transmission to the returning officer to whom it is addressed.

(2) Evi~ry writ issued for the purposes of subsection (1) shall be in Form 2 in the Schedule and shall specify the day of nomination of candidates,-the day upon which, if necessary, the poll shall be taken, be- ing not less than fifteen and not more than twentyone clear days thereaf- ter, and the day the writ is returnable to the Governor-General.

(3) On receipt of the writ, the returning officer shall endorse the date of receipt on the writ and shall proceed to hold an election in accordance with the House of Assembly Election Rules.

(4) For the purposes of this section, where the last day of time allowed for the issue of the writ falls on a Sunday, public holiday or day appointed for public thanksgiving or mouming then the time shall stand extended until the next following day that is not one of the days men- tioned above.

(5) In computing the period of time for the purposes of subsec- tion (2) Sundays and public holidays shall be included.

32. (1) Where at any time between the issue of a writ and the day appointed by the writ for the holding of a poll at any election, the Governor- General, acting in accordance with the advice of the Prime Minister, is satisfied that it is expedient so to do because of -

(a)a situation where Saint Vincent and the Grenadines becomes directly or indirectly involved in any war;

(b)the proclamation of a state of emergency which is in force;

(c)the occurrence of any earthquake, hurricane, flood, fire, Putbreak of pestilence or outbreak of infectious disease or other calamity whether similar to the foregoing or not; or

(d)the likelihood that the register of voters for all electoral districts or for any particular electoral district or constituency will not be printed before the day appointed under section 31 for the holding of the poll or that any essential electoral supplies or materials will not be available in adequate quantities upon such day, he may, by proclamation, adjourn the holding of the poll to some other day specified in such proclamation not being more than ninety days after the day specified in the writ issued under section 31.

(2) Any proclamation under subsection (1) made pursuant to the provisions of paragraph (c) or (d) may be expressed to apply only to ch I toral districts or constituencies not so specified upon the day pointed for the taking of the poll under section 31.

(3) Where any proclamation is made under this section the writs for all electoral districts or constituencies to which such proclamation applies shall be deemed to have been amended by the substitution, for the day specified in such writs as being the day for the holding of the poll, the day so specified in such proclamation.

(4) Where any proclamation under this section is made before the day which would have been nomination day if such proclamation had not been made, the nomination day shall be deemed to have been adjourned to the twentythird day next before the day to which the hol(Jing of the poll is adjourned by such proclamation:

Provided that if such twentythird day is a Sunday or a public holiday, the nomination day shall be deemed to be adjourned to the first day not being a Sunday or a public holiday after such twentythird day.

(5) Where any proclamation is made under this section after nomination day, the adjournment by such proclamation of the day upon which the poll is taken shall in no way affect the validity of any nomination validly made upon nomination day and no other

nomination shall be made.

33. (1) The proceedings at an election shall be conducted in accordance with such rules as may be made by Cabinet;

Provided that until any rule is made modif~ring the same in any respect, the House ofAssembly Election Rules shall be deemed to be the election rules applicable in relation to elections to the House of Assembly:

Provided further that those provisions of the Election Rules as relate to election offences shall not be subject to any amendment by Cabinet in exercise of the rule making power.

(2) It is the general duty of the returning officer at an election to do all such acts and things as may be necessary for effectively conducting the election in the manner provided by the Election Rules,

(3) No election shall be declared invalid because of any act or omission by the returning officer or any other person in breach of his official duty in connection with the election or otherwise of the Election Rules if it appears to the Court that the election was so conducted as to be ~substantially in accordance with the law as to the elections, and that the act or omission did not affect its result.

34. (1) Save as otherwise provided by Part I and the Election Rules, all persons voting as voters at an election shall do so in person at the polling station allotted to them in accordance with the provisions made by or under this Act.

(2) Where a police officer is, or is likely to be, on the day of any election sent or employed in the discharge of his duty so as to prevent him from voting at the polling station at which he would otherwise be entitled by law to vote, the following provisions shall have effect -

(a)such police officer may, at any time within seven days before the election, apply to the Commissioner of Police for a certificate and the Commissioner of Police shall thereupon give a certificate under his hand, stating the name of the police officer, his number in. the police force, his number and description on the register of voters, and the fact that he is so sent or employed;

(b)in every case where a certificate is issued to any police officer, the Commissioner of Police shall send an intimation of that fact to the presiding officer of the polling station at which the officer could, but for the certificate, have exercised his right to vote;

(c)the presiding officer at any polling station shall, on production by such officer of the certificate, allow him to vote at that station and shall forthwith cancel the certificate and deal with it in like manner as the counterfoils of voting papers are directed by law to be dealt with;

(d)no police officer shall under this section be entitled to vote at any election at which he would not but for this section be entitled to vote nor more than once in any election, and if he so votes or attempts to vote he shall be subject to all the penalties imposed by law on a person personating or attempting to personate a voter at such election.

(5) In this section -

"Commissioner of Police" includes any person for the time being in command of the Royal Saint Vincent and the Grenadines Police Force or acting in that capacity.

PART V

Qualification of Members

35. (1) No person shall be qualified to be elected or appointed as a representative or senator (hereinafter in this section referred to as a member of the House of Assembly) if he -

(a) is by virtue of his own act, under any acknowledge ment of allegiance, obedience or adherence to a foreign power or state;

(b) is a minister of religion;

(c) holds or is acting in the office ofjudge of the Supreme Court;

(d) subject to such exceptions and limitations as may be prescribed by Parliament, holds or is acting in any public office or is a paid member of any defence force of Saint Vincent and the Grenadines;

(e) is an undischarged bankrupt, having been adjudged or otherwise declared bankrupt under any law;

(f) is a person certified to be insane or otherwise adjudged to be of unsound mind under any law;

(g) is under sentence of death imposed on him by a court of law in any part of the Commonwealth or is serving a sentence of imprisonment (by whatever name called) exceeding twelve months imposed on him by such a court or substituted by competent authority for some other sentence imposed on him by such a court, or is under such a sentence of imprisonment the execution of which has been suspended;

(h)subject to the exceptions and limitations set out in section 36, has any such interest in any government contract:

Provided that a minister of religion may be appointed as a senator.

(2) The provision relating to disqualification referred to in section 26 of the Constitution shall be as set out in section 36 of this Act.

3) A person shall not be qualified to be elected as a representative if he is a senator and a person shall not be qualified to be appointed a senator if he is a representative or is nominated for election as such.

(4) For the purpose of this section and sections 36 and 37

(a)"government contract" means any contract made with the Government or with a department of the Government or with an officer of the Government contracting as such;

(b)"minister of religion" means any person in holy orders and any other person, the functions of whose principal occupation include teaching or preaching in any congregation for religious worship.

36. (1) Subject to the provisions of this section, no person shall be qualified to be a member of the House of Assembly if he, or any firm in which he is a partner or any body corporate which he controls, is a party to any contract made with the Government, or a department of Government, or an officer of Government contracting as such, for the account of interest sale or lease of land (including any interest in or over land), the sale of goods, or the rendering of services, by that person or by that firm or body corporate.

(2) A person shall not be disqualified to be elected or appointed as a member of the House of Assembly by virtue of subsection (1)

(a)if, on the date of his nomination for election, or appointment, as the case may be, obligations imposed by the contract on him, or on the firm or body corporate as aforesaid, have been wholly performed or are unenforceable;

(b)by reason only of a contract for the sale of goods where the amount or value of the consideration does not exceed the specified amount and the sale does not form part of a larger transaction or series of transactions in respect of which the amount or value, or aggregate amount of value, of the consideration exceeds the specified amount;

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(b)"specified amount" means one hundred and twenty dollars.

37. The seat of a member of the House of Assembly shall become vacant if any circumstances arise that, if he were not a member of the House of Assembly, would cause him, subject to section 36 (3), to be disqualified for election or appointment thereto by virtue of that section:

Provided that, if in the circumstances it appears to the House of Assembly to be just so to do, the House may exempt any member from vacating his seat under the provisions of this section, if such member, before making any such contract as is referred to in section 36 (1), or efore or as soon as practicable after otherwise becoming a party to it, or otherwise interested in it (whether through a firm in which he is a partner or through a body corporate which he controls), discloses to the House the nature of such contraet and his interest therein.

PART V1

Election Offences

38. (1) No intoxicating liquor shall be sold, offered for sale, or be given away, at any premises to which a license issued under the Liquor Licences Act applies at any time between the opening and the closing of the poll on polling day.

(2) No intoxicating liquor shall be supplied to any person at any premises to which a licence issued under the Registration of Clubs Act applies at any time between the opening and the closing of the poll on polling day.

(3) Any person who contravenes any of the provisions of subsections (1) or (2) is guilty of an offence and liable to a fine of seven hundred and fifty dollars and to imprisonment for six months.'

(4) In this section "intoxicating liquor" means spirits, wine, beer, porter, cider, sherry and any fermented, distilled or spirituous liquor which cannot, according to the law, for the time being in force, be legally sold except in accordance with a licence.

39. (1) Every employer shall, on polling day, allow to every voter in his employ reasonable time for him to vote, and no employer shall make any deduction from the pay or other remuneration of any such employee or impose upon or exact from him any penalty by reason of his absence during that time.

(2) Any employer who, directly or indirectly, refuses, or by intimidation, undue influence, or in any other way interferes with the granting to any voter in his employ, of the reasonable time for voting, as in this section provided is guilty of an offence and liable to a fine of seven hundred and fifty dollars and to imprisonment for six months.

40. Any election officer who -

(a) makes, in any record, return or other document which he is required to keep or make under this Act, any entry which he knows or has reasonable cause to believe to be false, or doe%not believe to be true;

(b)permits any person whom he knows, or has reasonable cause to believe, not to be a blind person or an incapacitated person, to vote in a manner provided for blind persons or incapacitated persons, as the case may be;

(c)refuses to permit any person whom he knows, or has reasonable cause to believe, to be a blind person or an incapacitated person to vote in the manner provided for blind persons or incapacitated persons, as the case may be;

(d)wilfully prevents any person from voting at the polling station at which he knows, or has reasonable cause to believe, such person is entitled to vote;

(e)wilfully rejects or refuses to count any ballot paper which he knows, or has reasonable cause to believe, is validly cast for any candidate in accordance with the provisions of the Act; or

(f)wilfully counts any ballot paper as being cast for any candidate, which he knows or has reasonable cause to believe was not validly cast for such candidate, is guilty of an offence and liable, on conviction on indictment to imprisonment for two years.

41. No person shall furnish or supply any loud speaker, bunting, ensign, banner, standard, or set of colours or any other flag, to any person with intent that it shall be carried, worn or used on motor cars, trucks or other vehicles, as political propaganda on polling day, and no person shall, with any such intent, carry, wear or use, on motor cars, trucks or other vehicles any such loud speaker, bunting, ensign, banner, standard or set of colours, or any other flag, on polling day.

