SAINT LUCIA

CHAPTER 1.02

ELECTIONS ACT

Revised Edition
Showing the law as at 31 December 2008

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Act.

This edition contains a consolidation of the following laws—

ELECTIONS ACT

Act 8 of 1979 .. in force 5 June 1979

Amended by Act 1 of 1987 in force 28 February 1987

Amended by Act 14 of 2004 in force 18 October 2004

Amended by Act 22 of 2005 .. in force 31 October 2005

Amended by Act 45 of 2006 .. in force 27 November 2006

ELECTIONS PETITION RULES – Section 89(2)

Statutory Instrument 4/1948 .. in force 21 February 1948

ELECTIONS REGULATIONS – Section 94 & 95

Statutory Instrument 32/1978 .. in force 16 August 1978

Amended by S.I. 41/1978 in force 29 August 1978

Amended by S.I. 30/1980 in force 28 June 1979

Amended by S.I. 15/1982 in force 1 August 1981
Amended by S.I. 87/1995 in force 30 December 1995
Amended by S.I. 135/2001 in force ??
Amended by Act 5 of 2004 in force 24 May 2004
Amended by S.I. 156/2005 in force 14 November 2005
Amended by S.I. 155/2006 in force 4 September 2006
Amended by S.I. 173/2006 in force 27 November 2006

ELECTIONS (FEES) REGULATIONS – Sections 11 and 94

Statutory Instrument 8/2004 .. in force 23 February 2004
Amended by S.I.11/2005in force 28th February, 2005

ELECTIONS (ENUMERATION AND SCRUTINEER) REGULATIONS – 94

Statutory Instrument 157/2005 .. in force 14 November 2005

ELECTIONS (IDENTIFICATION CARDS) REGULATIONS – 94

Statutory Instrument 36/2006 .. in force 15 May 2006

Revision Date: 31 Dec 2008

CHAPTER 1.02

ELECTIONS ACT

ARRANGEMENT OF SECTIONS

Section

PART 1 **7**

PRELIMINARY **7**

1. Short title 7
2. Interpretation 7
3. Commission and electoral districts 10

PART 2 **11**

FRANCHISE AND REGISTRATION OF ELECTORS **11**

4. Appointment of officers and establishment of offices 11
5. Duties and functions of registration and other officers 12
6. Qualification for Voting 12
7. Qualification for registration 13
8. Residence requirements 13
9. Registration and issue of identification cards 13
10. Lost or defaced identification cards 13
11. Issue of composite identification cards 13
12. Verification of register 13
13. Disqualification for registration 14
14. Deletions from register 15
15. Publication of register 15
16. Register of Police electors 16
17. The 1979 register 16
18. Omissions in register 17
19. Claims and objections to registration 17
20. Revision of register 18
21. List to be posted at conspicuous places 19
22. Register to remain in force until next revision 19
23. Commission may direct preparation of register 20
24. Effect of register 20
25. Extension of time 20
26. Offences 21
27. Omissions by election officers 21
28. Polling Divisions 22

PART 3 **23**

ADMINISTRATION **23**

29. Returning Officers 23
30. Election Clerks 24
30A. Assistant Election Clerks 24
31. Substitute Election Clerks 24
32. Presiding Officers 25
33. Poll Clerks 25
33A. Assistant Poll Clerks 25
34. How oath may be taken 26
35. Disqualification of election officers from nomination 26

PART 4 **26**

ELECTIONS **26**

Arrangements for Elections 26

36. Issue of Writs 26
37. Notice of time and place for elections 26A
38. Returning Officer to obtain lists of electors 26A

PART 5 **27**

PROCEDURE AT ELECTIONS **27**

39. Nomination of candidates 27
40. Disposal of deposit 28
41. Uncontested elections 28
42. Adjournment in contested election to take poll 28
43. Power to adjourn polling day in case of emergency 29
44. Withdrawal of candidature 30
45. Taking of poll 31
46. Establishment of polling stations 31
47. Supplies of election material 31
48. Inspection of polling stations by presiding officer 32
49. Hours of taking the poll 33
50. Ballot boxes 33
51. Electors to vote only in polling division where their names appear 33
52. Elector to vote once in one electoral district 33
53. Police electors to vote in accordance with Schedule 2 34
54. Transfer of election officers' votes 34
55. Where transferred elector to vote 34
56. Proceedings at poll 35
57. Entries to be made by poll clerk 37
58. Admission into polling station 37
59. Mode of taking ballot 38
60. Mode of taking ballot in special cases 39
61. Correction of discrepancies 40
62. Who may be present in polling station 41
63. Proceedings after poll 42
64. Agents 46
65. Final counting of votes 46
66. Provisions applicable where ballot boxes not returned 48
67. Declaration of the poll 49
68. Election return 49

69. Penalty for delay, neglect or refusal of returning officer to return elected candidate ... 50
70. Election documents to be sent to Clerk of the House ... 51
71. Custody of ballot boxes ... 52

PART 6 53
ELECTION OFFENCES 53

72. Intoxicating liquor not to be sold supplied or given on polling day ... 53
73. Employers to allow employees prescribed period for voting ... 53
74. Offences by election officers ... 53
75. Loudspeakers, ensigns, banners etc. prohibited on polling day ... 54
76. Order at polling stations ... 55
77. Influencing electors to vote ... 56
78. Bribery ... 56
79. Treating ... 58
80. Undue influence ... 58
81. Personation ... 59
82. Penalty for bribery, treating, under influence, personation ... 59
83. Penalty for certain illegal practices ... 59
84. Offences in respect of ballot papers ... 61
85. Secrecy ... 62
86. Offences re voting by police electors ... 63
87. Name and address of printer on election publications ... 63

PART 7 64
ELECTION PETITIONS 64

88. Petition against disputed election ... 64
89. Presentation of petition and security for costs ... 64
90. Trial of election petition ... 65
91. Voter not to disclose how he or she voted ... 65
92. Non-compliance with rules etc. when not to invalidate election ... 66

PART 8 66
MISCELLANEOUS 66

93. Expenses to be paid out of Consolidated Fund ... 66
94. Statutory Instruments ... 66
95. Savings ... 68

SCHEDULE 1 69

SCHEDULE 2 77

SCHEDULE 3 80

SCHEDULE 4 105

CHAPTER 1.02

ELECTIONS ACT

(Acts 8 of 1979, 1 of 1987, 14 of 2004, 22 of 2005 and 45 of 2006)

AN ACT to make better provisions for the registration of electors and for the conduct of elections and for connected purposes.

Commencement [5 June 1979]

PART 1
PRELIMINARY

1. SHORT TITLE

This Act may be cited as the Elections Act.

2. INTERPRETATION

In this Act unless the context otherwise requires—

"**Act**" means this Act and all rules, regulations and statutory instruments made or continued in force by this Act;

"**appointed**" in relation to any date means the date fixed by the Minister by order;

"**ballot**" means the taking of the vote of an elector as provided under this Act;

"**ballot paper**" means the ballot paper described under section 45(2);

"**Chief Elections Officer**" means the person appointed under section 4(1)(a) or any person acting in that office;

"**Commission**" means the Electoral Commission appointed under section 57(3) of the Constitution;

"**Constitution**" means the Constitution of Saint Lucia;

"**election**" means the election of a member or members to serve in the House;

"**election documents**" means the documents which the returning officer is required to transmit to the Chief Elections Officer after an election;

"**election officer**" includes the Chief Elections Officer, a registration officer, returning officer, election clerk, presiding officer, poll clerk, enumerator or other person having any duty to perform under this Act, to the faithful performance of which duty he or she may be sworn;

"**elector**" means any person whose name is on the register or on any supplementary list subsequent thereto;

"**electoral district**" means a constituency established in accordance with section 58 of the Constitution;

"**enumeration**" means the conduct of verification or registration exercises in an electoral district for the purpose of verifying and registering eligible voters;

"**enumerator**" means a person appointed to conduct verification and registration of eligible voters during an enumeration;

"**House**" means the House of Assembly;

"**identification card**" means the identification card issued to an elector in the manner and form prescribed;

"**identity card**" means a card other than an identification card issued to a person by any government or statutory body;

"**intoxicating liquor**" means spirit, wine, beer, cider, stout of every description and any fermented, distilled or spirituous liquor;

"**last register**" means the register for an electoral district last prepared and published under this Act;

"**Minister**" means the Minister to whom matters relating to the registration of voters and the election of members of the House have been assigned, due regard being had to sections 37 and 52 of the Constitution;

"**oath**" includes affirmation and statutory declaration;

"**official list**" means the list of electors for a polling division;

"**poll book**" means the book in the form set out as Form 14 in Schedule 3 in which the name and other particulars of

every person applying to vote are consecutively entered by the poll clerk as soon as the applicant's right to vote at the polling station has been ascertained and before any such applicant is allowed to vote;

"**polling day**" means the day fixed for holding the poll at an election;

"**polling division**" means any polling division constituted in accordance with section 28;

"**polling station**" means any premises situated within a polling division secured by the returning officer for the taking of the votes of the electors on polling day;

"**prescribed**" means as provided for or contained in a statutory instrument made under this Act;

"**qualifying date**" means the date for the determination of the qualification of an elector under this Act which date in respect of the second half of the year 1979 and of every succeeding half year shall be the 15 July and in respect of the first half of each year subsequent to the year 1979 shall be 15 February;

"**qualified person**" means a person who is qualified to be registered as an elector in accordance with the provisions of this Act;

"**register**" means the register of electors for an electoral district prepared and published under this Act;

"**registration officer**" means an officer appointed as such for any electoral district or any person acting in that capacity;

"**rejected ballot paper**" means a ballot paper which has been handed by the presiding officer to an elector to cast his or her vote but which at the close of the poll has been found in the ballot box unmarked or so improperly marked that in the opinion of the presiding officer or returning officer it cannot be counted;

"**Schedule**" means a Schedule to this Act;

"**scrutineer**" means a person appointed as a scrutineer under section 4 to observe the enumeration and registration of electors;

"**spoiled 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 or her 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;

"**supplementary list**" means a supplementary list prepared under section 20;

"**voter**" means any person who votes at an election;

"**writ**" means the writ for an election.

(Amended by Act 22 of 2005)

3. COMMISSION AND ELECTORAL DISTRICTS

(1) There shall be a Commission appointed in accordance with section 57(3) of the Constitution who shall be responsible for the registration of electors for the purpose of electing members of the House and for the conduct of election of members to the House.

(2) Subject to section 37 of the Constitution, in the performance of its functions under the Constitution, the Commission shall exercise general direction and supervision over the administrative conduct of all elections and enforce on the part of all election officers fairness, impartiality and compliance with this Act.

(3) The Commission shall, after consultation with the Chief Elections Officer make every appointment required to be made under this Act.

(4) For the purposes of the election of members to the House, Saint Lucia shall be divided into 17 electoral districts or such number of electoral districts as may be determined under section 58 of the Constitution. The names and boundaries of the 17 electoral districts shall be as set out in Schedule 1.

PART 2
FRANCHISE AND REGISTRATION OF ELECTORS

4. APPOINTMENT OF OFFICERS AND ESTABLISHMENT OF OFFICES

(1) For the purpose of the registration of electors there shall be—

(a) a Chief Elections Officer who shall be appointed in accordance with section 88(1) and of the Constitution;

(b) the following officers appointed by the Electoral Commission from among eligible persons:

(i) a Registration Officer for each electoral district,

(ii) such number of enumerators, enumerator co-ordinators, photographers and other persons as may be deemed necessary,

(iii) such number of scrutineers as determined by the Electoral Commission to be nominated by the Prime Minister and appointed by the Electoral Commission,

(iv) such number of scrutineers, in equal numbers as appointed under sub-paragraph (iii), to be nominated by the Leader of the Opposition and appointed by the Electoral Commission to represent the official Opposition in Parliament;

(c) such number of registration offices or centres for the electoral districts as the Commission considers necessary.