42. (1) No peison shall furnish or supply any flag, ribbon, label or like favour to or for any person with intent that it be worn or used by any person within any constituency on polling day as a party badge to distinguish the wearer as the supporter of any candidate, or of the political or other opinions entertained or supposed to be entertained by such candidate; and no person shall use or wear any flag, ribbon, label, or other favour, as such badge, within any constituency on polling day.

(2) Nothing contained in this section or in section 41 shall be deemed to extend to the furnishing or supplying of any banner bearing only the name of any candidate or only such name preceded by the words "Vote for", or of any rosette or of any favour bearing the symbol allotted to any candidate'or to the use of any such banner or any vehicle or of any such rosette or favour.

43. Any person who contravenes any of the provisions of section 41 and 42 is guilty of an offence and liable to a fine of fifteen hundred dollars and to imprisonment for one year.

44. (1) The following persons shall be deemed guilty of bribery within the meaning of this Act-.

(a)any person who, directly or indirectly, by himself or by any other person on his behalf, gives,]ends, agrees to give or lend, or offers, promises to procure or to endeavour to procure, any money or valuable consideration to or for any voter, or to or for any other person in order to induce any voter to vote or refrain from voting, or corruptly does any such act as aforesaid on account of any voter having voted or refrained from voting at any election;

(b)any person who, directly or indirectly, by himself or by any other person on his behalf, gives or procures, or agrees to give or procure, or offers, promises, or promises 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 reftain from-voting or corruptly does any voting, or corruptly does any such act as aforesaid on account of Wany voter having voted or refrained from voting at any election;

(c)any person who, directly or indirectly, by himself or by any other person on his behalf, makes 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 as an elected member of the House of Assembly, or the vote of any voter at any election;

(d)any person who, upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procures or engages, promises or endeavours to procure, the return of any person as an elected member of the House of Assembly or the vote of any voter at any election;

(e)any person who advances or pays, or causes to be 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 knowingly pays or causes to be paid any money to any person in discharge of repayment of any money wholly or in part expended in bribery at any such election;

(f)any voter who, before or during any election, directly or indirectly, by himself or by any other person on his behalf, receives, agrees or contracts 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; and

(g)any person who, after any election, directly or indirectly, by himself or by any other person on his behalf, receives any money or valuable consideration on account of any person having induced any other person to vote or refrain from voting at any such election.

(2) The provisions of subsection (1) shall not extend or be construed to extend to any money paid or agreed to be paid for or on account of any legal expenses incurred in good faith at, or concerning, an election.

(3) For the purposes of subsection (2), "legal expenses" include

(a)the payment of the agents, clerks, canvassers and messengers of candidates;

(b)payments made for the purpose of hiring vehicles for the conveyance of voters to or from a polling station;

(c)payments made for the use of any premises for a public meeting in furtherance of the candidature of any person or for the use of any committee room or office for the purpose of promoting or procuring the election of a candidate;

(d)payments made in respect of postage, stationery, printing, advertising, the distribution of advertising materials and the use of any public address system.

45. The following persons shall be deemed guilty of treating within the meaning of this Act-

(a)every person who corruptly, by himself or by any other person, either before, during or after an election, directly or indirectly, gives, or Provides or pays wholly or in part the expenses of giving or providing any food, drink, entertainment, or provision to or for any person for the purpose of corruptly influencing that person, or any other person, to vote, or to refrain from voting, at such election, or on account of such person or any other person having voted or refrained from voting at such election;

(b)every person who corruptly accepts or takes any such food, drink, entertainment or provision.

46. Any person who, directly or indirectly, by himself or by any other person on his behalf, makes use of, or threatens to make use of, any force, violence, or restraint, or inflicts or threatens to inflict by'himself or by any other person any temporal or spiritual injury, damage, harm, or loss upon or against any person, in order to induce or compel such person to vote or refrain from voting or an account of such person having voted or refrained from voting at any election, or who by abduction, duress, or any fraudulent contrivance, impedes or prevents the free exercise of the franchise of any voter, or thereby compels, induces, or prevails upon any voter either to give or refrain from giving his vote at any election, shall be guilty of undue influence within the meaning of this Act.

47. Any person who at an election applies for a ballot paper in the name of another person, whether that name be the name of a person living or dead or of a fictitious person, or who, having once voted at any election, applies at the same election for a ballot paper in his own name, shall be guilty of personation within the meaning of this Act.

48. Any person who is guilty of bribery, treating or undue influence under the provisions of this Act, is liable to a fine of seven hundred and fifty dollars and to imprisonment for six months.

49. Any person who is guilty of personation, or of aiding, abetting, counselling or procuring the commission of the offence of personation, is liable, on conviction on indictment, to a fine of four thousand dollars and to imprisonment for two years.

50. Any person who is convicted ofbribery, treating, undue influence or personating or of aiding, counselling, or procuring the commission of 49 the offence of personation shall (in addition to any other punishment) be incapable during a period of seven years from the date of conviction -

(a) ofbeing registered as a voter, or of voting at any election of a member of the House of Assembly;

(b) of being elected or appointed a member of the House of Assembly, of, if elected or appointed before his conviction, of retaining his seat as such member.

51. (1) Any person who -

(a)votes, or induces or procures any person to vote, at any election, knowing that he or such other person is prohibited by the Constitution or thisAct or by any law from voting at such election;

(b) before or during an election knowingly publishes a false statement of the withdrawal of a candidate at such election for the purpose or promoting or procuring the election of another candidate;

(c) between the date of notification by the Supervisor of Elections of the issue by the Governor-General of a writ for the purposes of an election and the day previous to the polling at such election, whether in a general election or in a bye-election, acts in a disorderly manner with intent to prevent the transaction of the business of a public meeting called for the purpose of promoting the election of a candidateas a member of the House of Assembly,

is guilty of an illegal practice and liable to a fine of seven hundred and fifty dollars.

(2) Any person who, between the date of notification by the Supervisor of Elections of an issue by the Governor-General of the writ for purposes of an election and the day previous to polling at such election, whether in a general election or in a bye-election, incites, combines or conspires with others to act in a disorderly manner with intent to prevent the transaction of the business of a public meeting called for the purpose of promoting the election of a candidate as a member of the House of Assembly, is guilty of an illegal practice and liable on conviction on indictment, to imprisonment for two years.

(3)Any person who, before or during an election, for the purpose of affecting the return of any candidate or prospective candidate at such election, makes or publishes any false statement in fact in relation to the personal character or conduct of such candidate is

guilty of an illegal practice and liable to a fine of seven hundred and fifty dollars and to imprisonment for one year.

(4)Any person who is convicted of any offence declared to be an illegal practice under this or any other section of this Act shall, in addition to any other penalty for such offence be incapable during a period of five years from the date of his conviction -

(a) of being registered as a voter or of voting at any election; and

(b) of being elected or appointed as a member of the House of Assembly, or, if elected or appointed before his conviction, of Yetaining his seat as such member: Provided that in the event of any appeal the incapacity shall continue until the appeal is determined and thereafter, unless the conviction is quashed, remain in force for a period of five years from the determination of the appeal unless the Court hearing the appeal directs that the period of five years shall run from the date of conviction.

52. (1) 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.

(2) For the purposes of this section, 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.

(3) A candidate or agent acting in contravention of this section is guilty of an illegal practice and liable to be punished as if he had committed an offence under section 51 (1) and any person so acting shall be liable to be punished as provided therein.

53. (1) Any person who -

(a) forges or counterfeits, or fraudulently defaces or destroys, any ballot paper;

(b) without due authority supplies a ballot paper to any person;

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

(d) fraudulently takes out of the polling station any ballot paper;

(e) without due authority destroys, takes, opens, or otherwise interferes with any ballot box or packet of ballot papers then in use for the purposes of any election; or

(f) not being duly registered as a voter, votes at an election, is guilty of an offence and liable,

(i) if he is a returning officer, presiding officer or clerk employed at a polling station, to a fine of seven hundred and fifty dollars and to imprisonment for one year; and

(ii) if he is any other person, to a fine of four hundred dollars and to imprisonment for six months.

(2) In any information or prosecution for an offence in relation to the ballot boxes, ballot papers and other things in use at an election, the property in such ballot boxes, ballot papers, or things, may be stated to be with the returning officer at such election.

54. (1) Every officer, clerk and agent in attendance at polling station shall maintain and aid in maintaining the secrecy of the voting in such station, and shall not communicate, except for some purpose authorised by law, before the poll is closed, to any person any information as to the name or number on the list of voters of any voter who has or has not applied for a ballot paper or voted at that station, and no person shall interfere with or attempt to interfere a voter when marking his vote or otherwise attempt to obtain in the polling station any information as to the candidate for whom any voter in such station is about to vote or has voted.

(2) Every officer, clerk and agent in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting and shall not attempt to communicate any information obtained at such counting as to the candidate or candidates for whom any vote is given in any particular ballot paper.

(3) No person shall, directly or indirectly, induce any voter to display his ballot paper after he has marked it so as to make known to any person the name of the candidate or candidates for whom or against whose name he has so marked his vote.

(4) Any person who acts in contravention of any of the provisions of this section is guilty of an offence and liable to a fine of four hundred dollars and to imprisonment for six months.

55. (1) Subject to the provisions of subsection (2), during the hours when the poll is open upon election day no person shall assemble or congregate within one hundred yards of any building in which is situate any polling station.

(2) The provisions of subsection(1) shall not apply-

(a)to any voter who is waiting to poll his vote at such polling station and who obeys any instructions which may be given by the presiding officer or,any police officer for the purpose of forming a queue with other voters also so waiting; or

(b)to any person who may under the provisions of this Act lawfully enter or remain in such polling station.

(3) Any person who contravenes or fails to comply with any of the provisions of subsection (1) is guilty of an offence and liable to afine of four hundred dollars and to imprisonment for six months.

56. (1) During the hours that the poll is open upon election day, no person shall in any public road or in any public place within one hundred yards of a building in which a polling station is situate, seek to influence any voter to vote for any candidate or to ascertain for what candidate any voter intends to vote or has voted.

(2) Any person who contravenes in any manner the provisions of subsection (1) is guilty of an offence and liable to a fine of four hundred dollars and to imprisonment for six months.

PART V11

Election Petitions

57. A petition complaining of an undue return or undue election of a member of the House of Assembly, in this Act called an election petition, may be presented to the Court by any one or more of the following persons, that is to say -

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

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

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

58. (1) The following provisions shall apply with respect to the election petition presentation of an election petition -

(a) the petition shall be presented within twentyone days after the return made by the returning officer of the member in respect of whose election the petition relates, unless it concerns an allegation of any corrupt practice upon the making of the return of election specifically alleging a payment of money or other reward to have been made by any member, or on his account, or with his privity since the time of such return, in pursuance or in furtherance of such corrupt practice, in which case the petition may be presented at any tinle, within twentyeight days after the date of such payment;

(b) at the time of the presentation of the petition or within three days afterwards, security for the payment of all costs, charges and expenses that may become payable by the petitioner -

(i) to any person summoned as a witness on his behalf, or

(ii) to the member whose election or return is complained of, or to any other person named as a respondent in the petition,

shall be given on behalf of the petitioner;

(c) the security referred to in subparagraph (b) shall be an amount not exceeding five thousand dollars and shall be given by recognisance to be entered into by any number of sureties not exceeding four approved by the Registrar, or partly in one way and partly in the other.