(2) For the purposes of section 88(5) and 88(10) of the Constitution the prescribed age is the age of 65 years and a person is not qualified to be appointed Chief Elections Officer under this section if he or she exceeds the age of 65 years.

(3) Without prejudice to section 37 of the Constitution, the Chief Elections Officer shall take all appropriate measures in accordance with this Act for the registration of electors in each electoral district and for the conduct of the election of members to the House.

(4) Every person appointed under this section shall take the prescribed oath.

(5) For the purposes of subsection (1)(b), an eligible person means a person who—

(i) is not less than 18 years of age,

(ii) is not declared to be a bankrupt,

(iii) has not been convicted of a criminal offence except where the offence is a minor traffic offence or has been spent in accordance with the Criminal Records (Rehabilitation of Offenders) Act.

(Amended by Act 22 of 2005)

5. DUTIES AND FUNCTIONS OF REGISTRATION AND OTHER OFFICERS

(1) An officer appointed under section 4(1)(b) shall perform the duties that are assigned to him or her under this Act by the Chief Elections Officer for the faithful performance of which he or she shall be paid the prescribed remuneration.

(2) A registration officer may be appointed for more than one electoral district.

(3) A registration officer or enumerator may administer any oath to be taken under this Part of this Act and may require any evidence, particulars or matter under this Part to be given on oath before him or her.

(4) A registration officer shall maintain his or her office at the registration office designated for a specified electoral district and shall supervise any registration centres established within the electoral district for which he or she is appointed.

6. QUALIFICATION FOR VOTING

(1) Subject to this Act, a person is entitled to vote as an elector at an election in an electoral district only if on polling day he or she is registered in the register to be used at that election in that electoral district.

(2) Despite section 56, after such date as shall be appointed being in any case not earlier than 31 December 1980, an elector shall not be permitted to vote at any election without first producing his or her identification card.

7. QUALIFICATION FOR REGISTRATION

Subject to this Act, a person shall be qualified to be registered as an elector for an electoral district only if, on the qualifying date he or she—

(a) is a person who is—

(i) a citizen of Saint Lucia, or

(ii) a Commonwealth citizen who has resided continuously in Saint Lucia for not less than 7 years immediately preceding the qualifying date;

(b) has attained the age of 18 years; and

(c) has resided continuously in that electoral district for a period of at least 2 months preceding the qualifying date.

8. RESIDENCE REQUIREMENTS

(1) A person is qualified to be registered as an elector for one electoral district only.

(2) Where a person who is registered as an elector for an electoral district has ceased to reside in that electoral district he or she shall not, on that account cease to be qualified to be registered as an elector for that electoral district until he or she has become registered as an elector for another electoral district.

(3) In reckoning the period of residence of an elector in an electoral district, the period between the qualifying date and polling day in that district shall not be reckoned as a period of residence.

9. REGISTRATION AND ISSUE OF IDENTIFICATION CARDS

(1) Subject to this Act, a person who is qualified to be registered as an elector for an electoral district shall be registered in the register for that electoral district if—

(a) he or she is duly registered in the prescribed form at a registration office or centre within the electoral district where he or she resides, or at such other office or centre

designated for the registration of electors under this Act; or

(b) he or she is duly registered by an enumerator in a house to house enumeration conducted in the electoral district in which he or she resides.

(2) A person who is qualified to be registered as an elector shall be issued at the time of his or her registration or as soon thereafter as may be practicable, an identification card in the prescribed form.

(3) A person to whom an identification card has been issued shall be the person entitled to the custody and possession thereof.

10. LOST OR DEFACED IDENTIFICATION CARDS

(1) An elector whose identification card has been lost, defaced or destroyed shall be issued with another identification card upon application in the prescribed form to the Chief Elections Officer and upon payment of such fees as may be prescribed.

(2) Where the Chief Elections Officer is satisfied that an identification card is so defaced or faded as to be no longer distinguishable he or she may at any time issue to an elector registered under this Act a new identification card.

11. ISSUE OF COMPOSITE IDENTIFICATION CARDS

(1) For the purpose of effecting savings in costs and for the avoidance of duplication of identity cards, the Chief Elections Officer may with the approval of the Minister collaborate with any government department or public or statutory authority in the issue of identification cards.

(2) An identification card issued under subsection (1) may contain thereon in addition to the prescribed particulars, such other particulars as are required by the government department or public or statutory authority concerned.

12. VERIFICATION OF REGISTER

(1) It is lawful for the Chief Elections Officer—

(a) to carry out by means of a house to house enumeration such verification as he or she considers necessary for the purpose of ensuring that a person registered at a registration office or centre has been duly registered in regard to his or her place of residence within an electoral district; and

(b) upon reasonable grounds to require any person to produce a birth certificate or other document for the purpose of determining his or her qualification for registration as an elector and the particulars of the registration.

(2) Where it is observed as a result of a house to house enumeration that an elector registered at a registration office or centre does not reside at the place of residence which he or she submitted at the registration office or centre where he or she was registered, the Chief Elections Officer shall by notice published in the Gazette and in a local newspaper so notify the elector and shall after giving him or her an opportunity to be heard, make such correction in the register or supplementary list as may be necessary for the proper registration of that elector.

(3) Where an elector to whom notice has been given under the preceding subsection has failed to appear before the Chief Elections Officer it shall be lawful for the Chief Elections Officer to delete the name of the elector from the register of electors.

(4) Where the Chief Elections Officer is satisfied that the failure of an elector to appear as required under subsection (2) was not due to malice or negligence on the elector's part, he or she shall on being satisfied as to the correctness of the elector's place of residence register him or her as an elector at any time before publication of the Register.

13. DISQUALIFICATION FOR REGISTRATION

A person is disqualified from being registered as an elector who—

(a) is a person certified to be insane or otherwise adjudged to be of unsound mind under any enactment in force in Saint Lucia;

(b) is undergoing any sentence of imprisonment in Saint Lucia or any other part of the Commonwealth;

(c) is under sentence of death imposed on him or her by a court, in any part of the Commonwealth;

(d) is disqualified for registration as an elector by virtue of any enactment in force in Saint Lucia by reason of his or her having been convicted of any offence relating to elections; or

(e) is disqualified therefrom by any other law.

14. DELETIONS FROM REGISTER

A person registered under this Act shall remain registered unless and until his or her name is deleted from the register by or under the authority of the Chief Elections Officer because—

(a) he or she has died;

(b) he or she, being a person otherwise qualified as an elector, has been absent from Saint Lucia for a continuous period of 5 years or more; or

(c) he or she has become disqualified for registration under this Act or of any other enactment.

15. PUBLICATION OF REGISTER

(1) Without prejudice to section 17, there shall be prepared, revised and published for each electoral district in accordance with this Act, a register of electors qualified to vote at any election in that electoral district.

(2) After the publication of the register no elector shall be entitled to vote at any election in an electoral district unless his or her name is registered therein.

(3) Where the name of an elector which appeared in any supplementary list has, through inadvertence, been omitted from the register or, where a name should have been deleted from the register in consequence of a successful objection thereto, the Chief Elections Officer shall make the necessary additions to or deletions from the register and shall sign and stamp the same.

16. REGISTER OF POLICE ELECTORS

(1) Without prejudice to section 17, there shall be in relation to each electoral district a register of police electors.

(2) There shall be included in the register of police electors every person serving in the Royal Saint Lucia Police Force on the qualifying date whom the registration officer is satisfied is not disqualified from being registered under this Act or any other enactment in force.

(3) The Chief Elections Officer shall cause the name of any person whose name appears upon the register of police electors in any electoral district to be deleted from the official list of electors for any polling division.

(4) The register of police electors shall be deemed to form part of the official list of electors for the polling station nearest to the office of the returning officer.

17. THE 1979 REGISTER

(1) Upon the adoption by the Commission of the existing lists in the manner provided by subsection (2)—

(a) the existing lists (with corrections) shall be deemed to have been duly prepared, revised and published in accordance with the laws in force immediately before the commencement of the Constitution;

(b) the existing lists (with corrections) shall be deemed to be the register of electors for each electoral district and shall be a permanent registration of the electors named therein subject only to such revision and corrections thereof as are authorised by this Act;

(c) the existing lists (with corrections) being then the Register shall be used for all elections held during the year 1979 in the several electoral districts.

(2) The Commission may adopt the existing lists (with corrections) by publication of a notice to that effect in the Gazette.

(3) In this section—

"**the existing lists**" means the lists of electors for the several electoral districts entitled "Register of Electors" and "Register of Police Electors" which were prepared and

revised by the person who was the Chief Registration Officer under the laws in force immediately before the commencement of the Constitution, and which was signed by that person (however designated) and dated and published on the 15 May 1979 by copies thereof being made available for inspection at the electoral office and at specified public places in the electoral districts to which they relate.

"**corrections**" means such additions to the existing lists as are authorised under section 18.

(4) For the purposes of section 18 the register for the year 1979 shall be deemed to have been published on the date of the notice referred to in subsection (2).

18. OMISSIONS IN REGISTER

(1) Where a person is lawfully in possession of an identification card and his or her name does not appear on the register for the electoral district in which he or she resides, such person may not later than 7 days after the publication of the register, apply in the prescribed form and at the appropriate registration office for the inclusion of his or her name in such register.

(2) The Chief Elections Officer shall promptly cause to be published the name, address, occupation and identification number of such applicant and all objections to the inclusion of the name of the applicant in the register shall be made in the prescribed form not later than 7 days after such publication.

(3) On a date fixed and published by the Chief Elections Officer, (being a date not less than 3 days after the expiration of the period of publication of objections) the Chief Elections Officer shall determine such objections as may have been made and if he or she decides in favour of the applicant, shall add the name of the applicant to the register, shall sign and seal the same, and shall cause the same to be published.

19. CLAIMS AND OBJECTIONS TO REGISTRATION

(1) A person who is qualified to be registered as an elector for an electoral district but whose name does not appear on the register or supplementary list shall be entitled to be registered upon

making application in the prescribed form and during the prescribed period, at a registration office or centre designated for the registration of electors for that particular electoral district.

(2) Any person whose name appears on any register or supplementary list may object in the prescribed form and during the prescribed period to the inclusion of any other name on such list.

(3) All claims for registration made by persons whose names do not appear on the register or supplementary list and all objections to the registration of any persons whose names appear on any supplementary list duly made in the prescribed form and during the prescribed period shall be determined in accordance with this Act by the Registration Officer for the electoral district to which the register or supplementary list in question relates.

(4) Where under this section any claim or objection has been disallowed a Registration Officer or claimant or objector may refer the matter in the prescribed form to the Commission whose decision shall be final.

(5) Where a successful objection has been made to the registration of an elector, his or her name shall be deleted from the list of electors and he or she shall not use the identification card issued to him or her for any electoral purposes.

20. REVISION OF REGISTER

(1) The Chief Elections Officer shall at intervals of not more than 6 months commencing from the latter half of the year 1979, publish for each electoral district a supplementary list containing—

(a) the names of all persons who have been registered as electors in each electoral district under this Act, since the publication of the last register of electors;

(b) the names of all electors who because of a change of address have applied in the prescribed form for an alteration in registration either from one electoral district to another or within an electoral district.

(2) Not later than 31 January in each year subsequent to the year 1979, the Chief Elections Officer shall cause to be revised the register of electors for each electoral district by—

(a) adding therein the names of all persons who have been registered as electors during the preceding year;

(b) deleting therefrom the names of all persons who have ceased to be entitled to registration as electors under this Act;

(c) making such other alterations in the Register as are provided under this Act.

(3) Not later than 31 March in each subsequent year, the Chief Elections Officer shall publish the register of electors for each electoral district as revised under this section.

(4) The register of electors for each electoral district as revised under this section shall remain in force until the next revision of the register as herein provided.

(5) An elector whose name has been published under this section shall in case of an election in the electoral district in which he or she is registered be entitled to vote thereat although his or her name does not appear on the register of electors for that electoral district.

21. LIST TO BE POSTED AT CONSPICUOUS PLACES

Where under this Act any list or matter is required to be published, such publication shall be effected by the posting of such list or matter in a conspicuous place at the office of the Chief Elections Officer, all public libraries, appropriate registration centres and such other places as the Commission may direct by Notice in the Gazette.

22. REGISTER TO REMAIN IN FORCE UNTIL NEXT REVISION

(1) The register as prepared or revised under this Act shall be the register for the electoral district to which it relates and shall be used for any election in that electoral district until the register is next revised under section 20.

(2) If a register for an electoral district is not published within the time required by this Act then, until the date following the day on which it is published, the previous register for that electoral

district shall continue in force, and where any register used at an election is a register continued in force by this subsection, this Act shall have effect in relation to that register as if it were the register revised under section 20.

23. COMMISSION MAY DIRECT PREPARATION OF REGISTER

If as a result of any fire, disaster, calamity or otherwise the register for an electoral district has been destroyed or is unavailable, the Electoral Commission may direct that a register for that electoral district shall be prepared and published by the Chief Elections Officer in accordance with this Act and that such preparation shall commence on the day so directed.

24. EFFECT OF REGISTER

(1) The register prepared or revised under this Act shall be conclusive of 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 an address is in any electoral district or any particular part of an electoral district.

(2) No misnomer or inaccurate description of any person or place named in any list or register of electors, or any record or 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 to be understood.

25. EXTENSION OF TIME

Where any matter in connection with the preparation or publication of a supplementary list, a revised list or any list or register of electors under this Part is omitted or not done or cannot be done at the time required by or under this Part or is done before or after that time or is otherwise irregularly done in manner or form, the Minister may by order at any time before or after the time within which such matter is required to be done, extend that time or validate any matter so done

before or after the time required or so irregularly done in manner or form.

26. OFFENCES

(1) Every person who knowing or having reasonable cause to believe that he or she—

(a) is not a citizen of Saint Lucia; or

(b) is not a Commonwealth citizen continuously resident in Saint Lucia for not less than 7 years; or

(c) has not or will not have attained the age of 18 years on or before the qualifying date;

(d) does not have on the qualifying date the requisite residence qualifications;

(e) is subject to any legal incapacity as is mentioned in section 13,

makes any claim to be included in any list or register is liable on summary conviction to the fine of $250 or to imprisonment for 6 months.

(2) Every person who objects to the inclusion of any other person in any list or register of electors prepared in pursuance of this Act upon any grounds which he or she knows or has reasonable cause to believe to be false is liable on summary conviction to a fine of $250 or to imprisonment for 6 months.

(3) Every person who knowingly makes a false statement for the purpose of being registered as an elector is liable on summary conviction to a fine of $250 or to imprisonment for 6 months.

(4) Every person who in the course of the preparation or revision of any list or register of electors makes before the Chief Elections Officer or any registration officer or enumerator any statement on oath or any sworn affirmation which he or she knows to be false or does not believe to be true is liable on summary conviction to a fine of $250 or to imprisonment for 6 months.

27. OMISSIONS BY ELECTION OFFICERS

A registration officer or enumerator who wilfully and without reasonable excuse, omits to register the name of any person entitled to

be registered commits an offence and is liable on summary conviction to a fine of $500 or to imprisonment for 12 months or to both such fine and imprisonment, and in addition shall forfeit his or her right to payment for his or her services as a registration officer or enumerator, as the case may be, and shall be incapable during a period of 7 years from the date of his or her conviction—

(a) of being qualified as an elector;

(b) of being elected a member of the House and in the event of an appeal the incapacity shall continue until the appeal is determined and thereafter, unless the conviction is quashed, remain in force for a period of 7 years from the determination of the appeal unless the court hearing the appeal shall direct that the period of 7 years shall run from the date of conviction.

28. POLLING DIVISIONS

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

(2) Each polling division shall so far as practicable contain approximately 600 electors taken from the register for that electoral district which shall form the official list of electors for that polling division.

(3) Where the Commission is satisfied that by reason of congestion or the scarcity of the population or other special circumstances it is more convenient so to do, they may despite anything contained in subsection (2), constitute a polling division containing more or less than 600 electors.

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

(5) It shall be the duty of the Commission to keep the polling divisions of each electoral district under review and to make such alterations in such districts including the abolition or establishment of any polling division as they may consider proper having regard to subsections (2), (3) and (4), and by

notice in the Gazette and such other manner as he or she sees fit publish any alterations made under this section.[4]

(6) The Minister may make regulations providing for the adaptation of any list of electors to any alteration of polling divisions and may make in such regulations special provision for cases where any alteration of polling divisions is made between the publication of any list and the coming into force of any register of electors; but except in cases for which such provision is made by regulations, an alteration of polling divisions made under this section shall not be effective until the revision of the register under section 20 after the alteration is made.

(7) Any decision taken or act done under the foregoing provisions of this section shall be effective as from the date it is approved by the Minister.

PART 3
ADMINISTRATION

29. RETURNING OFFICERS

(1) The Commission shall appoint for each electoral district a returning officer who shall receive the prescribed remuneration.

(2) Upon his or her appointment each returning officer shall take and subscribe an oath in the form set out as Form 2 in Schedule 3 and shall transmit such oath to the Commission.

(3) Upon taking the oath referred to in the last preceding subsection, the returning officer shall establish an office in his or her electoral district or, where any person has been appointed returning officer for more than one electoral district, in one of these districts or with the approval of the Commission at some convenient place outside of either of these districts and shall cause an advertisement to be inserted in the Gazette and in a local newspaper specifying the place at which he or she has established his or her office.

[4] ***Editor's note****: The polling divisions were altered in 2001 by S.I.117/2001.*

30. ELECTION CLERKS

(1) The Commission shall appoint an election clerk for each electoral district who shall receive such fee as may be prescribed for each election in that district.

(2) Upon his or her appointment, the election clerk shall take an oath in the form set out as Form 3 in Schedule 3 and shall transmit such oath to the returning officer.

(3) If at any time between the issue of a writ for an election and the declaration of the result of that election the returning officer dies or becomes incapable of performing his or her duties as such, the election clerk shall report the fact to the Commission and shall discharge all the duties and exercise all the powers of the returning officer until some other returning officer is appointed or the returning officer ceases to be incapable of performing his or her duties, as the case may be.

30A. ASSISTANT ELECTION CLERKS

(1) The Commission shall appoint an assistant election clerk for each electoral district who shall receive such fee as may be prescribed for each election in that district.

(2) Upon his or her appointment, an assistant election clerk shall take an oath in the form set out as Form 3 in Schedule 3 and shall transmit such oath to the returning officer.

(3) An assistant election clerk shall assist the election clerk in performing his or her duties under this Act.

(4) If at any time the election clerk becomes incapable of performing his or her duties as such, the assistant election clerk shall discharge all the duties and exercise all the powers of the election clerk until another election clerk is appointed.

(Inserted by Act 45 of 2006)

31. SUBSTITUTE ELECTION CLERKS

(1) Upon commencing to discharge the duties of the returning officer in accordance with the last preceding section, the Commission shall appoint a substitute election clerk who shall perform all the duties and exercise all the powers of the election

clerk until such time as the election clerk ceases to perform the duties and to exercise the powers of the returning officer.

(2) Upon commencing to discharge the duties of the election clerk, the substitute election clerk shall take the oath required by the last preceding section to be taken by the election clerk.

(3) The substitute election clerk shall receive, in respect of his or her services, such sum as may be prescribed.

32. PRESIDING OFFICERS

(1) The Commission shall appoint a presiding officer for each polling station who shall receive such fee as may be prescribed.

(2) Upon his or her appointment each presiding officer shall take and subscribe an oath in the form set out as Form 4 in Schedule 3 and shall transmit such oath to the returning officer.

33. POLL CLERKS

(1) The Commission shall appoint a poll clerk for each polling station who shall receive such fee as may be prescribed.

(2) Upon his or her appointment every poll clerk shall take and subscribe an oath in the form set out as Form 5 in Schedule 3 and shall transmit such oath to the returning officer.

(3) If any presiding officer dies or becomes incapable of performing his or her duties during the taking of the poll, the poll clerk shall assume the office of the presiding officer and shall appoint some other person to act as poll clerk.

(4) Every person appointed to act as poll clerk under the last subsection shall take and subscribe the oath of a poll clerk.

33A. ASSISTANT POLL CLERKS

(1) The Commission shall appoint an assistant poll clerk for each polling station who shall receive such fee as may be prescribed.

(2) Upon his or her appointment an assistant poll clerk shall take and subscribe an oath in the form set out as Form 5 in Schedule 3 and shall transmit such oath to the returning officer.

(3) An assistant poll clerk shall assist the poll clerk in performing his or her duties under this Act.

(4) If at any time the poll clerk becomes incapable of performing his or her duties as such, the assistant poll clerk shall discharge all the duties and exercise all the powers of the poll clerk until another poll clerk is appointed.

(Inserted by Act 45 of 2006)

34. HOW OATH MAY BE TAKEN

Every election officer and every person who is required by this Act to take an oath may take such oath either before a justice of the peace or before any registration officer, returning officer or presiding officer or poll clerk appointed in accordance with this Act and every such registration officer, returning officer, presiding officer and poll clerk is hereby authorised and empowered to administer any oaths required by this Act to be made by any election officer or other person.

35. DISQUALIFICATION OF ELECTION OFFICERS FROM NOMINATION

No election officer shall be entitled to nomination as a candidate for election at an election for which he or she is an election officer.

PART 4
ELECTIONS
Arrangements for Elections

36. ISSUE OF WRITS

(1) For the purposes of every general election of members of the House, and for the purposes of the election of members to fill vacancies in the House caused by death, resignation, or otherwise, the Governor General shall issue writs under the Public Seal of the State, addressed to the returning officers of the respective electoral districts for which members are to be returned. Such writs shall be forwarded to the Commission for transmission to the several returning officers.

[*The next page is page 26A*]

(2) Every writ shall be in the form set out as Form I in Schedule 3 and shall specify—

(a) the day of the nomination of candidates being not less than 7 and not more than 14 days after the day of issue of the writ;

(b) the day upon which, if necessary, the poll shall be taken, being not less than 7 days and not more than 14 days after the day of the nomination of candidates;

(c) the day the writ is returnable to the Governor General being not more than 7 days after the polling day.

(3) Upon receipt of such writ every returning officer shall proceed to hold the election in the manner hereinafter provided.

37. NOTICE OF TIME AND PLACE FOR ELECTIONS

Upon the issue by the Governor General of a writ the Chief Elections Officer shall give notice thereof, and of the day and place fixed for the nomination of candidates, by publication in the Gazette and one or more local newspapers at least 7 days before the day fixed for such nomination; and the returning officer shall give further notice of the issue of such writ and of the time and place for the nomination of candidates by causing notices in the form set out as Form 6 in Schedule 3 to be posted or affixed in some conspicuous place near the principal door of every court house, police station and Revenue Office, and in any other place he or she may deem necessary.

38. RETURNING OFFICER TO OBTAIN LISTS OF ELECTORS

Before the day fixed for the nomination of candidates, the Chief Elections Officer shall supply the returning officer with the prescribed number of copies of the register in force by virtue of this Act.

[*The next page is page 27*]

PART 5
PROCEDURE AT ELECTIONS

39. NOMINATION OF CANDIDATES

(1) On the day and at the place fixed for the nomination of candidates, the returning officer shall attend at 9:00 in the morning to receive the nomination of candidates for the seat to be filled.