(2) Rules, not inconsistent with provisions of this Actor of the Constitution, as to the deposit of security and the practice and procedure for the service and hearing of election petitions and matters incidental thereto, may be made by the Chief Justice.

59. (1) Every election petition shall be tried before the High Court in the same manner as a suit commenced by a writ or summons.

(2) At the conclusion of the trial, the judge shall determine whether the member of the House whose return or election is complained of or any and what other person was duly returned or elected, or whether the election was void, and shall certify such determination to the Governor- General, and the return shall be confirmed or altered, or a writ for a new election shall be issued, as the case may require, in accordance with such determination.

60. Notwithstanding anything contained inthe provisions of this Act, no election shall be declared invalid by reason of non-compliance with the provisions of this Act or of the rules thereto or of the regulations made thereunder, or any mistake in the use of the forms prescribed under this Act, if it appears to the court having cognizance of the question that the election was conducted in accordance with the principles laid down in this Act, and that such non-compliance or mistake did not affect the result of the election.

61. At the trial of an election petition, the Court shall, subject to the provisions of this Act or of any rules or regulations thereunder, have the same powers, jurisdiction and authority, and witnesses, shall be subpoenaed and sworn in, in the same manner as nearly as circumstances will admit, as in a trial of a civil action in the High Court, and shall be subject to the same penalties for perjury.

PART VIII

Provisions Relating to the House of Assembly

62. Every person elected as a member of the House of Assembly shall, before sitting or voting therein, make the declaration of qualification in Form A and take and sign the oath of allegiance in Form B hereunder.

FORM A

DECLARATION OF QUALIFICATION

I, do solemnly declare that I am truly and bona fide qualified to be elected a member of the House of Assembly of Saint Vincent and the Grenadines according to the true intent and meaning of the Representation of the people Act, and the rules and regulations made thereunder.

FORM B

OATH OF ALLEGIANCE

I, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth 11, Her Heirs and Successors, according to law.

SO HELP ME GOD.

63. Every member of the House of Assembly shall conform with with the Standing Orders of the House of Assembly.

64. (1) Any person who has not been elected and returned in accordance with the provisions of this Act comes into the House of Assembly claiming to be a member of the House or having entered, acts as a member of that House, is guilty of an offence and liable to a fine of seven hundred and fifty dollars.

(2) Proceedings for an offence under subsection (1) may be brought in the name of the Clerk of the House of Assembly.

65. For the avoidance of doubts it is hereby declared that the House of Assembly in being at any demise of the Crown shall not be determined or dissolved by such demise but shall continue so long as it would have continued but for such demise, unless it is prorogued or dissolved.

66. The election of the Speaker and Deputy Speaker shall be made as provided in the Constitution and in accordance with the standing

PART IX

Miscellaneous

67. (1) The Governor-General may make regulations with respect to -

(a)the form of the registers of voters and of the annual, quarterly and revised lists of voters or any other lists required by this Act or rules or regulations in connection with maintenance of the registers or with the conduct of any election;

(b)the procedure to be followed in the preparation of the registers of voters and the preparation of the annual, quarterly and revised lists of electors;

(c)the determination, for the purposes of the registration of voters, of the place of ordinary residence of any person;

(d)the adaptation of any register of voters to any alteration of polling divisions and particularly with respect to cases where any alteration of polling divisions is made between the publication of any list prepared under this Act and the coming into force of any register of voters prepared under Part;

(e)the issue of identification cards in place of those which are lost, defaced or destrg_vpd and the fees to be paid therefor;

(f)any other matter incidental to the provisions of this Act relating to the registration of voters;

(g)the remuneration and travelling allowance to be paid to any electoral officer;

(h)the duties of, and the records to be kept by, election officers;

(i)the provision of such additional assistance as may be necessary for the counting of the votes;

(j)the variation of the forms set out in this Act and the prescribing of additional forms, and

(k)generally for giving effect to the provisions of this Act.

(2) The incidental matters referred to in subsection (i) (f) shall be taken to include the time and manner of preparation and publication and the form of, and the making and determination of claims and objections.

(3) Without prejudice to the generality of subsection (1) and (2), regulations made with respect to the matters therein mentioned may contain provisions

(a)authorising a registering officer or enumerator to require any person to give information required for the purpose of his registration duties;

(b)laying down a time-table for the preparation of registers and other matters, and providing that notices and other documents received by the registering officer out of time may be, or shall be, disregarded either altogether or for the purpose of a particular register or election;

(c)as to the evidence of citizenship, age, residence or nationality which may be required in connection with the registration of any person;

(d)as to the evidence which shall or may be required or deemed sufficient or conclusive to show that a person is subject to any physical incapacity and as to its probable duration;

(e)as to the cases in which a claim or objection may be determined by the registering officer by himself and as to the right of a person aggrieved in any such case to make written representation to him or to the Supervisor of Elections;

f)authorising the Supervisor of Elections, or a registering officer, to require the evidence of any person at a hearing before him to be given on oath and to administer oaths for the purpose;

(g)requiring copies of the annual, quarterly or revised lists of voters or registers of voters and other documents or parts thereofto be available for inspection by the public at any such places as may be specified;

(h)authorising or requiring a registering officer to supply to such class or category ofpersons as may be specified, copies of the annual, quarterly or revised lists of voters or registers of voters and other documents orparts thereof, whether ftee of charge or on payment of any fe e;

(i)as to the steps to be taken to ensure the secrecy of the voting and the safe custody (before and after the count) of the ballot-papers returned and other documents;

(j)any other matter incidental or supplementary to the aforementioned purposes.

(4) All regulations made under this Act shall be subject to a negative resolution to the House of Assembly.

68. The Chief Justice may make such rules dealing generally with all matters of court procedures and matters incidential thereto in respect thereof arising out of the provisions of thisAct and for the carrying out of all such matters as he may think fit.

69. All expenses properly incurred by and all remuneration and travelling allowances payable to election officers shall be paid out of monies voted for the purpose by the House of Assembly.

70. Any person who wilfully mutilates, tears down, destroys or obscures any list or notice published in accordance with the provisions of this Act, or who makes any alteration in any copy of a list or notice so published, is guilty of an offence and liable to a fine of seven hundred and fifty dollars and to imprisonment for three months.

71. Nothing contained in this Act shall be deemed to affect the Constitution, term or continuance of the House ofAssembly and the same shall continue until dissolved in due course in accordance with the provisions of the Constitution.

72. The House of Assembly (Election Petitions) Rules, 1967, shall remain in force and continue to apply with necessary modifications in relation to any matter arising under this Act until the rules are replaced or in dified or amended by the Chief Justice in exercise of the powers under this Act.

SCHEDULE Sections 30 and 31

FORM I

(Sections 30 of the Representation of the People Act)

Oath of Election Officers

I..... having been appointed (returning officer/presiding officer as the case may be) for the constituency/polling station of .....swear that I shall faithfully perform the duties pertaining to the said office of ..... to law, without partiality, fear, iavour or affection and that I shall maintain and aid in maintaining secrecy in connection with the election.

SO HELP ME GOD

.....

Justice of the Peace

.....

Returning Officer/Presiding Officer

(as the case may be)

FORM 2

(Section 31 of the Representation of the People Act)

Writ of Election

By His Excellency

.....

Governor-General of Saint Vincent and the Grenadines.

to the Returning Officer

for the Constituency of

.....

GREETINGS: WHEREAS by section 31 of the Representation of the People Act it is provided that for the purposes of every election, the Governor-General shall issue a writ under the Public Seal..... addressed to the returning officer of the constituency for which the election is to be held.

*AND WHEREAS the seat (s) of the undermentioned members (s) for the constituency of/.....has/have become vacant for the reason (s) stated below -

NOW THEREFORE, I .....Governor-General as aforesaid, do hereby require that notice of the time and place fixed for the nomination of candidates having been first duly given by you as required by law, you do on the..... day of .....19 ..which said day shall be nomination day in the said constituency of ..... cause election to be made according to law of a member to serve in the House ofAssembly for the said constituency of.....and that, if necessary you do cause a poll to be taken on the .....day of.....19..nad that you do cause the name of such member or members when so elected to be certified to me not later than the.....

Given under my hand and the Public Seal of Saint Vincent and the Grenadines this.....day of.....
One thousand nine hundred and

.....
Governor-General

Endorsement on a writ

Received the within writ this
day of
19

Returning Officer

HOUSE OF ASSEMBLY ELECTION RULES

Arrangement of rules

Preliminary

1. Citation.
2. Computation of time.

PART I

Stages Common to Contested and Uncontested Elections

3. Notice of election.
4. Nomination of candidate.
5. Place for delivery of nomination papers and objection thereto.
6. Delivery of statutory declaration by candidate.
7. Deposits.
8. Decisions as to validity of nomination papers.
9. Publication of nominations.
10. Uncontested elections.
11. Method of elections.
12. Withdrawal of candidate.

PART II

Contested Elections

13. Adjournment to take the poll.
14. Poll to be taken by ballot.
15. Ballot papers.
16. Official mark.
17. Prohibition of disclosure of vote.
18. Use of schools and public rooms.
19. Notice of poll.
20. Death of candidate.
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Appendix:

Preliminary

1. **Citation:** These Rules may be cited as the House of Assembly Elections Rules.

2. **Computation of time:** In computing any period of time for the purposes of these Rules all days shall be counted.

3. **Notice of election:** On the Governor-General issuing a writ, the Supervisor of Elections shall give notice thereof and of the day and place fixed for the nomination of candidates, by publication in the Gazette and on television or radio and in one or more local newspapers at least ten clear days before the day fixed for such nominations; and the returning officer shall give further notice of the issue of such writ and of the time and place fixed for the nomination of candidates by causing notices in Form I in the Appendix to be posted at such places in the district as he may deem necessary.

4. **Nomination of candidates:** (1) On the day and at the place fixed for the nomination of candidates, the returning officer shall attend at the place fixed therefor between the hours of 9 a.m. and 1 p.m.

(2) Every candidate for election -

(a) must be nominated in writing by not less than six registered voters oftbe constituency for which he seeks to be elected and the nomination paper shall give the electoral number of each person subscribing to it; and

(b) must consent in writing to such nomination, in Form 2 in the Appendix:

Provided that no candidate shall be deemed not to have been validly nominated by reason only of the fact that subsequent to nomination day any person by whom his nomination paper was signed is struck off the list of voters for the relevant constituency:

Provided further that no person who is an election officer shall be eligible for nomination as a candidate for election as a member of the House of Assembly.

(3) The nomination paper shall state the full names, place of residence, occupation and description of the candidate and the surname be placed first in the list of his name.

(4) No person shall subscribe to more than one nomination paper at the same election and, if he does, his signature shall be inoperative on any paper other than the one first delivered.