(2) Every candidate for election—

(a) must be nominated in writing by not fewer than 6 registered electors of the electoral district for which he or she seeks to be elected; and

(b) must consent in writing to such nomination, in the form set out as Form 7 in Schedule 3.

(3) The nomination of a candidate shall not be deemed to be void for the reason only that subsequent to nomination day, any person by whom his or her nomination paper was signed, is struck off the list of electors for the relevant electoral district.

(4) The returning officer shall at the place and time fixed in subsection (1) and within 3 hours thereafter, receive such nomination papers prepared in accordance with this Act as may be tendered to him or her.

(5) Every candidate shall at the time of his or her nomination deliver or cause to be delivered to the returning officer a statutory declaration of his or her qualification made and subscribed by such candidate or, if the candidate is absent from Saint Lucia on nomination day, by his or her duly authorised agent, in the form set out as Form 8 or Form 8A, as the case may be, in Schedule 3. If such statutory declaration is not delivered as aforesaid the nomination of such candidate shall be void.

(6) Every candidate shall at the time of his or her nomination deposit, or cause to be deposited, with the returning officer, the sum of $250 in cash, and if he or she fails to do so, the nomination of such candidate shall be void.

40. DISPOSAL OF DEPOSIT

(1) The full amount of every deposit made under section 39(8) shall after its receipt be transmitted by the returning officer to the Accountant General.

(2) The full amount of every such deposit shall be returned by the Accountant General to the person who made such deposit upon the production by him or her, within one month of the conclusion of the election in respect of which the deposit was made, of a certificate from the Chief Elections Officer that the candidate was elected or polled not less than $^1/_8$ of the total number of votes counted at the election, or died before the close of the poll on polling day.

(3) For the purposes of this section the number of votes polled shall be deemed to be the number of ballot papers (other than rejected ballot papers and spoiled ballot papers) counted.

(4) Except as otherwise provided in this section, every such deposit shall, at the expiration of one month from the conclusion of the election in respect of which it was made, be credited to general revenue.

41. UNCONTESTED ELECTIONS

If at the expiration of 3 hours from the time appointed there shall be only one candidate duly nominated, the returning officer shall publicly declare such candidate to be elected, and shall immediately thereafter certify by endorsement on the writ of election in the form set out as Form 9 in Schedule 3 the return of such candidate and shall return the writ so endorsed to the Commission for transmission to the Governor General within the time specified therein.

42. ADJOURNMENT IN CONTESTED ELECTION TO TAKE POLL

(1) If there shall be more than one candidate duly nominated a poll of electors 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 practicable after adjourning the election, give notice of the day and time on which and the addresses of the polling stations within each

polling division at which the poll will be taken and the names of the candidates nominated for election and of the place where and day and time when the number of votes given to the several candidates will be finally counted, by publication thereof in the Gazette and one local newspaper; and by causing notices to be posted in such places in the district as he or she may deem necessary in the form set out as Form 10 in Schedule 3.

43. POWER TO ADJOURN POLLING DAY IN CASE OF EMERGENCY

(1) Subject to sections 55 and 56 of the Constitution, where at any time between the issue of a writ under section 36(1) of this Act and the day appointed by the writ for the taking of the poll at any election the Governor General is satisfied that it is expedient so to do by reason of—

(a) the threat or existence of a state of war between Saint Lucia and any foreign state; or

(b) the occurrence of any riot or the existence or threatened existence of any unlawful or tumultuous assembly; or

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

(d) the likelihood that the register for all electoral districts or for any particular electoral district will not be printed before the day appointed for the taking of the poll or that any essential electoral supplies or materials will not be available in adequate quantities upon such polling day,

he or she may by Proclamation adjourn the taking of the poll to some other day specified in such Proclamation not being more than 30 days after the day specified in the writ issued under section 36(1) of this Act.

(2) Any Proclamation under subsection (1) made under paragraph (c) or (d) thereof may be expressed to apply only to such electoral districts as are specified in such Proclamation in which event the poll shall be taken in any electoral districts not so specified upon the day appointed for the taking of the poll under section 36(2).

(3) Where any Proclamation is made under this section the writs for all electoral districts 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 taking of the poll, of 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, nomination day shall be deemed to have been adjourned to the fifteenth day next before the day by which the taking of the poll is adjourned by such Proclamation.

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

44. WITHDRAWAL OF CANDIDATURE

(1) Any candidate duly nominated may, not less than 4 clear days before the day fixed for taking the poll, withdraw from his or her candidature by giving notice to the effect, signed by him or her, 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 or her candidature in accordance with subsection (1), or dies before the day fixed for taking the poll, the returning officer shall give public notice of such withdrawal or death in the Gazette and in one local newspaper; and if on such withdrawal or death there remains only one duly nominated candidate, the returning officer shall 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 the form set out as Form 11 in Schedule 3, and shall return the writ so endorsed to the Commission for transmission to the Governor General within the time specified therein.

45. TAKING OF POLL

(1) The poll shall be taken in each polling station by secret ballot in accordance with this Act.

(2) The ballot paper of each voter shall be a printed paper on which the names, addresses and occupations of the candidates alphabetically arranged in the order of their surnames and numbered accordingly shall be printed exactly as they are set out in their respective nomination papers. Opposite the name of each candidate there shall be a prescribed symbol. The ballot paper shall have a counterfoil and a stub, and there shall be a line of perforation between the ballot paper and the counterfoil and between the counterfoil and the stub, the whole as in the form set out as Form 12 in Schedule 3.

(3) The ballot papers shall be numbered on the top of the stub and the counterfoil, the same number being printed or written on the stub as on the counterfoil. The ballot papers shall be bound or stitched in books containing 10, 25, 50 or 100 ballots.

(4) The symbols to be used by a political party or candidate at an election shall be one of the symbols shown in Schedule 4.

(5) Where a political party has in the preceding election used a particular symbol the Chief Elections Officer shall, at the request in writing of the secretary of such political party, assign the same symbol to that party.

46. ESTABLISHMENT OF POLLING STATIONS

The returning officer shall establish for each polling division such number of polling stations as the Chief Elections Officer shall determine, each polling station being in premises of convenient access, with an outside door for the admission of electors, and, where possible, with another door through which electors may leave after they have voted, and each presiding officer shall take care beforehand that his or her polling station is provided with proper doors, barriers, tables, chairs and other conveniences, and that the same are properly arranged for carrying out this Act with respect to the taking of the poll.

47. SUPPLIES OF ELECTION MATERIAL

(1) The returning officer shall furnish—

(a) to each presiding officer at least 2 clear days before polling day—

(i) a sufficient number of ballot papers for at least the number of electors on the official list of electors of such presiding officer's polling station,

(ii) a statement showing the number of ballot papers so supplied, with their serial numbers,

(iii) the necessary materials for electors to mark their ballot papers,

(iv) at least 3 copies of printed directions in the form set out as Form 13 in Schedule 3 for the guidance of electors in voting,

(v) a copy of this Act,

(vi) three copies of the official list of electors for use at his or her polling station,

(vii) a ballot box,

(viii) a blank poll book,

(ix) the several forms of oaths to be administered to electors printed together on a card,

(x) the necessary polling station cards, and

(xi) the necessary envelopes and such other forms and supplies as may be authorised or furnished by the Chief Elections Officer;

(b) to each candidate in an election in his or her electoral district a copy of the register of police electors.

(2) Until the opening of the poll the presiding officer shall keep the blank poll book, official lists of electors, forms of oaths, envelopes, ballot papers and other election supplies carefully locked up in the ballot box, and shall take every precaution for their safe keeping and to prevent any person from having unlawful access to them.

48. INSPECTION OF POLLING STATIONS BY PRESIDING OFFICER

(1) Each presiding officer shall, on or before the day fixed for taking the poll, visit his or her polling station and see that it is provided with proper conveniences as aforesaid for taking the poll.

(2) Before the hour fixed for the opening of the poll the presiding officer shall post up in each compartment of the polling station and in a conspicuous place outside of the polling station one copy of the directions referred to in section 47(1)(iv).

49. HOURS OF TAKING THE POLL

The taking of the poll at each polling station shall be between 6:30 in the morning and 6:00 in the afternoon of the same day.

50. BALLOT BOXES

(1) The Chief Elections Officer shall supply to each returning officer a number of ballot boxes equal to the number of polling stations in his or her electoral district.

(2) Every ballot box shall be made of some durable material, with one lock and key and a slit or narrow opening in the top, and so constructed that the ballot papers may be introduced therein but cannot be withdrawn therefrom unless the box is unlocked.

(3) The ballot boxes shall be of such size as to accommodate therein all the election documents which the presiding officer is required by section 63(10) of this Act, to transmit or deliver to the returning officer and all other election supplies except ink and pencil.

51. ELECTORS TO VOTE ONLY IN POLLING DIVISION WHERE THEIR NAMES APPEAR

(1) A person shall not be entitled to vote in any polling division unless his or her name appears on the official list of electors for that polling division.

(2) A person registered as an elector shall not be prevented from voting; but this provision shall not prevent the rejection of his or her vote on a scrutiny or affect his or her liability to any penalty for voting.

52. ELECTOR TO VOTE ONCE IN ONE ELECTORAL DISTRICT

(1) A person shall not at an election, vote as an elector—

(a) in more than one electoral district or more than once in the same electoral district; or

(b) knowing that he or she is not qualified so to do.

(2) Any person who contravenes subsection (1) is liable summarily to imprisonment for 3 months.

53. POLICE ELECTORS TO VOTE IN ACCORDANCE WITH SCHEDULE 2

A person whose name appears upon the Register of Police Electors for any electoral district shall vote if he or she votes at all, in accordance with Schedule 2 to this Act.

54. TRANSFER OF ELECTION OFFICERS' VOTES

(1) Where a person whose name appears upon the official list for a polling station is appointed as presiding officer or poll clerk for some other polling station in the same electoral district, 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 presiding officer or poll clerk.

(2) The returning officer shall give notice in writing to every candidate in his or her electoral district of any transfer made under the last preceding subsection 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 section 55.

55. WHERE TRANSFERRED ELECTOR TO VOTE

(1) A person whose name is transferred, in accordance with the provisions of the last preceding section, from any official list for any polling station to any other such official list shall vote, if he or she votes at all, in the polling station of which he or she is appointed presiding officer or poll clerk, as the case may be.

(2) A presiding officer who issues to any person whose name has been transferred from an official list to an other official list an ballot paper at an polling station other than the polling station of the polling division to which such person's name has been

transferred, is liable on summary conviction to a fine of $250 or to imprisonment for 3 months.

56. PROCEEDINGS AT POLL

(1) At the hour fixed for opening the poll the presiding officer and the poll clerk shall, in the presence of the candidates, their agents, and such of the electors as are present, open the ballot box and satisfy themselves and all present that there are no ballot papers or other papers therein, after which the box shall be locked, and the presiding officer shall keep the key; the box shall be placed on a table in full view of all present and shall be maintained there until the close of the poll.

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

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

(4) An elector upon entering a polling station shall declare his or her name. The poll clerk shall ascertain whether the name of the elector appears on the official list of electors for the polling station and if it so appears he or she shall call out the name, address, occupation and number of the elector as stated in the official list. When this has been done, the presiding officer shall require the elector to identify himself or herself, which the elector shall do by producing any one of the following—

(a) his or her identification card issued under this Act;

(b) the duplicate of his or her registration record card issued in the form set out as Form 5 under the Elections Regulations;

(c) a photo application form issued to him or her in the form set out as Form 15 under the Elections Regulations;

(d) his or her passport;

(e) a driver's licence containing the elector's photograph;

(f) his or her membership card issued under the National Provident Regulations, 1972, or any enactment replacing the same.

(g) any other means of identification that the presiding officer may consider adequate.