Provided that no person shall be prevented from subscribing to a nomination paper only because he has subscribed to the nomination of a candidate who has died or withdrawn before delivery of the first mentioned paper.

5. **Place for delivery of nomination papers and for making objections thereto:** (1) The returning officer shall fix the place in the constituency at which nomination papers are to be delivered to him and where objections to the said nominations are to be made.

(2) No nomination paper shall be accepted after 12 mid-day on the day of the nomination and no objection to a nomination paper shall be made after 1 p.m. that day.

6. **Delivery of statutory declaration by candidate:** Every candidate shall at the time of his nomination deliver or cause to be delivered to the returning officer a statutory declaration of his qualifications made and subscribed by such candidate or, if the candidate is absent from Saint Vincent and the Grenadines on nomination day, by his duly authorised agent, in Form 3 in the Appendix; and if such statutory declaration is not delivered as aforesaid the nomination of such candidate shall be deemed to be void.

7. **Deposits:** A person shall not be validly nominated unless the sum of five hundred dollars is deposited in cash by him or on his behalf with the returning officer at the place and within the time fixed for the delivery of nomination papers.

8. **Decisions as to validity of nomination papers.** (1) Where a nomination paper and the statutory declaration are delivered and a deposit is made in accordance with these Rules, the candidate shall be deemed to stand nominated unless and until the returning officer decides that the nomination is invalid or proof is given to the satisfaction of the returning officer of the candidate's death or the candidate's withdrawal.

(2) The returning officer shall be entitled to hold a nomination paper invalid on any of the following grounds only -

(a)that the particulars of the candidate or person subscribing the paper are not as required by law;

(b) that the paper is not subscribed as so required.

(3) The returning officer shall give his decision on any objection to a nomination paper as soon as practicable after it is made.

(4) Where the returning officer decides that a nomination paper is invalid, he shall endorse and sign on the paper the fact and the reasons for his decision.

(5) The decision of the returning officer that a nomination paper is valid or invalid shall be final and shall not be questioned in any proceedings whatsoever, save in so far as it may be done in an ele~tion petition filed in accordance with law before the competent authority.

9. **Publication of nominations:** (1) The returning officer shall, as soon as practicable after the expiration of the time for making objections, prepare and publish a statement showing the persons who have been and stand nominated and any other persons who have been nominated, with the reason why they no longer stand nominated.

(2) The statement shall show the names, addresses and descriptions of the persons nominated as given in their nomination papers, together with the names of the persons subscribing those papers.

(3) The statement shall show the persons standing nominated arranged alphabetically in the order of their surnames, and if there are two or more of them with the same surnames, of their other names.

10. **Uncontested elections:** If at the expiration of four hours from the time appointed there shall be only one candidate duly nominated, the returning officer shall forthwith publicly declare such candidate to be elected, and shall immediately thereafter certify by endorsement on the writ of election in Form 4 in the Appendix the return of such candidate and shall return the writ so endorsed to the Supervisor of Elections for transmission to the Governor-General within the time for that purpose specified therein.

11. **Method of elections:** If the number of persons shown by the statement of persons nominated exceeds the number of vacancies, a poll shall be taken in accordance with Part II.

12. **Withdrawal of candidates:** (1) Any candidate duly nominated may, not less than seven clear days before the day fixed for taking the poll, withdraw from his candidature by giving notice to that effect, signed by him, to the returning officer:

Provided that on such withdrawal there remains not less than one duly nominated candidate.

(2) If any such candidate withdraws from his candidature in accordance with paragraph (1), the, returning officer shall forthwith give public notice of such withdrawal in the manner mentioned in paragraph (1), and if on such withdrawal there remains any one duly nominated candidate, the returning officer shall forthwith declare such candidate to have been elected and shall immediately thereafter certify by endorsement on the writ of election the return of such candidate in Form 5 in the Appendix and shall return the writ so endorsed to the Supervisor of Elections for transmission to the Governor-General within the time specified therein for that purpose.

PART II

Contested Elections

13. **Adjournment to take the poll:** (1) if there shall be more than one candidate duly nominated a poll of voters shall be taken, and in such case the returning officer shall adjourn the election to the day specified in the writ, and a poll shall be taken on such day in the manner hereinafter provided.

(2) The returning officer shall, as soon as possible after adjourning the election,give notice of the day and time on which and the address of the polling stations at which the poll will be taken and of the names of the candidates nominated for election and of the place where and the day and time when the number of voters given to the several candidates will be finally counted, by publication thereof in one or more newspapers and by causing notices to be posted at such places in the district as he may deem necessary in Form 6 in the Appendix.

14. **Poll to be taken by ballot:** (1) The votes at the poll shall be given by ballot, the result shall be ascertained by counting the votes given to each candidate and the candidate to whom the majority of votes have been given shall be declared to have been elected.

(2) The poll shall commence at 7:00 a.m. and kept open until 5:00 p.m. and no longer.

15. **Ballot papers:** (1) The ballot of every voter shall consist of a ballot paper and the names of the persons shown in the statement of persons validly nominated as candidates, and no other person shall be entitled to have his name inserted in the ballot paper.

(2) A ballot paper shall be in Form 7 in the Appendix and shall be printed in accordance with the directions therein and shall -

(a)contain the names alphabetically arranged according to surnames and numbered accordingly and other particulars of the candidates as shown in the statement ofthe persons nominated. Opposite to the name of each candidate there shall be printed one of the symbols as are specified in Form 8 in the Appendix which shall be allotted by the Supervisor of Elections;

(b) be capable of being folded;

(c)have a space provided on the face of the ballot for the initials of the presiding officer;

(d)have attached a counterfoil and a stub, and a line or perforations between the ballot and the counterfoil and between the counterfoil and the stub, the whole as in Form 7 in the Appendix.

16. **Official mark:** (1) Every ballot paper shall be marked with an official mark, which shall be either stamped or perforated.

(2) The official mark shall be kept secret and an interval of not less than seven years shall intervene between the use of the same official mark at elections in the same polling division.

17. **Prohibition of disclosure of vote:** No person who has voted at the election shall, in any legal proceedings to question the election or return, be required to state for whom he voted.

18. **Use of schools and public rooms:** (1) The returning officer may use, free of charge for the purpose of taking the poll -

(a) a room in a school to which this rule applies;

(b)a room the expense of maintaining which is payable out of the Consolidated Fund.

(2) This rule applies to a school in receipt of a grantor in respect to which a grant is made out of the Consolidated Fund.

19. **Notice of poll:** (1) The returning officer shall, in the statement of persons nominated, include a notice of the poll, stating the day on which and hours during which the poll will be taken.

(2) The returning officer shall also give public notice (which may be combined with the statement of persons nominated) of the situation and the description of voters entitled to vote there.

20. **Death of candidate:** (1) If, after publication of the statement of persons nominated and before the poll is commenced, proof is given to "he satisfaction of the returning officer of the death of one of the persons shown as standing nominated, the returning officer shall countermand notice of the poll, and all proceedings with reference to the election shall be commenced afresh in all respects as if the writ bad been received on the day on which proof was given to the returning officer of the death:

Provided that no fresh nomination shall be necessary in the case of a person shown in the statement as standing nominated.

(2) Where because of the death of a candidate proceedings at an election are commenced afresh under this rule, then the returning officer shall fix -

(a) a new date for the nomination of candidates, being a date not more than fourteen days after the date on which proof was given to him of the death of the person shown as standing nominated; and

(b) a new date for the taking of the poll, which date shall be not less than fourteen days nor more than twentyone days from the date fixed for the nomination of candidates.

21. **Provision of polling stations:** (1) The Supervisor of Elections shall provide a sufficient number of polling stations and shall allot the voters to the polling stations in such manner as he thinks most convenient.

(2) One or more polling stations may be provided in the same room.

(3) The returning officer shall provide each polling station with such number of compartments as may be necessary in which the voters can mark their votes screened from observation.

22. **Returning officer may preside at polling station.** The returning officer may, if he thinks fit, preside at a polling station, and the provisions of these Rules relating to a presiding officer shall apply to a returning officer so presiding with the necessary modifications as to things to be done by him as the returning officer or as the presiding officer as the case may be.

(2) A presiding officer may do, by clerks appointed to assist him, any act (including the asking of questions) which he is required or authorised by these Rules to do at a polling station except order the arrest, exclusion or removal of any person from the polling station.

23. **Equipment of polling stations:** (1) The returning officer shall provide each presiding officer with such number of ballot boxes and ballot papers as in the opinion of the returning officer may be necessary, together with a statement showing the number of ballot papers supplied with their serial numbers.

(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 station with -

(a) materials to enable voters to mark the ballot papers;

(b) instruments for stamping thereon the official mark;

(c)copies of the registers of voters or such part thereof as contains the names of the voters allotted to the station; and

(d)the necessary envelopes and such other forms as may be authorised by the Supervisor of Elections;

(e) electoral ink in sufficient quantity;

(4) A notice in Form 9 in the Appendix giving directions for the guidance of the voters shall be exhibited outside every polling station and in every compartment of every polling station.

(5) For the purposes of these Rules "register" includes a supplementary register.

24. **Appointment of polling and counting agents:** (1) Each candidate may appoint one agent to attend the preliminary and final counting of the votes by the presiding officer and the returning officer. Such appointment shall be in writing in Form 10 in the Appendix, and each agent, on being admitted to the poll or to the final counting of the votes, shall make the declaration of secrecy in Form I I in the Appendix.

(2) Agents of candidates may, with the permission of the presiding officer, absent themselves from and return to the polling station at any time before one hour previous to the close of the poll.

(3) Where by these Rules any act or thing is required or authorised to be done in the presence of the polling or counting agents, the non-attendance of any agent at the time and place appointed for the purpose, shall not by itself invalidate the act or thing done.

(4) If an agent dies or becomes incapable of acting, the candidate may appoint another agent in his place, and shall forthwith give to the returning officer notice in writing in Form 10 in the Appendix, of the name and address of the agent appointed.

25. **Declaration of Secrecy:** (1) Before the opening of the poll a declaration of secrecy in the form set out in paragraph (4) or in a form to the like effect, shall be made by -

(a) the Supervisor of Elections;

(b) the returning officer;

(c)every officer or clerk authorised to attend a polling station or at the counting of the votes;

(d)every candidate attending at a polling station or at the counting of the votes;

(e)every candidate's wife or husband attending at the counting of the votes;

(f) every polling agent and counting agent; and

(g)every person permitted by the returning officer to attend at the counting of the votes.

(2) Notwithstanding paragraph (1), the following persons, namely -

(a) a candidate;

(b) a candidate's wife or husband attending by virtue of the rule authorising the candidate's wife or husband to attend as such; and

(c) a person permitted by the returning officer to attend though not entitled to do so, need not make the declaration before the opening of the poll but shall make it before he or she is permitted to attend the counting; and an election officer, a polling or counting agent appointed after the opening of the poll shall make the declaration before acting as an election officer or as an agent aforesaid.

(3) The returning officer shall make the declaration in the presence of a justice of the peace and any other person shall make the declaration in the presence either of ajustice of the peace or of the returning officer.

(4) The declaration shall be as follows "I solemnly promise to abide by law and declare and undertake that I will not do anything forbidden by or under this Act or by any other law."

(5) ne declaration shall be signed by the person making the declaration and by the person before whom it is made.

26. **Admission to polling station:** The presiding officer shall regulate the number of voters to be admitted to the polling station at the same time and shall exclude all other persons except -

(a) the candidates;

(b) the polling agents appoint to attend at the polling station:

Provided that no candidate shall be in the same polling station, with his polling agent at the same time for more than fifteen consecutive minutes;

(c) the clerks appointed to attend at the polling station;

(d) the police officers on duty;

(e) the companions of blind or incapacitated voters;

(f) the Supervisor of Elections, Deputy Supervisor of Elections, the returning officer and election clerk:

Provided that all such excepted persons shall have duly made a declaration of secrecy pursuant to rule 25 (1).

27. **Keeping order in station:** (1) It shall be the duty of the presiding officer to keep order at the polling station of which he is the presiding officer.

(2) If a person misconducts himself in a polling station 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 station by a police officer in or near that station 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, enter the polling station again that day.

(3) Any person so removed may, if charged with the commission in the polling station of an offence, be dealt with as a person taken into custody by a police officer for an offence without a warrant.

(4) The powers conferred by this rule shall be exercised so as to prevent a voter who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

28. **Closing of ballot boxes:** (1) Immediately before the commencement of the poll, the presiding officer shall show the ballot box empty to such persons, if any, as are present in the polling station, so that they may see that it is empty, and shall then lock it and shall place it in full view of all present for the receipt of ballot papers, and keep it so locked until the close of the poll.

(2) Immediately after the ballot box is so locked, the presiding officer shall call upon the voters to vote.

(3) The presiding officer shall facilitate and regulate the admittance of every voter into the polling station, and shall see that they are not impeded or molested at or about the polling station.

29. **Identiflcation cards and questions to be put to voters:** (1) The presiding officer at the time any person applies for a ballot paper but not afterwards -

(a) may, and if required by a candidate or his polling agent shall, put to that person the following questions or either of them -

(i) are you the person registered in the register of voters for this election (reading the whole entry from the register);

(ii) have you already voted here or elsewhere at this election; and

(b) shall request that person to produce his identification card;

(c) shall ensure that there does not appear on any of the digits of a candidate, any marks of electoral ink;

(2) Subject to paragraph (3) a ballot paper shall not be issued to any person who -

(a) does not give satisfactory answer to the questions put to him under paragraph (1) (b); or any of them; or

(b) does not produce his identification card when required so to do under paragraph (1) (b);

(c) has on any of his digits any mark of electoral ink.

(3) A ballot paper shall be issued to any person whose name appears on the register or a supplementary register in use for the election and who is unable to produce an identification card, if he satisfies the presiding officer -

(a) that he has been issued with an identification card; or

(b) that he has been issued with an identification card which is lost or destroyed.

(4) Save as provided in this rule, no inquiry shall be made by the presiding officer as to the right of any person to vote.

(5) For the purpose of this rule "identification card" means -

(i)an identification card issued under section 20 of the Act, and every identification card shall -

(a) be in laminated plastic setting out the name, sex, date of birth and registration number of the Voter;

(b) have the signature or mark of the voter;

(c) have the photograph of the voter affixed to it; and

(d) bear the signature of the issuing officer; or

(ii) a passport issued under the Passport Act, 1992.

30. **Challenge of voter:** (1) If at the time a person applies for a ballot paper for the purpose of voting in person, or after he has applied for a ballot paper for that purpose and before he has left the polling station, a candidate or his agent declares to the presiding officer that he has reasonable cause to believe that the applicant 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 the applicant, and the order of the presiding officer shall be sufficient authority for the police officer so to do.

(2) A person against whom a declaration is made under this rule shall not because of this be prevented from voting.

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

30A. **Non delivery of ballot papers where marks of electoral ink appear on digits of electors:**

(1) Every presiding officer shall refuse to deliver any ballot paper to any elector unless the presiding officer is satisfied that there does not appear -

(a) on the appropriate digit of the elector; or

(b) in the case of an elector who the presiding officer is satisfied is suffering from an injury to the appropriate digit, upon any of the digits of such elector, any marks of electoral ink.

(2) The presiding officer may, in the presence of the poll clerk and of the sworn agents of the candidates satisfy himself in the manner quired under paragraph (1) by -

(a)inspecting the appropriate digit of each elector or all of the digits of each elector; or

(b) using any prescribed equipment designed for the purpose of detecting any mark of electoral ink.

(3) Where the prescribed equipment under paragraph (2) (b) fails to function or is unavailable for use at any polling station the presiding officer in the alternative shall require the elector -

(a) to take an oath of identity in the prescribed form as stated in Form 13 of the Appendix to the effect that he has not previously voted in that election;

(b) to make one or more impression in ink in the form of the oath 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.

(4) Where the appropriate digit or any other digit which an elector may be required to immerse in electoral ink is concealed or covered with any bandage or other material, the presiding officer shall refuse to deliver to the elector any ballot paper unless the elector either -

(a) removes the bandage or other material and wholly uncovers the appropriate or other digit aforesaid; or -

(b)satisfies the presiding officer that he is suffering from injury to such appropriate or other digit and takes an oath of identity in the prescribed form as stated in Form 13 of the Appendix and makes one or more impression in ink on that form as follows -

(i) with his right thumb; or

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

(5) On issuing a ballot paper to an elector pursuant to subparagraph (4) the presiding officer shall make an entry on the appropriate form setting out the facts in relation to such an issue.

(6) A person who applies for a ballot paper at a time when there is upon any of his digits any mark of electoral ink commits an offence within the meaning of section 47 of the Representation of the People Act.

31. **Voting procedure:** (1) A ballot paper shall be delivered to a voter who applies therefor, and immediately before delivery.

(a) the ballot paper shall be marked with the official mark, either stamped or perforated, and the initials of the presiding officer;

(b) the number, name and description of the voters as stated in the copy of the register of voters shall be called out;

(c) the number of the voters shall be marked on the counterfoil; and

(d) a mark shall be placed in the register of voters against the number of the voter to denote that a ballot paper has been received but without showing the particular ballot paper which has been received.

(2) The voter, on receiving the ballot paper, shall forthwith proceed into one of the compartments in the polling station and there secretly mark his ballot paper by marking, with the black lead pencil provided, a cross within the space containing the name and symbol of the candidate for whom he intends to vote. He shall then fold the ballot paper so that the initials of the presiding officer and the official mark can be seen without opening it, and hand the paper to the presiding officer who shall, without unfolding it, ascertain by examination of the initials, the numbers and the official mark appearing thereon that it is the same paper as that delivered to the voter and, if it is the same, he shall forthwith, subject to rule 31A, in full view of the voter and all others present remove the counterfoil and deposit the ballot paper in the ballot box.

(3) The voter shall vote without undue delay, and shall leave the polling station as soon as the presiding officer has put his ballot paper into the ballot box.

31A. **Electors to immerse appropriate digit in electoral ink:**

(1) Upon receiving a ballot paper from an elector in accordance with the provisions of rule 31 of paragraph (2), the presiding officer shall, before removing the counterfoil from such ballot, if the elector has an appropriate digit, satisfy himself that there does not appear upon any such digit any substance which in his opinion is likely to prevent the adhesion of electoral ink and thereafter shall cause the elector to immerse such digit in the electoral

Provided that where the presiding officer is satisfied that the elector is suffering from some injury to his appropriate digit which will render it undesirable for him to immerse such digit in the electoral ink, the presiding officer may require him to immerse in the ink any other digit upon which the presiding officer is satisfied that there is no substance which is likely to prevent the adhesion of electoral ink.

(2) Where the elector fails or refuses to immerse his appropriate digit or any other digit in electoral ink, the presiding officer shall destroy the ballot handed to him by the elector and make an entry on the appropriate form setting out the particulars in relation to the destruction of the ballot paper.

31B. **Penalty for failure of presiding officer to carry out the provisions of rules 30A and 31 A:**

Subject to the provisions of rule 31C any presiding officer who fails or neglects to perform any duty imposed upon him by rules 30A and 31A commits an offence and shall be liable on conviction before a Magistrate to a fine not exceeding five hundred dollars or to a term of imprisonment not exceeding six months.

31C. **Non application of rules 30A and 31A:**

The provisions of rules 30A and 3 1 A shall not apply in relation to any other elector who has no hands.

31D. **Definition:** (1) In Rules 29 to 3lC -

"appropriate digit" means in the case of an elector -

(a) who has a right hand upon which there are any digits that finger on the right hand which is nearest to the right thumb or if the elector has no right thumb, to the thumb socket, or if the elector has a right thumb, but has no fingers on his right hand, the right thumb;

(b) who has no right hand or has a right hand but has no digits upon such hand, the finger on the left hand which is nearest to the left thumb, or if the elector has no left thumb to the left thumb socket, or if he has a left thumb but no fingers upon his left hand the left thumb.

"digits" includes both fingers and thumb;

"electoral ink" means the ink whether composite or consisting of two or more separate solutions supplied by the Supervisor of Elections for use in accordance with these Rules.

32. **Votes marked by presiding officer:** (1) The presiding officer shall, on the application of -

(a) a voter who is incapacitated by blindness or other physical cause from voting in a manner directed by these or Rules, or

(b) a voter who declares orally that he is unable to read;

vote for the voter by marking on a ballot paper in the manner directed by the voter in the presence of the poll clerk and the agent of each candidate appointed for that polling station, and the ballot paper shall then be pliced in the ballot box.

(2) The name and number on the register of voters of every voter whose vote is marked in pursuance of this rule, and the reason why it is so marked, shall be entered on a list in these Rules referred to as "the list of votes marked by the presiding officer".

33. **Voting by blind and incapacitated person:** (1) If a voter makes an application to the presiding officer to be allowed on the ground of blindness or other physical cause to vote with the assistance of another person by whom he is accompanied, in these Rules referred to as "the companion", the presiding officer shall require the voter to declare orally whether he is so incapacitated by his blindness or otherwise as to be unable to vote without assistance.

(2) If the presiding officer is satisfied that the voter is so incapacitated, and is also satisfied by a written declaration made by the companion, in these Rules referred to as "the declaration made by the companion of a blind or incapacitated voter", that the companion is a qualified person within the meaning of this rule and has not previously assisted more than one blind or incapacitated person to vote at the election, the presiding officer shall grant the application, and thereupon anything which is by these Rules required to be done to, or by, the said voter in connection with the giving of his vote may be done to, or with assistance of, the companion.

(3) For the purposes of this rule, a person shall be qualified to assist a blind or incapacitated voter to vote, if that person is either -

(a) a person who is entitled to vote as a voter at the election; or

(b) the father, mother, brother, sister, husband, wife, son or daughter of the blind or incapacitated voter and has attained the age of eighteen.