(5) Where the provisions of the preceding subsection have been complied with, the elector's name, address and occupation shall be entered in the poll book to be kept by the poll clerk in the form set out as Form 14 in Schedule 3, a number corresponding to the registration number allotted to the elector on the official list of electors being prefixed to the elector's name in the appropriate column of the poll book.

(6) It is lawful for the presiding officer to put to an elector such questions as he or she considers necessary in order to ascertain the elector's identity and whether the elector has already voted; but save as is permitted under this Act, no inquiry shall be made as to the right of an elector to vote.

(7) Before the presiding officer issues the elector a ballot paper, he or she shall, in order to ascertain whether the elector has not previously voted proceed to examine the hands and fingers of the elector and shall either—

(a) mark every elector with electoral ink to his or her satisfaction on the outer palmar surface of the right hand, or where the elector has no right hand, the presiding officer shall mark the elector with electoral ink to his or her satisfaction on the outer palmar surface of the left hand, or where there is no palmar surface in such place as the presiding officer may think fit; or

(b) require the elector to immerse his or her right index finger in electoral ink and where the elector has no right index finger the presiding officer shall require the elector to immerse such other finger as he or she, the presiding officer may determine; but the presiding officer shall not require an elector to immerse a finger in electoral ink if he or she is satisfied that the elector has suffered such injury to one of his or her fingers which is of such a nature as to make it undesirable for him or her to immerse any finger in such electoral ink or where there is on the fingers of such elector any substance which in the opinion of the presiding officer, is likely to prevent the adhesion of the electoral ink and which has not been removed to his or her satisfaction.

(8) Where the requirements of the foregoing subsection of this section have been fulfilled, the presiding officer shall, hand such elector a ballot paper. Where an elector refuses to comply with the foregoing provisions of this section or the presiding officer is satisfied that the elector has already been marked in accordance with the foregoing provisions of this section he or she shall refuse to issue to him or her a ballot paper.

57. ENTRIES TO BE MADE BY POLL CLERK

The poll clerk shall—

(a) make the entries in the poll book that the presiding officer under any provision of this Act directs; and

(b) enter in the poll book opposite the name of each voter as soon as the voter's ballot paper has been deposited in the ballot box, the word "Voted"; and

(c) enter in the poll book the word "Sworn" or "Affirmed" opposite the name of each elector to whom any oath or affirmation has been administered indicating the nature of the oath or affirmation; and

(d) enter in the poll book the words "Refused to be sworn" or "Refused to affirm" or "Refused to answer", opposite the name of each elector who has refused to take an oath or to affirm, when he or she has been legally required so to do, or has refused to answer questions which he or she has been legally required to answer; and

(e) enter in the poll book any objection made on behalf of any candidate.

58. ADMISSION INTO POLLING STATION

(1) The presiding officer shall for the purpose of maintaining order at the polling station—

(a) regulate the admission of electors;

(b) exclude all other persons except:

(i) his or her assistants,

(ii) the candidates,

(iii) not more than 2 agents for each candidate appointed by such candidate in writing in the form set as Form No.15 in Schedule 3,

(iv) any police officer or constable on duty,

(vi) members of the Commission,

(vii) the chief elections officer, and

(viii) any election observer authorized by the Commission or the Chief Elections Officer to observe the polling process.

(2) The agents aforesaid shall be posted in such a place that they can see each person who presents himself or herself as an elector, hear his or her name as given in by him or her and witness the proceedings, but so that they cannot see how any elector votes. They shall not intervene in the proceedings save in so far as may be allowed by this Act.

(3) If any person persists, after being warned, in disobeying the directions of the presiding officer or in acting in contravention of this section it shall be lawful for the presiding officer to cause him or her to be removed from the polling station.

(Amended by Act 45 of 2006)

59. MODE OF TAKING BALLOT

(1) Each elector shall receive from the presiding officer a ballot paper on which such officer has previously put his or her initials so placed as indicated in the form set out as Form 12 in Schedule 3 that when the ballot paper is folded they can be seen without opening it, and on the counterfoil of which he or she has placed a number corresponding to the registration number on the official list of electors allotted to the elector and entered in the poll book opposite the name of such elector.

(2)

(a) The presiding officer shall instruct the elector how to make his or her mark, and shall properly fold the elector's ballot paper keeping the counterfoil, directing him or her to return with the ballot paper when marked, folded as shown, but shall not inquire or see for whom the elector

[*The next page is page 38A*]

intends to vote except when the elector is unable to vote in the manner provided by this Act on account of blindness or other physical incapacity;

(b) In instructing the elector how to make his or her mark the presiding officer shall only inform him or her to mark his or her ballot paper by marking with a black lead pencil which he or she will find in the polling compartment a cross within the space containing the name and symbol of the candidate for whom he or she intends to vote. For the purposes of this subsection the presiding officer shall not use a ballot paper or any other similar paper.

(3) The elector on receiving the ballot paper shall enter one of the polling compartments and there mark his or her ballot paper by making with a black lead pencil and not otherwise a cross within the space containing the name and symbol of the candidate for whom he or she intends to vote, and he or she

[*The next page is page 39*]

shall then fold the ballot paper as directed so that the initials can be seen without opening it, and having shown the initials to the presiding officer shall without unfolding the ballot paper place it in the ballot box in the presence of the presiding officer.

(4) An elector who has inadvertently so dealt with the ballot paper delivered to him or her that it cannot conveniently be used shall restore it to the presiding officer who shall cancel it by writing the word "Spoiled" across the face of the same. The presiding officer shall then deliver another ballot paper to the elector.

(5) Every elector shall vote without undue delay and shall leave the polling station as soon as his or her ballot paper has been put into the ballot box.

(6) If at the hour of closing of the poll there are any electors inside the polling station who are qualified to vote and have not been able to do so since their arrival at the polling station, the poll shall be kept open a sufficient time to enable them to vote, but no one not actually present within the polling station at the hour of closing shall be allowed to vote.

60. MODE OF TAKING BALLOT IN SPECIAL CASES

(1) Subject to this Act as to proof of qualification as an elector and as to the administration of oaths, if a person representing himself or herself to be a particular elector applies for a ballot paper after another person has voted as such elector, he or she shall be entitled to receive a ballot paper and to vote after taking the oath of identity, in the form set out as Form 16 in Schedule 3, and otherwise establishing his or her identity to the satisfaction of the presiding officer.

(2) In such case, the presiding officer shall put on the ballot paper his or her initials together with a number corresponding to the registration number on the official list of electors allotted to the voter and entered in the poll book opposite the name of such voter, and the poll clerk shall enter in the poll book—

(a) the name of such voter;

(b) a note of his or her 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 any and of which of the candidates.

(3) The presiding officer, on the application of any elector who is incapacitated, from any physical cause other than blindness, from voting in the manner provided by this Act, shall require the elector making such application to make oath in the form set out as Form 17 in Schedule 3 of his or her incapacity to vote without assistance, and shall thereafter assist such elector by marking his or her ballot paper in the manner directed by such elector in the presence of the poll clerk and of the sworn agents of the candidates and of no other person, and shall place such ballot in the ballot box.

(4) The presiding officer shall either deal with a blind elector in the same manner as with an otherwise incapacitated elector, or, at the request of any blind elector who has taken the oath in the form set out as Form 18 in Schedule 3, and is accompanied by a friend who is an elector in the polling division, shall permit such friend to accompany the blind elector into the voting compartment and mark the elector's ballot paper for him or her. A person shall not at any election be allowed to act as the friend of more than one blind elector.

(5) Any friend who is permitted to mark the ballot paper of a blind elector as aforesaid shall first be required to take an oath in the form set out as Form 19 in Schedule 3.

(6) Whenever any elector has had his or her ballot paper marked as provided in subsection (3) or (4), the poll clerk shall enter in the poll book opposite the elector's name, in addition to any other requisite entry, the reason why such ballot paper was so marked.

61. CORRECTION OF DISCREPANCIES

(1) Where there is contained in the official list of electors the particulars of an elector which correspond so closely with those on an elector's identification card or his or her registration card or photo application form by whom a ballot paper is demanded as to suggest that the entry in such official list of electors was

intended to refer to him or her, such person shall, upon taking the oath in the form set out as Form 20 in Schedule 3 and complying in all other respects with this Act be entitled to receive a ballot paper and to vote. In any such case the name, address and if necessary the number shall be correctly entered in the poll book and the fact that the oath has been taken shall be entered in the proper column of the poll book.

(2) An elector, if required by the presiding officer or the poll clerk shall, before receiving his or her ballot paper, take an oath in the form set out as Form 21 in Schedule 3, and if he or she refuses to take the same, erasing lines shall be drawn through his or her name on the official list of electors and in the poll book, if such name has been entered in the said book, and the words "refused to be sworn" shall be written thereafter.

(3) An elector who has refused to take any oath or affirmation or answer any question as required under this Act, shall not be given a ballot paper or be permitted to remain in a polling station.

(4) Whenever the presiding officer does not understand the language spoken by an elector, he or she shall appoint and swear an interpreter who shall be the means of communication between him or her and the elector with reference to all matters required to enable such elector to vote and in case no interpreter is found, such elector shall not be allowed to vote.

62. WHO MAY BE PRESENT IN POLLING STATION

(1) The presiding officer, the poll clerk, the candidates, not more than 2 agents for each candidate and the constables on duty, shall be the only persons permitted to remain in the polling station during the time the poll remains open.

(2) The agent of each candidate, on being admitted to the polling station, shall take an oath in the form set out as Form 22 in Schedule 3.

(3) 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.

63. PROCEEDINGS AFTER POLL

(1) 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 any of them are absent, then in the presence of such as are present, and of at least 2 electors if none of the candidates is represented, the presiding officer shall—

(a) count the number of voters whose names appear in the poll book as having voted and make an entry thereof on the line immediately below the name of the voter who voted last, thus;

"the number of voters who voted at this election in this polling station is...."

(stating the number), and sign his or her name thereto;

(b) count the spoiled ballot papers, if any, place them in the special envelope supplied for that purpose and indicate thereon the number of such spoiled 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 unused ballot papers and the number of voters whose names appear in the poll book as having voted, in order to ascertain that all ballot papers are accounted for;

(e) open the ballot box, 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 2 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;

(f) exhibit the ballot box empty to such persons as may be present in the polling station immediately after the counting of the votes.

(2) In counting the votes, the presiding officer shall reject all ballot papers—

(a) which have not been supplied by him or her;

(b) which have not been marked for any candidate;

(c) on which votes have been given for more than one candidate; or

(d) upon which there is any writing or mark by which the voter could be identified, but no ballot paper shall be rejected on account of any writing, number or mark placed thereon by any presiding officer.

(3) 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 numbers thereon from all persons present and without examining them himself or herself) remove such counterfoil. He or she shall not reject the ballot paper merely by reason of his or her former failure to remove the counterfoil.

(4) If, in the course of counting the votes the presiding officer discovers that he or she has omitted to affix his or her initials to any ballot paper, as provided by section 59(1) of this Act, and as indicated in the form set out as Form 12 in Schedule 3 to this Act, he or she shall, in the presence of the poll clerk and the agents of the candidates, affix his or her initials to such ballot paper, and shall count such ballot paper as if it had been initialled by him or her in the first place, provided that he or she is satisfied that the ballot paper is one that has been supplied by him or her and that such an omission has really been made, and also that every ballot paper supplied to him or her by the returning officer has been accounted for, as provided by subsection (1)(d).

(5) Nothing in subsections (2), (3) or (4) shall relieve the presiding officer from any penalty to which he or she may have become liable by reason of his or her having placed any writing, number or mark, other than his or her initials, on any ballot paper, or for his or her failure to remove the counterfoil at the time of the casting of the vote to which it relates or to affix his or her initials to any ballot paper before handing it to any elector.

(6) The presiding officer shall keep a record on the special form printed in the poll book of every objection made by any candidate, or his or her agent, 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 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.

(7) 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 or the number of rejected ballot papers. The ballot papers which respectively indicate the votes given for each candidate shall be put into separate envelopes; all rejected ballot papers shall be put into a special envelope and all such envelopes shall be endorsed so as to indicate their contents, and shall be sealed and signed by the presiding officer, and by such agents or witnesses present as may desire to sign their names thereon.

(8) 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 the forms set out as Form 23 and 24 in Schedule 3 which shall remain attached to the poll book.

(9) The presiding officer shall make the necessary number of copies of the statement of the poll in the form set out as Form 25 in Schedule 3, one copy to remain attached to the poll book, 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 or she shall seal and deliver personally or transmit to the returning officer.

(10) The poll book, the several envelopes containing the ballot papers — unused, spoiled, rejected or counted for each candidate — each lot in its proper envelope, the envelope containing the official list of electors 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 conveyed 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 the form set out as Form 26 in Schedule 3.

(11) The presiding officer shall, with the ballot box, convey and deliver to the returning officer, in the envelope provided for that purpose, the key of such ballot box, the preliminary statement of the poll in the form set out as Form 25 in Schedule 3 and the polling station account furnished him or her in blank by the returning officer, having first caused it to be filled in and signed by the officials of his or her polling station entitled to fees, and by the landlord thereof, if any.

(12) Not more than one agent for each candidate concerned shall be permitted to witness the acts of conveyance and delivery provided for in subsections (10) and (11) above.

(13) The presiding officer shall 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 Chief Elections Officer shall direct.

(14) If any presiding officer shall omit to enclose within the ballot box, and in the proper envelopes provided for that purpose, any of the documents mentioned in this section, he or she shall, in addition to any other punishment to which he or she may be liable, forfeit all right to payment for his or her services as such officer.

(15) The returning officer upon receipt by him or her of a ballot box shall take every precaution for its safe-keeping and for preventing any person other than himself or herself and his or her election clerk from having access thereto, and in particular—

(a) shall seal it under his or her own seal so that it cannot be opened without the seal being broken but without effacing or covering any other seals affixed thereto;

(b) shall deposit it in an unoccupied cell at the nearest police station and having locked such cell keep the key in his or her custody.

64. AGENTS

(1) Each candidate may appoint not more than 2 agents 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 the form set out as Form 15 in Schedule 3.

(2) The names and addresses of the agents of a candidate appointed to attend the final counting of the votes shall be transmitted to the returning officer at least one clear day before the opening of the poll, and the returning officer may refuse to admit to the place where the votes are counted any agent whose name and address have not been so transmitted although his or her appointment be otherwise valid.

(3) Where in this Act any expressions are used requiring or authorising or inferring that any act or thing is to be done in the presence of the agents of the candidates, such expressions shall be deemed to refer to the presence of such agents of the candidates as may be authorised to attend at the time and place where such act or thing is being done and the non-attendance of any agent at such time and place shall not if such act or thing be otherwise duly done, in any way invalidate the act or thing done. A candidate may himself or herself undertake the duties which any duly appointed agent of his or her might have undertaken or may assist his or her agent in the performance of such duties and may, subject to this Act, be present at any place at which his or her agent may, in accordance with this Act, attend.

65. FINAL COUNTING OF VOTES

(1) At or about 8:30 on the morning of the final count the returning officer in the presence of not more than one agent of each candidate present and so desiring shall collect and convey the ballot boxes from the police station where they were deposited, to the place specified in the Notice referred to in section 42(2).

(2) The ballot boxes shall be opened by the returning officer at the place, date and time specified in the notice referred to in section 42(2) for the final count of votes, and in the presence of such candidates or their agents as are present by the returning officer, or, where the same person is returning officer for more than one electoral district, by him or her or the election clerk for the

electoral district concerned, and the returning officer or such election clerk, as the case may be shall—

(a) count the votes contained therein cast for each candidate (allowing the candidates and their agents 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 and their agents 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 or she 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 section 63(2) shall apply to the returning officer or election clerk as the case may be as they apply to the presiding officer except that section 63(2)(a) shall take effect as if there were substituted for the word "him or her" the words "the presiding officer".

(4) The provisions of section 63(6) shall apply to the returning officer or election clerk as the case may be as they apply to the presiding officer except that for references in the subsection to the presiding officer there shall be substituted references to the returning officer or election clerk as the case may be and that the words "the final count by the returning officer or on" shall be deemed to be omitted from the subsection.

(5) The provisions of section 63(7) shall apply to the returning officer or election clerk as the case may be 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 subsection 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.

(6) If at the final count of the votes none of the candidates or their agents are present, it shall be the duty of the returning officer or election clerk to secure the presence of at least 2 electors who shall remain in attendance until such final count of the votes has been completed.

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

(8) Whenever on such final count of votes, an equality of votes is found to exist between any 2 or more candidates with the largest number of votes in an electoral district the poll shall be taken afresh in accordance with this Act on the seventh day thereafter between those candidates.

66. PROVISIONS 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 section 42(2), the returning officer shall adjourn the proceedings to a subsequent day, which 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 or her for that purpose, ascertain the exact number of votes given for each candidate, he or she may thereupon adjourn to a future day and hour for the final count of the votes given for each candidate, not being more than 72 hours after the time specified in the notice referred to in section 42(2).

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

(4) For the purposes of this section, the returning officer shall have all the powers of and be deemed to be a commissioner appointed under the Commissions of Inquiry Act and section 10 of the said Act shall apply to all persons required by the returning officer to give evidence or to produce any documents before him or her as they apply to persons summoned to attend and give evidence or to produce documents before a commission of inquiry under the said Act.

67. DECLARATION OF THE POLL

The returning officer shall, as soon as he or she shall have ascertained the result of the poll, publicly declare the same and announce the candidate to whom most votes have been given to be elected as the member for the electoral district.

68. ELECTION RETURN

(1) The returning officer upon the fourth day next following that upon which he or she has made the final count of or ascertained the number of votes given for each candidate, shall deliver personally or by some person specially appointed by him or her to the Chief Elections Officer for transmission to the Commission—

(a) the writ with his or her return in the form set out as Form 27 in Schedule 3 endorsed thereon that the candidate having the majority of votes has been elected;

(b) a report of his or her proceedings in the form directed by the Chief Elections Officer;

(c) the recapitulation sheets in the form directed by the Chief Elections Officer, showing the number of votes cast for each candidate at each polling station, and making such observations as the returning officer may think proper as to the state of the election papers as received from his or her presiding officers;

(d) the statements of the polls;

(e) the reserve supply of undistributed blank ballot papers;

(f) the returns from the various polling stations enclosed in sealed envelopes, as required by this Act, and containing the poll book used at the poll, a packet containing the

stubs and unused ballot papers, packets containing the ballot papers cast for the several candidates, a packet containing the spoiled ballot papers, a packet containing the rejected ballot papers and a packet containing the official list used at the poll, and the written appointments of candidates' agents;

(g) all other documents used for the election; and

(h) an oath in the form set out as Form 28 in Schedule 3.

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

(3) A premature return shall be deemed not to have reached the Commission until the same should have reached them in due course, and they 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.

(4) The Commission shall, on receiving the return of any member elected to serve in the House transmit the writ with the return endorsed thereon to the Governor General within the time specified therein.

(5) The Commission shall on receiving the return of any member elected to serve in the House cause it to be entered in the order in which such return is received by them in a book kept for such purpose and shall thereupon give notice in the Gazette of the name of the candidate so elected in the order in which it was received.

(6) The Chief Elections Officer 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 electors, together with any other information that he or she 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.

69. PENALTY FOR DELAY, NEGLECT OR REFUSAL OF RETURNING OFFICER TO RETURN ELECTED CANDIDATE

If any returning officer wilfully delays, neglects or refuses duly to return any person who ought to be returned to serve in the House of

Assembly for any electoral district, and if it has been determined on the hearing of an election petition respecting the election for such district 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 or her election shall forfeit to the person aggrieved the sum of $2,500 and costs in addition to all damages sustained.

70. ELECTION DOCUMENTS TO BE SENT TO CLERK OF THE HOUSE

(1) The Commission shall, as soon as possible after they have received the election documents referred to in section 68(1), make up into one parcel the different documents referred to in that subsection and seal up the same so that such parcel cannot be opened without breaking the seal, and send the same to the Clerk of the House of Assembly who shall keep the same in safe custody and shall not allow any person to have access to the same—

(a) provided that if an election petition has been presented questioning the validity of any election or return, the said clerk shall, on the order of a judge of the Supreme Court, deliver to the Registrar of the Supreme Court the documents relating to the election that is in dispute;

(b) provided also that after the expiration of 12 months from the day of any election and if no petition in respect of such election is then pending it is lawful for the Clerk of the House of Assembly to cause the said documents, used at such election, to be disposed of in a manner approved by him or her.

(2) No such election documents in the custody of the Clerk of the House of Assembly shall be inspected or produced except under the order of a judge of the High Court; and an order under this subsection may be made by any such judge on his or her being satisfied by evidence on oath that the inspection or production of such election documents is required for the purpose of instituting or maintaining a prosecution for an offence in relation to an election or for the purpose of a petition which has been filed questioning an election or return.

(3) Any such order for the inspection or production of election documents may be made subject to such conditions as to persons, time, place and mode of inspection or production as the judge deems expedient.

(4) All other reports or statements received from election officers, all instructions issued by the Chief Elections Officer under this Act, all decisions or rulings by him or her upon points arising thereunder, and all correspondence with election officers or others in relation to any election shall be public records, and may be inspected by any person upon request during business hours.

(5) Any person may take extracts therefrom and shall be entitled to certified copies of the papers relating to any subject upon payment for the preparation of such certified copies at the prescribed rate.

(6) Any such copies purporting to be certified by the Chief Elections Officer under his or her hand shall be receivable in evidence without further proof thereof.

(*Amended by Act 14 of 2004*)

71. CUSTODY OF BALLOT BOXES

(1) Upon making the return to the writ in accordance with section 68, the returning officer shall cause the ballot boxes used thereat, with their locks and keys, to be deposited in the custody of the police officer in charge of a police station in the electoral district.

(2) Upon delivery to him or her of such ballot boxes, locks and keys, the custodian shall issue his or her receipt and shall deliver the same upon the instructions of the Chief Elections Officer or at the next ensuing election, upon request, of the returning officer for the electoral district, issuing or taking in each case a proper receipt for the custody or delivery of the said ballot boxes, locks and keys.

PART 6
ELECTION OFFENCES

72. INTOXICATING LIQUOR NOT TO BE SOLD SUPPLIED OR GIVEN ON POLLING DAY

(1) No intoxicating liquor shall be sold, offered for sale, supplied or given away, at any premises situate in any electoral district in which an election is being held, to which a licence issued under the Liquor Licence Act, or under the Registration of Proprietary

Clubs Act or under any other enactment applies, at any time between the opening and the closing of the poll on polling day.

(2) Any person who contravenes subsection (1) is liable on summary conviction to a fine of $500 or to imprisonment for 6 months.

(3) This section does not apply to any port or airport wherein liquor is sold under concession to persons therein who are about to leave Saint Lucia.

73. EMPLOYERS TO ALLOW EMPLOYEES PRESCRIBED PERIOD FOR VOTING

(1) An employer shall, on polling day, allow every elector in his or her employ a reasonable period being not less than 2 hours or such other period as may be prescribed for voting, and no employer shall make any deduction from the pay or other remuneration of any such elector or impose upon or exact from him or her any penalty by reason of his or her absence during such period.

(2) Any employer who, directly or indirectly, refuses, or by intimidation, undue influence, or in any other way, interferes with the granting to any elector in his or her employ, of the period for voting as provided in subsection (1), is liable on summary conviction to a fine of $500 or to imprisonment for 6 months.