(4) The name and number in the register of voters of the voter whose vote is given in accordance with this rule, and the name and address of the companion, shall be entered on a list in these Rules referred to as "the list of blind or incapacitated voters assisted by companion".

(5) The declaration made by the companion shall -

(a) be in Form 12 in the Appendix;

(b) be made before the presiding officer at the time when the voter applies to vote with the assistance of a companion; and

(c) forthwith be given to the presiding officer who shall attest and retain it.

(6) No fee or other payment shall be charged in respect of the declaration.

34. **Transfer of voters in special cases:** (1) Where any person whose name appears upon the official list for any polling station is appointed as presiding or poll clerk for some other polling station in the same constituency, the returning officer shall transfer the name of the presiding officer or poll clerk, as the case may be, to the list for the polling station of which such person is appointed as the presiding officer or poll clerk.

(2) The returning officer shall give notice in writing to every candidate in his constituency of any transfer made under paragraph (1) and to the presiding officer of the polling station at which the person whose name is so transferred would have been entitled to vote but for the provisions of rule 35.

35.**Where transferred voter to vote:** (1) Every person whose name is transferred, in accordance with the provisions of the rule 34, from any official list shall vote, if he votes at all, in the polling station of which he is appointed presiding officer or poll clerk, as the case may be.

(2) Every presiding officer who issues to any person whose name has been transferred from any official list to any other official list any ballot paper at any polling station other than the polling station to which he has been transferred is guilty of an offence and liable to a fine of four hundred dollars and to imprisonment for three months.

36. **Mode of taking ballot in special cases:** (1) Subject to all other provisions under these Rules as to proof of qualification as a voter and as to the administration of oaths, if a person representing himself to be a particular voter applies for a ballot paper after another person has voted as such person, he shall be entitled to receive a ballot paper and to vote after taking the oath of identity in Form 13 in the Appendix, and otherwise establishing his identity to the satisfaction of the presiding officer.

(2) In-such a case, the presiding officer shall put on the ballot paper his initials and official mark together with a number corresponding to the consecutive number on the register of voters allotted to the voter, and the poll clerk shall enter in the register of voters -

(a) the name of such voter;

(b) a note of his having voted on a second ballot paper issued under the same name;

(c) the fact of the oath of identity having been required and taken, and the fact of any other oaths being so required or taken; and

(d) any objections made on behalf of the candidates.

37. **Spoilt ballot paper:** 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 delivering it to the presiding officer and proving to his satisfaction the fact of the inadvertence, obtain another ballot paper in the place of the ballot paper so delivered, in these Rules referred to as "a spoilt ballot paper", and the spoilt ballot paper shall be immediately cancelled.

38. **Adjournment of poll in case of riot:** (1) Where the proceedings at any polling station are interrupted or obstructed by riot or violence, the presiding officer shall adjourn the proceedings until the following day and shall immediately give notice to the returning officer.

(2) Where the poll is adjourned at any polling station -

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

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

39. **Procedure after poll:** Forthwith upon the close of the poll, in the presence and in full view of the poll clerk and the candidates or their agents, and if the candidates or their agents are absent, then in the presence of such as are present, and of at least two voters if none of the candidates is represented, the presiding officer shall proceed in the following order:

(a) count the number of votes against whose names appear on the register of voters as having voted and make an entry thereof on the line immediately below the last name on the register, thus: "the number of voters who voted at this election in this polling station is ....." (stating the number), and affix his signature thereto;

(b) count the spoilt ballot papers, if any, place them in the special envelope supplied for that purpose and indicate thereon the number of such spoilt ballot papers and seal it up;

(c) count the unused ballot papers, place them with all the stubs of all used ballot papers in the special envelope supplied for that purpose and indicate thereon the number of such unused ballot papers;

(d) check the number of ballot papers supplied by the returning officer against the number of spoilt ballot papers, if any, the number of unused ballot papers and the number of voters whose names appear in the register as having voted, in order to ascertain that all ballot papers are accounted for;

(e) open the ballot box and empty its contents upon a table;

(f) record and count the number of votes given to each candidate on the tally sheets supplied, giving full opportunity to those present to examine each ballot paper. The poll clerk and not less than two witnesses shall be supplied with tally sheets upon which they may keep their own score as each vote is called out by the presiding officer.

40. **Rejected ballot papers:** (1) Any ballot paper -

(a) which does not bear the official mark;

(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; or

(d) which is unmarked or wholly void for uncertainty,

shall, subject to this rule, be void and not counted.

(2) A ballot paper on which the 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 because of this be deemed to be void if an intention that the vote be for one or other 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.

(3) The presiding officer shall endorse the word "rejected" on any ballot paper which under this rule is not to be counted, and shall add to the endorsement the words "rejection objected to" if an objection is made by a counting agent to his decision.

(4) The presiding officer shall draw up a statement showing the number of ballot papers rejected under the several heads of -

(a) want of official mark;

(b) voting for more than one candidate; (c) writing or mark by which voter could be identified; and

(d) unmarked or wholly void for uncertainty, and any counting agent may copy the statement.

41. **Procedure during count:** (1) If, in the course of counting the votes any ballot paper is found with the counterfoil still attached thereto, the presiding officer shall (carefully concealing the number thereon from all persons present and without examining them himself), remove such counterfoil. He shall not reject the ballot paper merely by reason of his former failure to remove the counterfoil.

(2) If, in the course of counting the votes, the presiding officer discovers that he has omitted to affix his initials to any ballot paper, as provided by rule 31 (1) (a) and as indicated in Form 7 in the Appendix, he shall, in the presence of the poll clerk and the agents, if any present, of the candidates, affix his initials to such ballot paper and shall count such ballot paper as if it had been

initialled by him in the first place provided that he is satisfied that the ballot paper is one that has been supplied by him and that such an omission has really been made and also that every ballot paper supplied to him by the returning officer has been accounted for as provided by rule 39.

(3) Nothing in paragraph (1) or (2) shall relieve the presiding officer from any penalty to which he may have become liable by reason of his having placed any writing, number or mark, other than his initials, on any ballot paper, or of his failure to remove the counterfoil at the time of the casting of the vote to which it relates or to affix his initials to any ballot paper before handing it to any voter.

(4) The presiding officer shall keep a record, on the special form printed in the register of votes, of every objection made by any candidate, or his agent or any voter present, to any ballot paper found in the ballot box, and shall decide every question arising out of the objection. The decision of the presiding officer shall be final, subject to reversal on the final count by the returning officer or on petition questioning the election or the return; and every such objection shall be numbered and a corresponding number placed on the back of the ballot paper and initialled by the presiding officer.

(5) All the ballot papers not rejected by the presiding officer shall be counted and a list kept of the number of votes given to each candidate and of the number of rejected ballot papers. The ballot papers which respectively indicate the votes given for each candidate shall be put into separate envelopes; and rejected ballot papers into a special envelope and all such envelopes shall be endorsed so as to indicate their contents, and shall be sealed by the presiding officer, and by such agents or witnesses present as may desire to seal them or to sign their names thereon in addition or instead.

(6) The presiding officer and the poll clerk, immediately after the completion of the counting of the votes, shall take and subscribe respectively the oaths in Forms 14 and 15 in the Appendix.

(7) The presiding officer shall make the necessary number of copies of the statement of the poll in Form 16 in the Appendix, one copy to be retained by the presiding officer, and one copy for the returning officer which shall be enclosed in a special envelope supplied for the purpose, which envelope he shall seal and deliver personally or transmit to the returning officer.

(8) The register of voters, the several envelopes containing the ballot papers - unused, spoilt, rejected or counted for each candidate and the packet of counterfoils which should remain intact - each lot in its proper envelope, the envelope containing the register of voters and other documents used at the poll shall then be placed in the large envelope supplied for the purpose, and this envelope shall then be sealed and placed in the ballot box. The ballot box shall then be locked and sealed with the seal of the presiding officer and forthwith transmitted or delivered to the returning officer. The returning officer may specially appoint one or more persons for the purpose of collecting the ballot boxes from a given number of polling stations, and such person or persons shall, on delivering the ballot boxes to the returning officer, take the oath in Form 17 in the Appendix.

(9) The presiding officer shall prepare the preliminary statement of the polling in Form 16 in the Appendix and the polling station account furnished to him in blank by the returning officer, having first caused it to be filled in and signed by the officials of his polling station entitled to fees, and by the landlord thereof, if any.

(10) The presiding officer shall then transmit to the returning officer -

(a) the ballot box;

(b) the envelope containing the key thereof,

(c) the preliminary statement of the poll; and

(d) the polling station account, in such manner as the Supervisor of Elections may direct.

(11) If any presiding officer omits to enclose within the ballot box, and in the proper envelopes provided for that purpose any of the documents mentioned in this rule, he shall, in addition to any other punishment to which he may be liable forfeit all right, in such manner as the Supervisor of Elections may direct, to payment for his services as such officer.

42. **Final counting of votes:** (1) The returning officer, upon receipt by him of each of the ballot boxes, shall take every precaution for its safekeeping and for preventing any person other than himself and his election clerk from having access thereto, sealing it under his own seal so that it cannot be opened without the seat being broken but without effacing or covering any other seals thereto affixed.

(2) After all, the ballot boxes having been received, they shall be opened by the returning officer at the place, date and time specified in the notice referred to in rule 13 (2) for the final count of the votes, and in the presence of such of the candidates or their agents as are present and the returning officer shall -

(a) count the votes contained therein cast for each candidate (allowing the candidates or their representatives to see such votes) and determine whether any of the votes so cast should be rejected;

(b) count the votes rejected by the presiding officer (allowing the candidates or their representatives to see such votes) and determine whether any of such votes should be regarded as having been validly cast for any, and if so, for which candidate;

(c) add up the total number of votes (including any votes rejected by the presiding officer but which he thinks should not have been so rejected) cast for each candidate;

(d) make and sign any necessary amendments to the statement of the poll.

(3) The provisions of rule 41 (4) shall apply to the returning officer as they apply to the presiding officer except that for references in that subrule to "the presiding officer" there shall be substituted references to "the returning officer" and that the words "on the final count by the returning officer or" shall be deemed to have been omitted therefrom.

(4) The provisions of rule 41 (7) shall apply to the returning officer as they apply to the presiding officer except -

(a) that the words "returning officer" shall be deemed to be substituted for the words "presiding officer"; and

(b)that the documents referred to in that subrule shall be replaced in the envelopes from which they were removed by the returning officer and such envelopes shall be fastened by a sheet of paper being pasted over the opening thereof.

(5) If at the final count of the votes none of the candidates or their representatives are present, it shall be the duty of the returning officer to secure the presence of at least two voters who shall remain in attendance until such final count of the votes has been completed.

(6) A candidate may, if present when the count or re-count of the votes is completed, require the returning officer to have the votes recounted or again re-counted but the returning officer may refuse to do so if, in his opinion, the request is unreasonable.

(7) No step shall be taken on the completion of the count or any re-count of the votes until the candidates at the completion thereof have been given a reasonable opportunity to exercise the right conferred by this rule.