74. OFFENCES BY ELECTION OFFICERS

(1) Every election officer who—

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

(b) permits a person whom he or she knows or has reasonable cause to believe not 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;

(c) refuses to permit any person whom he or she 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 or she 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 or she knows or has reasonable cause to believe is validly cast for any candidate in accordance with this Act; or

(f) wilfully counts any ballot paper as being cast for any candidate, which he or she knows or has reasonable cause to believe was not validly cast for such candidate,

commits an offence against this section and, on conviction on indictment, is liable to imprisonment for 2 years.

(2) An election officer who whilst having any duty to perform under this Act—

(a) attempts to persuade any person to vote for or support or to refrain from voting for or from supporting any person as a candidate for any election or as a candidate for nomination on behalf of any political party for such election, or to support any political party, or attempts to ascertain for what candidate or party any person intends to vote; or

(b) canvasses voters for any candidate or political party, wears any emblem or garment signifying support for or opposition to any candidate or political party,

is liable on summary conviction to a fine of $1,000 or to imprisonment for 6 months of 12 months or to both such fine and such imprisonment.

75. LOUDSPEAKERS, ENSIGNS, BANNERS ETC. PROHIBITED ON POLLING DAY

(1) A person shall not furnish or supply any loudspeaker, bunting, ensign, banner, standard, set of colours, or 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 a person shall not with any such intent, carry, wear or use, on motor cars, trucks or other vehicles, any such loudspeaker, bunting, ensign, banner, standard, or set of colours, or flag, on polling day.

(2) A person shall not furnish or supply any flag, ribbon or label to any person with intent that it be worn or used by any person within any electoral district 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 or label as such badge, within any electoral district on polling day.

(3) Nothing contained in either of the preceding subsections of this section shall be deemed to extend to the furnishing or supplying or using of any banner, flag, badge or rosette bearing only the name of any candidate or only such name with or without the symbol allotted to such candidate, preceded by the words "Vote for".

(4) Any person who contravenes this section is liable on summary conviction to a fine of $1,000 or to imprisonment for 12 months.

76. ORDER AT POLLING STATIONS

(1) Subject to subsection (2) during the hours when the poll is open upon election day no persons shall assemble or congregate within 100 yards of any building in which is situate any polling station.

(2) This section shall not apply—

(a) to any electors who are waiting to poll their votes at such polling station and who obey any instructions which may be given by the presiding officer or any constable for the purpose of forming a queue with other electors also so waiting; or

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

(3) Every person who contravenes or fails to comply with this section commits an offence against this section and is liable on

summary conviction to a fine of $250 or to imprisonment for 3 months or to both such fine and imprisonment.

77. INFLUENCING ELECTORS TO VOTE

(1) During the hours that the poll is open upon polling day a person shall not upon any public road or in any public place within 100 yards of any building in which a polling station is situate seek to influence any elector to vote for any candidate or to ascertain for what candidate any elector intends to vote or has voted.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of $250 or to imprisonment for 3 months or to both such fine and imprisonment.

78. BRIBERY

The following persons shall be deemed guilty of bribery within the meaning of this Act—

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

(b) Every person who, directly or indirectly, by himself or herself or by any other person on his or her 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 elector, or to or for any person on behalf of any elector, or to or for any other person in order to induce such elector to vote or refrain from voting, or corruptly does any such act as aforesaid on account of any elector having voted or refrained from voting at any election.

(c) Every person who, directly or indirectly, by himself or herself or by any other person on his or her behalf, makes

any gift, loan, offer, promise, procurement to or agreement with 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 or the vote of any elector at any election.

(d) Every person who, upon or in consequence of any 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 or the vote of any elector at any election.

(e) Every 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 or repayment of any money wholly or in part expended in bribery at any such election.

(f) Every elector who, before or during any election, directly or indirectly, by himself or herself or by any other person on his or her behalf, receives, agrees, or contracts for any money, gift, loan or valuable consideration, office, place, or employment for himself or herself or for any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at any such election.

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

(h) The foregoing provisions of this section shall not extend or be construed to extend to any money paid or agreed to be paid for or on account of any lawful expenses incurred in good faith at or concerning an election.

(i) For the purpose of this section "lawful expenses" include—

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

(ii) payments made for the purpose of hiring vehicles for the conveyance of electors to or from a polling station,

(iii) 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 candidate,

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

79. TREATING

The following persons shall be deemed guilty of treating within the meaning of this Act—

(a) every person who corruptly, by himself or herself 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 voter who corruptly accepts or takes any such food, drink, entertainment, or provision.

80. UNDUE INFLUENCE

A person who, directly or indirectly, by himself or herself or by any other person on his or her behalf, makes use of or threatens to make use of, any force, violence, or restraint, or inflicts or threatens to inflict, by himself or herself or by any other person, any 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 on 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 elector, or thereby compels, induces, or prevails upon any elector either to give or refrain

from giving his or her vote at any election, commits undue influence within the meaning of this Act.

81. PERSONATION

A 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 voted once at any election, applies at the same election for a ballot paper in his or her own name, commits personation within the meaning of this Act.

82. PENALTY FOR BRIBERY, TREATING, UNDER INFLUENCE, PERSONATION

(1) Every person who commits—

(a) bribery;

(b) treating;

(c) undue influence;

(d) personation;

(e) aiding, abetting counselling or procuring the commission of any one of the foregoing offences,

is liable on summary conviction to a fine of $500 or to imprisonment for 6 months.

(2) Every person who is convicted of any offence under subsection (1) hereof, shall (in addition to any other punishment) be incapable during a period of 7 years from the date of conviction—

(a) of being registered as an elector, or voting at any election of a member of the House;

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

83. PENALTY FOR CERTAIN ILLEGAL PRACTICES

(1) Every person who—

(a) votes, or induces or procures any person to vote, at any election, knowing that he or she or such other person is prohibited 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 of 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 purposes of an election and the day before polling at such election, whether in a general election or in a by-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 candidate or prospective candidate as a member to serve in the House,

commits an illegal practice, and is liable on summary conviction to a fine of $500 or to imprisonment for 6 months.

(2) Every person who, between the date of notification by the Chief Elections Officer of the issue by the Governor General of a writ for purposes of an election and the day before polling at such election, whether in a general election or in a by-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 or prospective candidate as a member of the House of Assembly, commits an illegal practice and, on summary conviction thereof is liable to imprisonment for 6 months.

(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 of fact in relation to the personal character or conduct of such candidate or prospective candidate commits an illegal practice and is liable on summary conviction to a fine of $500 or to imprisonment for 6 months or to both such fine and imprisonment.

(4) Any person who during the period of 14 days ending with the day after polling day wilfully detains an identification card issued to another person commits an illegal practice and is

liable on summary conviction to a fine of $500 or to imprisonment for 6 months.

(5) Any person who sells or attempts to sell or purchase or attempts to purchase, or pledges or attempts to pledge, or receives by way of pledge in any manner whatsoever an identification card of an elector or a poll card issued to an elector or any document or thing purporting to be an identification card of an elector or a poll card issued to an elector commits an illegal practice and is liable on summary conviction to a fine of $500 or to imprisonment for 6 months.

(6) Any person who is convicted of any offence declared to be an illegal practice under this Act shall, in addition to any other penalty for such offences, be incapable during a period of 5 years from the date of his or her conviction—

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

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

However, 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 5 years from the determination of the appeal except the court hearing the appeal shall direct that the period of 5 years shall run from the date of conviction.

84. OFFENCES IN RESPECT OF BALLOT PAPERS

(1) A 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 or she 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 purpose of any election; or

(f) not being duly registered as an elector, votes at an election,

is liable, on summary conviction, if he or she is the returning officer or presiding officer, or clerk employed at a polling station, to a fine of $1,000 or to imprisonment for 12 months and, if he or she is any other person, to a fine of $500 or to imprisonment for 6 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 that of the returning officer at such election or of the Chief Elections Officer.

85. SECRECY

(1) Every election officer, candidate or agent, in attendance at a 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, to any person any information as to the name or number on any list of electors, of any elector 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 with an elector when marking his or her vote or otherwise attempt to obtain in the polling station any information as to the candidate for whom any elector in such station is about to vote or has voted.

(2) Every election officer, candidate or agent in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting and shall not communicate or 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) A person shall not, directly or indirectly, induce any voter to display his or her ballot paper after he or she has marked it so as to make known to any person the name of the candidate for whom or against whose name he or she has marked his or her vote.

(4) A person who acts in contravention of this section is liable on summary conviction to a fine of $500 or to imprisonment for 6 months.

86. OFFENCES RE VOTING BY POLICE ELECTORS

(1) A person who fraudulently contravenes Schedule 2 to this Act commits an offence and, is liable on summary conviction to a fine of $250 or to imprisonment for 6 months.

(2) Any presiding officer who wilfully supplies any ballot paper to any person claiming to be a person whose name appears upon the Register of Police electors for the electoral district in which is comprised the polling station of such presiding officer commits an offence and, is liable on summary conviction to a fine of $250 or to imprisonment for 3 months.

87. NAME AND ADDRESS OF PRINTER ON ELECTION PUBLICATIONS

(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;

(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 its face the name and address of the printer and publisher.

(2) For the purpose of this section, any process for multiplying copies of a document, shall be deemed to be printing, and the expression "printer" shall be construed accordingly.

(3) Any person who contravenes this section is liable on summary conviction to a fine of $500 or to imprisonment for 6 months and if a candidate or agent of a candidate shall in addition to a fine or imprisonment as aforesaid commits an illegal practice.

PART 7
ELECTION PETITIONS

88. PETITION AGAINST DISPUTED ELECTION

A petition complaining of an undue return or undue election of a member of the House in this Act called an election petition, may be presented to the High 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 or herself to have been a candidate at such election.

89. PRESENTATION OF PETITION AND SECURITY FOR COSTS

(1) The following provisions apply with respect to the presentation of an election petition—

(a) the petition shall be presented within 21 days after the return made by the returning officer of the member to whose election the petition relates, unless it concerns an allegation of corrupt practices upon the making of the return of election and specifically alleges a payment of money or other reward to have been made by any member, or on his or her account, or with his or her privity, since the time of such return, under or in furtherance of such corrupt practices, in which case the petition may be presented at any time within 28 days after the date of such payment;

(b) at the time of the presentation of the petition, or within 3 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 or her 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 shall be an amount not exceeding $1,200 and shall be given by recognizance to be entered into by any number of sureties not exceeding 4 approved by the Registrar of the High Court, or by deposit of money in the High Court, or partly in one way and partly in the other.

(2) Rules, 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.

90. TRIAL OF ELECTION PETITION

(1) An election petition shall be tried before the High Court in the same manner as a suit commenced by a writ of summons. 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 upon such certificate being given such determination shall subject to section 39(7) of the Constitution be final 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.

(2) At the trial of an election petition the judge shall have the same powers, jurisdiction and authority, and witnesses shall be subpoenaed and sworn 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.

91. VOTER NOT TO DISCLOSE HOW HE OR SHE VOTED

A person who has voted in an election shall not in any legal proceedings whatsoever relating to such election, be required to state for whom he or she voted.

92. NON-COMPLIANCE WITH RULES ETC. WHEN NOT TO INVALIDATE ELECTION

Despite anything contained in this Act an election shall not be declared invalid by reason of non-compliance with this Act, or any mistake in the use of the prescribed forms 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.

PART 8
MISCELLANEOUS

93. EXPENSES TO BE PAID OUT OF CONSOLIDATED FUND

All expenses properly incurred under this Act, and all remuneration and travelling allowances payable to election officers shall be defrayed out of the Consolidated Fund.