(8) The candidate who, on such final count of the votes, is found to have secured the largest number of votes, shall then be declared elected in writing and a copy of such declaration shall be forthwith delivered to each candidate or his agent, if present at the final count of the votes, or, if any candidate is neither present nor represented thereat, shall be forthwith transmitted to such candidate by registered post.

43. **Equality of votes:** Where, after such final count of the votes is completed, an equality of votes is found to exist between any candidates and the addition of a vote would entitle any of those candidates to be declared elected, a new writ shall be issued in respect of that constituency and all proceedings for an election of a member for that constituency shall commence afresh.

44. **Provision applicable where ballot boxes not returned:** (1) If the ballot boxes are not returned to the returning officer by the time specified in the notice referred to in paragraph 13 (2), the returning officer shall adjourn the proceedings to a subsequent day, wich shall not be more than a week later than polling day.

(2) In case the statement of the poll cannot be found and the number of votes polled for the several candidates cannot be ascertained, or if, for any other cause, the returning officer cannot, at the day and hour appointed by him for that purpose, ascertain the exact number of votes given for each candidate he may thereupon adjourn to a future day and hour the final count of the votes given for each candidate, not being more than seventytwo hours after the time specified in the notice referred to in rule 13 (2).

(3) At the time to which the proceedings are adjourned in accordance with the provisions of paragraph (2) of this rule, the returning officer shall ascertain, by such evidence as he is able to obtain, the total number of votes cast for each candidate and shall declare elected the candidate appearing to him to have the largest number of votes.

(4) For the purpose of this rule, the returning officer shall have all powers of and be deemed to be a commissioner appointed under the law relating to the Commissions of Inquiry Act and the relevant provisions of that law shall apply to all persons required by the returning officer to give evidence or to produce any documents or to persons sumnioned to attend and to give evidence or to produce documents before a commission of inquiry under that law.

PART III

Final Proceedings in Contested Elections

45. **Declaration of result:** In a contested election, when the result of the poll has been ascertained, the returning officer shall immediately -

(a) declare to be elected the candidate to whom the majority of votes have been given;

(b) return the name to the Supervisor of Elections for transmission to the Governor-General; and

(c) give public notice of his name and of the total number of votes given for each candidate.

46. **Return of writ:** (1) The returning officer shall return, as soon practicable, the name of the member elected by endorsing on the writ a certificate in Form 18 in the Appendix and by delivering himself, or forwarding by his agents, the writ duly endorsed to the Supervisor of Elections for transmission to the Governor-General.

(2) Every law as to the effect of, or manner of dealing with, the return of a member to serve in the House of Assembly, shall apply to the certificate.

(3) The returning officer shall forward to each of the candidates a duplicate or copy of the return to the writ made by him.

(4) Any premature return made shall be deemed not to have reached the Supervisor of Elections until the same should have reached him in due course, and he shall, if circumstances so require, send back such return and any or all election documents connected therewith to the returning officer for completion or correction.

(5) The Supervisor of Elections shall, on receiving the return of any member elected to serve in the House of Assembly, transmit the writ with the return endorsed thereon to the Governor-General within the time for the purpose specified therein.

(6) The Supervisor of Elections shall, immediately after each general election, cause to be printed a report giving by polling divisions, the number of votes polled for each candidate, the number of rejected ballots, the number of names on the lists of voters, together with any other information that he may deem fit to include and shall also, at the end of each year, cause to be printed a similar report on the by-elections held during the year.

47. **Penalty for delay, neglect or refusal of returning officer to return elected candidate.** If any returning officer wilfully delays, neglects or refuses to return any person who ought to be returned to serve in the House of Assembly for any constituency, and if it has been determined on the hearing of an election petition respecting the election of such constituency that such person was entitled to have been returned, the returning officer who has so wilfully, delayed, neglected or refused duly to make such return of his election shall, if the Court so de cides, pay to the person aggrieved the sum of two thousand five hundred dollars and costs in addition to all damages sustained.

48. **Record of returns to be made by the Supervisor of Elections:** (1) The Supervisor of Elections shall, from the return made through him, enter the name of the member returned in a book to be kept at the Electoral Office and shall immediately give notice in the Gazette of the name of the candidates so elected and in the order in which it was received.

(2) The book shall be open to public inspection at reasonable times and any person may, on payment of a fee of two dollars, take copies from the book.

49. **Return or forfeiture of candidate's deposit:** (1) Subject to this rule the deposit shall be returned as soon as practicable after the result of the election is declared.

(2) If a candidate is not shown as standing nominated in the statement of persons nominated or if the poll is countermanded because of his death, the deposit shall be returned as soon as practicable after the publication of the statement or after his death, as the case may be.

(3) Subject to paragraph (2), the deposit of a candidate shall be forfeited if a poll is taken and after the count of the votes by the returning officer (including any re-count) is completed the candidate has not been elected and is found not to have polled more than fifteen per centurn of the total number of votes polled and, for the purposes of this subrule the number of votes polled shall be the number of ballot papers counted, other than ballot papers endorsed by the returning officer with the word "rejected".

PART IV

Disposal of Documents

50. **Custody of ballot boxes:** Forthwith upon making the return of the writ in accordance with the provisions of rule 46 the returning officer shall cause the ballot boxes used thereat, with their locks and keys, to be transmitted or delivered to the Supervisor of Elections.

51. **Delivery of documents to Supervisor of Elections:** (1) The returning officer shall then himself or by his agents, not later than the seventh day after the final count, deliver to the Supervisor of Elections the following documents -

(a) the packets of ballot papers in his possession;

(b) the ballot paper accounts and the statements of rejected ballot papers and the result of the verification of the ballot paper accounts;

(c) the lists of blind and incapacitated voters assisted by companions, the list of votes marked by the presiding officer and the statements relating thereto, and the declaration made by the companions of blind voters;

(d) the packets of counterfoils;

(e) the packets containing marked copies of the registers;

(f) the packets containing transfer certificates of presiding officers and poll clerks; and

(g) all other documents used for the election, endorsing on each packet a description of its contents, the date of the election to which they relate and the name of the constituency for which the election was held.

(2) The Supervisor of Elections shall, on receiving the documents, give a receipt to the person delivering them, and shall register them in a book kept by him for the purpose of specifying the date and time of receipt and shall deposit them in the Electoral Office.

(3) Any receipt to be given for the documents shall show the date and time of their receipt.

52. **Custody of election documents:** The Supervisor of Elections shall keep the election documents referred to in rule 51 in safe custody and shall allow no person to have access to them:

Provided that if an election petition has been presented questioning the validity of any election or return the said Supervisor shall, on the order of a judge of the Court, deliver to the Registrar of the Court the documents relating to the election that is in dispute:

Provided also that, after the expiration of twelve months from the day of any election, the Supervisor of Elections may cause the said documents used at such election to be burnt.

53. **Order for production of documents:** (1) An order -

(a) for the inspection or production of any rejected ballot papers, including ballot papers rejected in part, in the custody of the Supervisor of Elections; or

(b) for the opening of a sealed packed of the counterfoils or for the inspection of any counted ballot papers in his custody, may be made by the Court if it is satisfied, by evidence on oath, that the order is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers or for the purpose of an election petition lodged, or to be lodged, in accordance with the law thereunto applicable.

(2) An order under this rule be made subject to such conditions as to time, place and mode of inspection, production or opening of such documents as the Court thinks fit and the Court may direct the Registrar to retain intact for such period as may be specified in the order, any of the documents referred to in paragraph (1). Provided that in making and carrying into effect an order for opening of a packet of counterfoils or for the inspection of counted ballot papers, care shall be taken to see that the way in which the vote of any particular voter has been given shall not be disclosed until it has been proved that his vote was given and that the vote has been declared by the Court to be invalid.

(3) Any power given under this rule may be exercised by a judge otherwise than in open Court.

(4) Where an order is made for the production by the Registrar of any document in his possession relating to any specified election, the production by him or his agent of the document in such manner as may be directed by that order shall be conclusive evidence that the document relates to the specified election, and any endorsement on any packet of ballot papers so produced shall be primafacie evidence that the ballot papers are what they are stated to be by the endorsement.

(5) The production from proper custody of a ballot paper purporting to have been used at any election, and of a counterfoil marked with the same thereon in writing, shall be prima facie evidence that the voter whose vote was given by that ballot paper was the person who at the time of the election had affixed to his name in the register of voters with the same number as the number written on the counterfoil.

(6) Subject to this rule no person shall be allowed to inspect any rejected or counted ballot paper in the possession of the Registrar or to open any sealed packets of counterfoils.

54. Retention and public inspection of documents: (1) The Registrar shall retain for one year all documents relating to an election delivered to him under these Rules by the Supervisor of Elections, and then, unless otherwise directed by order of the Court, shall cause them to be destroyed.

(2) The said documents, except ballot papers and counterfoils, shall be open to public inspection at such time and subject to such onditions as the Registrar may direct.

(3) The Registrar shall on request, supply copies or extracts from the documents open to public inspection on payment of such fees and subject to such conditions as may be prescribed.

APPENDIX

FORM I

Rule 3

Notice of Election

House of Assembly

ELECTION FOR .....**CONSTITUENCY**

1. An election is to be held of a member to serve in the House of Assembly for.....constituency.
2. Nomination papers may be delivered by the candidate or his agent to the returning officer at..... between the hours of 9 a.m. and 12 midday on the.....day of 19....
3. Forms of nomination paper may be obtained at the place and times aforesaid. The returning officer will at the request of any

voter prepare for signature a nomination paper.

4. If the election is contested, the poll will take place on the.....day of.....19....

(Signed)
Returning Officer

This.....day of.....19.....

FORM 2

Rule 4 (2)

Nomination Papers
House of Assembly

ELECTION FOR.....**CONSTITUENCY**

PART I

We, the undersigned voters for the constituency of ....do hereby nominate the following person as a proper person to serve as member of the House of Assembly for the said constituency of .....and we certify that to the best of our belief he is qualified for election as a member of the House of Assembly under the laws as prescribed by law and in particular the Representation of the People Act, and Rules made thereunder -

Surname	Other Names	Address	Occupation

Signature .....
.....
.....
.....

PART II

I,.....nominated in the foregoing nomination paper hereby consent to such nomination as candidate for election as a member of the House of Assembly for the constituency of ....and give my address for service of process and papers under the Representation of the People Act, as below -

Address
Witness my hand this.....day of.....19....
Signed by the said nominee in the
presence of

.....
Signature of candidate.

.....
Signature of Witness.

FORM 3

Rule 6

Statutory Declaration of a Person Nominated for Election as a Member of The House of Assembly

FOR.....**CONSTITUENCY**

Qualification of .....nominated as a candidate for election as a member of the House of Assembly for the constituency of.....

I.....in the..... of .....do solemnly and sincerely declare as follows:

That I am duly qualified to be elected as a member of the House of Assembly for this constituency, and that -

1. I am a Commonwealth citizen of the age of twentyone years or upwards;

2. *I have resided in Saint Vincent and the Grenadines for a period of twelve months immediately before the date of nomination for election;

*I am domiciled in Saint Vincent and the Grenadines and resident therein at the date of my nomination for election;

3. *I am able to speak and read the English language with a degree of proficiency sufficient to enable me to take an active part in the proceedings of the House of Assembly.

*I am able to speak the English language with a degree of proficiency sufficient to enable me to take an active part in the proceedings of the House of Assembly but I am incapable on account of ..... reading it;

4. I am not by virtue of my own act, under any acknowledgment of allegiance, obedience or adherence to a foreign power or state;
5. I am not a minister of religion;

6. I am not holding or acting in the office of a judge of the Court of Appeal or of the High Court;

7. I am not a person who holds any public office or acts in any public office as is referred to in section 35 (1) (d) of the Representation of the People Act nor am I a paid member of any defence force in Saint Vincent and the Grenadines;

8. I am not an undischarged bankrupt having been adjudged or otherwise declared bankrupt under any law;

9. I am not a person certified to be insane or otherwise adjudged to be of unsound mind under any law;

10. I am not under sentence of death imposed by a court of law in any part of the Commonwealth;

11. I am not serving a sentence of imprisonment exceeding twelve months imposed on me by a court in any part of the Commonwealth nor am I under sentence substituted by competent authority for some other sentence imposed on me by such a court, nor am I under such a sentence of imprisonment the execution of which has been suspended;

12. I do not have any interest in any Government contract so as to disqualify me under section 35 (1) (h) of the Representation of the People Act.

---

*Delete if not applicable.

13. I am not disqualified for membership of the House of Assembly by any virtue of any law of Saint Vincent and the Grenadines relating to any offence connected with elections;

14. I am not disqualified for membership of the House of Assembly by any law of Saint Vincent and the Grenadines by reason of my holding or acting in any office the functions of which involve

(i) any responsibility for or in connection with, the conduct of any election; or

(ii) any responsibility for the compilation or revision of any electoral register;

And I make this declaration conscientiously believing the same to be true and according to the Declarations in Lieu of Oaths Act (Cap. 157), and I am aware that if there is any statement in this declaration which is false and which I know to false or do not believe to be true I am liable to a fine and imprisonment.

Signed:

Declared before me this.....day of.....19....

Signed:

FORM 4

Rule 10

Return of Uncontested Election

I hereby certify that the member elected for the constituency of ..... in pursuarme of the within writ is .....

(insert name, address and occupation of member elected)

.....

(as stated on the nomination paper)

no other candidate having been nominated.

Dated at .....this .....day of .....

.....

Returning officer.

FORM 5

Rule 12

Return where Candidates Withdraw

I hereby certify that the member elected for the constituency of .....in pursuance of Me within writ is .....

(insert name, address and occupation of member elected)

.....

(as stated on the nomination paper)

the other or all other candidates having withdrawn or died.

Dated at .....this.....

day of .....19....

.....

Returning officer.

To the Supervisor of Elections.

FORM 6

Rule 13

Notice of Grant of Poll

The constituency of .....

Notice is hereby given to the voters of the constituency aforesaid that a poll has been granted for the election now pending for the said constituency and that such poll will be opened on the..... day of .....19.... at 7 a.m. and kept open till 5 p.m. in the following stations established in the various polling divisions comprised in the said constituency.

Polling stations:

.....

And that the respective candidates in the above constituency are as follows:

Candidates:.....

The final counting of the votes will take place on.....day of.....at .....at 8 p.m.: of which all persons are hereby required to take notice and govern themselves accordingly.

Given under my hand at .....this.....day of.....19....

.....

Returning Officer.

FORM 7

Rule 15

Ballot Paper

GENERAL ELECTION.....

..... constituency

Voter's number on roll .....

Polling day.....space for initials of presiding officer

_____Do not fold beyond this line._____

* 1. BABULAH, Conrad D.
Chancery Lane,
Engineer.

2. OCEAN, Francis
Hayes Sweet,
Merchant.

3. RONSON, Emmanuel
Marli Street,
Insurance Broker.

---

* These are specimen entries.

FORM 8

Rule 15

Permitted Symbols

Part A-Symbol for candidates representing political parties

1. [bicyle]
2. [car]
3. [clock]
4. [ship]
5. [star]
6. [telephone]
7. [heart]
8. [key]
9. [bird]

Part B-Symbol for Independent Candidates

1. [tree]
2. [bottle]
3. [bull]
4. [cup]
5. [dog]
6. [fork]
7. [rooter]
8. [hand]
9. [hat]
10. [hammer]
11. [house]
12. [hoe]
13. [horseshoe]
14. [knife]
15. [man]
16. [horses]
17. [saw]
18. [shoe]

FORM 9

Rule 23

Directions for the Guidance of Voters in Voting

1. Each voter may vote only atone polling station and for only one candidate.
2. The voter should see that the ballot paper before it is handed to him is stamped with the official mark and bears the initials of the presiding officer.
3. The voter mill go into one of the compartments and with a black lead pencil there provided place a cross within the space containing the name of We candidate for whom he votes, thus X.
4. The voter shall then fold the ballot paper so that the initials of the presiding officer me WWI mark and the numbers on the counterfoil can be seen and the counterfoil detached without opening the ballot paper, he shall then return the ballot paper so folded to the presiding officer who shall in full view of those present, including the voter, remove the counterfoil, and place the ballot paper in the ballot box. The voter shall then forthwith quit the polling station.
5. If a voter inadvertently spoils a ballot paper he may return it to the presiding officer who on being satisfied of the fact will give him another.
6. If a vote votes for more than one candidate or places any mark on the ballot paper by which he can afterwards be identified, his vote will be void and will not be counted.
7. If the voter fraudulently takes a ballot paper out of a polling station or fraudulently puts into the ballot box any paper, other than the one given to him by the officer, he will be liable to imprisonment for six months.

In the following form of ballot paper given for illustration the candidates are Conrad D. Babulah, Francis Ocean and Emmanuel Ronson, and the voter has marked his ballot paper in favour of Francis Ocean.

GENERAL ELECTION .....

2655

.....Constituency

Voter's Number on Roll .....

.....

Polling Day..... Space for-initials of P.O.

1. BABULAH, Conrad D.
Chapcery Lane,
Engineer.

2. OCEAN, Francis
Hayes Street,
Merchant.

3. RONSON, Emmanuel
Marli Street,
Insurance Broker.

FORM 10

Rule 24

Appointment of Agent

I,.....nominated to serve as a member of the House of Assembly for the constituency of..... do hereby appoint ..... whose address is ..... whose occupation is .....as my agent
+ for the purposes of the proceedings at polling station No .....
*to attend be final coma of votes by the returning officer.

..... Candidate

+ For agent at polling station
* For agent at final count

+ * delete if inapplicable

FORM 11

Rule 25

Declaration of Secrecy

I solemnly promise to abide by law and declare and undertake that I will not do anything forbidden by or under this Act or by any other law.

.....
Signed.

FORM 12

Rule 33

Declaration to be made by the Companion of a Blind or Incapacitated Voter at an Election

I, A. B. of.....having been requested to assist C.D..... to record his vote at the election now being held in this Constituency, hereby declare that (I am entitled to vote as a voter at the said election) (I am the*..... of be said voter and have attained the age of 18), and that I have not previously assisted any blind or incapacitated person (except) E. F., of.....to vote at the said election.

(Signed) A. B.,

This.....day of.....19....

---

*State the relationship of the companion.

I, the undersigned, being the presiding officer for the polling station for the.....constituency, hereby certify that the above 0 named declaration, was signed by the declarant in my presence.

(Signed) G.H.

This.....day of.....19...
.....minutes past.....(a.m.) (p.m.)

NOTE: If the person making the above declaration knowingly and wilfully makes therein a statement false in a material particular he is guilty of an offence.

FORM 13

Rule 36

Oath of Identity of an Elector receiving a Ballot Paper after another has Voted in his Name

I swear that I am.....
(Name as on list of electors)
of.....
(Address as on list of electors)
whose name is entered on the list of electors now shown to me.
SO HELP ME GOD.

FORM 14

Rule 41

Oath of Presiding Officer after Closing of the Poll

I,.....the undersigned, presiding officer for polling station No.....of the Constituency of..... do swear that to the best of my knowledge and belief this register of voters kept for the said polling station under my direction has been so kept correctly and that the total number of votes recorded therein is ..... and that it contains a true and exact record of the votes given at the said polling station as the said votes were taken thereat; that I have faithfully performed all duties required of me by law.

.....
Presiding officer.

Sworn before me at.....this.....day of.....19....

.....
Poll clerk
(as the case may be)

FORM 15

Rule 41

Oath of the Poll Clerk after Closing the Poll

I,.....the undersigned, poll clerk for polling station No.....of the constituency of.....do swear that this register of voters for the said polling station kept under the direction of.....who has acted as presiding officer thereat has been so kept by me under his direction as aforesaid correctly and to the best of my skill and judgement that the total number of votes recorded therein is.....and that to the best of my knowledge and belief it contains a true and exact record of the votes given at the above-mentioned polling station as the said votes were taken thereat by the said presiding officer and that I have faithfully performed all other duties as poll clerk according to law.

.....
Poll clerk

Sworn before me at.....this..... day of.....19....

.....
Presiding officer (as the case may be)

FORM 16

Rule 42

Statement of the Poll after Counting the Ballots

Constituency of.....polling station No.....
Number of ballot papers received from
the returning officer .....
Number of ballot papers cast for ....
do. do. do. ....
do. do. do. ....
do. do. do. ....
do. do. do. ....
do. do. do. ....
do. do. do. ....
Number of *rejected ballot papers found in box..... .....
Number of unused ballot papers undetached from the books..... .....
Number of t spoilt ballot papers..... .....
Total .....

*A rejected ballot paper means a ballot paper which has been handed by the presiding officer to an elector to cast his vote but which at the close of the poll, has been found in the ballot box unmarked or so improperly marked that it cannot be counted.
+ A spoilt ballot paper means a ballot paper which, on polling day, has not been deposited in the ballot box, but has been found by the presiding officer to be soiled or improperly printed or which has been handed by the presiding officer to an elector to cast his vote, and (a) has been spoiled in marking by the elector, and (b) has been handed back to the presiding officer and exchanged for another.
Number of names on official list of electors used at the Poll .....
I hereby certify that the above statement is correct.
Dated at.....this.....day of.....19....

.....
Presiding officer.

FORM 17

Rule 41

Oath of Messenger sent to collect Ballot Boxes

I,.....messenger appointed by.....returning officer for the Constituency of.....do swear that the several boxes to the number of ....which were used at polling stations Nos.....of this Constituency on polling day now delivered by me to.....were handed to me by.....that they have not been opened by me or any other person and that they are in the same state as they were in when they came into my possession.

.....
Signature.

Sworn before me at.....this.....day of.....19....

.....
Returning officer.

FORM 18

Rule 46

Certificate of Endorsement

I,..... hereby certify that the member elected for the constituency of .....in pursuance of the writ issued thereof is.....
Signed this.....day of.....19....

.....
Returning officer.

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