94. STATUTORY INSTRUMENTS

(1) The Minister may make statutory instruments with respect to—

(a) the form of the registers of electors and of the preliminary, supplementary and revised list of electors or any other lists required under or in pursuance of this Act in connection with the registration of electors or with any election;

(b) the procedure to be followed in the preparation and the revision of the register of electors and the preparation of the preliminary, supplementary and revised list of electors; the registration of electors employed in any diplomatic service;

(c) the determination for the purpose of the registration of electors of the place of ordinary residence of any person;

(d) the form of identification cards, and the replacement of any of those which are lost, defaced or destroyed and the fees (if any) to be paid for any such replacement;

(e) any matters incidental to this Act relating to the registration of electors;

(f) the remuneration and travelling allowances to be paid to election officers and other persons employed in connection with the registration of electors, and the preparation of any lists of electors;

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

(h) the symbols to be used on ballot papers and the mode of assigning them to candidates;

(i) prescribing any matter to be prescribed under this Act;

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

and generally for giving effect to this Act.

(2) The incidental matters referred to in subsection (1)(e) may include the time and manner of preparation and publication of any list or register of electors and the form of and the making and determination of claims and objections.

(3) Without prejudice to the generality of subsection (1)(a) to (1)(d) and subsection (2) statutory instruments made with respect to the matters therein mentioned may contain provisions—

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

(b) laying down a timetable for the preparation of any lists or registers of electors and other matters and providing that notices and other documents received by the registration 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 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 evidence of a person being 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 registration officer without reference to the Chief Elections Officer and as to the right of any

person in any such cases to make written representation to him or her;

(f) authorising the Chief Elections Officer, a registration officer or an enumerator to require the evidence of any person at a hearing before him or her to be given on oath and to administer oaths for the purpose;

(g) requiring copies of the preliminary, supplementary or revised lists of electors or registers of electors and other documents or prescribed parts thereof to be available for inspection by the public at such place as may be prescribed;

(h) authorising or requiring a registration officer to supply to such persons as may be prescribed copies of the preliminary, supplementary or revised lists or registers of electors or other documents or prescribed parts thereof, whether free of charge or on payment of a prescribed fee;

(i) incidental or supplementary to those mentioned in paragraphs (a) to (h).

(4) Statutory instruments made under this section may provide that a person who commits any breach of such statutory instruments commits an offence and upon summary conviction for such offence is liable to—

(a) a fine not exceeding $100;

(b) a term of imprisonment of 3 months; or

(c) both such fine and imprisonment.

95. SAVINGS

All statutory instruments existing prior to the coming into operation of this Act shall continue to have effect until revoked by a statutory instrument made under this Act.

SCHEDULE 1

(Section 3)

ELECTORAL DISTRICTS

GROS-ISLET

EAST Commencing at Casimi Point and thence in a northerly and westerly direction along the east coast to point Hardy.

NORTH Thence in a westerly direction along the coast to Cap point.

WEST Thence in a southerly direction along the coast and including "Pigeon Point" to a point on Choc Beach.

SOUTH Thence in an easterly direction along the Castries—Gros-Islet Highway to its junction with the Union Road thence along the Union Road to the Union Bridge, thence along the Grand Riviere Road to the eastern end of the straight and thence by a straight line to the most western bend of Mornier Road. Thence in an easterly direction along the Mornier Road to its most easterly bend and thence by a straight line to the point of commencement.

CASTRIES NORTH WEST—BABONNEAU

NORTH Commencing at Casimi Point thence by a straight line to the most eastern bend of Monier Road. Thence in a westerly direction along Monier road to its most western bend, and thence by a straight line to the eastern end of the straight of the Grand Riviere Road thence to the Union Bridge and thence along the Union Road to its junction with the Castries—Gros-Islet Highway and thence in a westerly direction along the Castries—Gros-Islet Highway to Choc Beach.

WEST Thence in a southerly direction along Choc Beach and Vigie Beach to the mouth of La Clery Ravine.

SOUTH Thence along Ravine La Clery to its source, thence by a straight line to the junction of the Morne Dudon—Balata and Bocage—Morne Dudon Roads, thence along the Morne Dudon—Balata Roads to the Girard River Bridge, thence in a south-easterly direction along the Girard River and Ravine Fontellio to the junction of Girard, Fond Cannie and Fond Assor Roads, thence by a straight line on a south easterly direction to Piton Flore, thence in an easterly direction along the Dauphin—Dennery

quarter boundry to the mouth of Louvet River.

EAST Thence in a northerly direction along the coast to the point of commencement.

CASTRIES NORTH EAST

NORTH Commencing at the mouth of Ravine La Clery thence in a westerly direction along the coast to point 51 on Vigie Peninsular.

WEST Thence in a southerly direction to D'Estress Point.

SOUTH Thence in a south-easterly direction along the said Vigie Peninsular and Trou Garnier to a point at the seashore and on the western prolongation of the southern boundary of "Sans Soucis Development", thence in an easterly direction along the said boundary and its prolongation to a point at the western edge of Calvary Road, thence in a southerly direction along the said road to the bridge and thence in an easterly direction along Canal de la Pensee to a point on the right bank of the said Canal and at a distance of 160 French feet from the Chaussee.

WEST Thence in a south-westerly direction along a line running parallel to the Chaussee and at a distance of 160 French feet from the said Chaussee to a point on Leslie Land Road.

SOUTH Thence in a south-easterly direction along the said Leslie Land Road and Girard Road to the Bocage—Morne Dudon Road.

EAST Thence along the said Bocage—Morne Dudon Road to its junction with the Morne Dudon—Balata Road, thence by a straight line to the source of Ravine La Clery and thence along the said Ravine La Clery to the point of commencement.

CASTRIES EAST

WEST Commencing at a point on the southern side of the Bridge over the Castries River at the prolongation of Manoel Street thence in a southerly direction along the eastern side of the link road leading from Morne Road, thence in a southerly and westerly direction along the eastern side of the said Morne Road to Combomere Road and thence in a south-westerly direction along the said Combomere Road to Red Tape Lane.

SOUTH Thence in an easterly direction along the northern side of the said Red Tape Lane to the eastern side of Roberts Roads thence in a south-easterly direction along the said road to Victoria Road thence in an easterly direction along the northern side of the said Victoria Road and Guesneau Road to the Fond Cannie Road and

thence in a north-easterly direction along the western side of the Fond Cannie Road to the junction of the Fond Cannie, Fond Assor and Babonneau Road.

EAST Thence by a straight line in a north-westerly direction to the source of Ravine Fontellio, thence along the said Ravine and the Girard River to the bridge on the Morne Dudon—Balata Road.

NORTH Thence in a westerly direction along the said Road to the Morne Dudon—Bocage Road.

WEST Thence along the said road to Girard Road.

NORTH Thence in a north-westerly direction along the Girard and Leslie Land Roads to a point lying on a line running parallel to the Chaussee and 160 French feet therefrom.

WEST Thence in a south-westerly direction along the said line to the Marchand Bridge.

NORTH Thence along the northern side of the Castries River to the point of commencement.

CASTRIES CENTRAL

NORTH Commencing at a point on the right bank of Canal de La Pensee and at a distance of 160 French feet from the Chaussee thence in a westerly direction along the said Canal to the bridge, thence in a north-westerly direction along the western edge of Calvary Road to a point on the eastern prolongation of the southern boundary of "Sans Soucis Development" and thence along the said prolongation and the southern boundary of "Sans Soucis Development" to a point at the seashore.

WEST Thence along the Reclamation Wharf to the mouth of the Parris Drain and thence along the shore and the public Wharves to the mouth of the Castries River.

SOUTH Thence along the said River to the Marchand Bridge.

EAST Thence in a north-easterly direction along a line running parallel to the Chaussee and at a distance of 160 French feet therefrom to the point of commencement.

CASTRIES SOUTH

NORTH Commencing at the Bridge over the Castries River on the prolongation of Manoel Street then westerly along the Castries River to the river mouth thence north-westerly along the coast to Tapion Point.

WEST Thence southerly along the coast to the mouth of the Roseau

River.

SOUTH Thence easterly along the Roseau River to Roseau Bridge.

EAST Thence north-easterly along the main road from Roseau to Castries back to the point of commencement.

ANSE-LA-RAYE/CANARIES

WEST Commencing at the mouth of Roseau River thence in a south westerly direction along the coast to the mouth of the Mahaut River.

SOUTH Thence in an easterly direction along the Mahaut River, thence by a straight line in a north-easterly direction to the Canaries River, thence along the said river to Piton Canaries thence along the Anse-la-Raye quarter boundary to the junction of the Soufriere — Castries quarter boundary.

EAST Thence along the Anse-la-Raye — Castries quarter boundary to Vanard.

NORTH Thence along the said quarter boundary to the point of commencement.

SOUFRIERE

West Commencing at the mouth of the Mahaut River thence along the coast in a southerly direction to the mouth of the L'Ivronge River.

South Thence in a north-easterly direction along the said river to its intersection with the Union Vale — St. Remy Road, thence along the said road to its junction with the Choiseul — Soufriere main road and thence along the said main road to the Etangs — Fond St. Jacques Road.

East Thence north-easterly and south-easterly along the Etangs — Beausejour Road to its intersection with the Soufriere — Choiseul quarter boundary, thence in a north-easterly direction along the said Soufriere — Choiseul quarter boundary to its intersection with the Choiseul — Vieux-Fort quarter boundary, thence south-easterly along the Soufriere — Vieux-Fort quarter boundary to its intersection with the Soufriere — Micoud quarter boundary thence north-easterly and north-westerly along the said Micoud — Soufriere quarter boundary to its intersection with the Roseau River.

North Thence north-westerly and westerly along the said quarter boundary to the intersection of Ravine Claire with the Canaries River, thence westerly across the Ravine Duval and the Canaries — Soufriere main road to the Mahaut River thence westerly along the Mahaut River to the point of commencement. *(Substituted by Act 1 of 1987)*

CHOISEUL

South Commencing at the mouth of the L'Ivronge River, thence in a south-easterly direction along the coast to the mouth of the Piaye River.

East Thence in a north-easterly direction along the Piaye River to a point where it intersects the Daban — Warick Road, thence along the said road to its intersection with the Vieux-Fort — Laborie quarter boundary, thence north-easterly along the said quarter boundary to its intersection with the Choiseul — Vieux-Fort quarter boundary, thence north-easterly and north-westerly along the said Choiseul—Vieux-Fort quarter boundary to its intersection with Choiseul — Soufriere quarter boundary.

North Thence north-westerly along the Choiseul — Soufriere quarter boundary to its intersection with the Motet — Beausejour Road, thence in a south-westerly direction along the Etangs — Beausejour Road to its intersection with the St. Remy Road.

West Thence along the St. Remy — Union Vale Road to its intersection with the L'Ivronge River and thence in a south-westerly direction along the said L'Ivronge River to the point of commencement. *(Substituted by Act 1 of 1987)*

LABORIE

North Commencing at the junction of the Micoud—Vieux-Fort quarter boundary, thence north-westerly along the Soufriere — Vieux-Fort quarter boundary to the junction of the Choiseul — Vieux-Fort quarter boundary.

West Thence south-easterly along the Choiseul — Vieux-Fort quarter boundary to the point where it intersects the Laborie — Vieux-Fort quarter boundary, thence along the said Laborie — Vieux-Fort quarter boundary to its intersection with the Warick — Daban Road, thence south-westerly along the said Warick—Daban Road to its intersection with the Piaye River, thence

southerly along the Piaye River to the mouth of the said Piaye River.

South Thence south-easterly along the coast to the mouth of the Black Bay River. *(Substituted by Act 1 of 1987)*

VIEUX-FORT SOUTH

NORTH Commencing at the mouth of Ravine St. Urbain thence along the said Ravine to the St. Urbain bridge, thence along the Micoud — Vieux-Fort Highroad to the junction of the old Micoud — Vieux-Fort Highroad and the Beane Field Road, thence in a westerly direction by a straight line to the intersection of Ravine Rozette and Resource Road, thence northward along Ravine Rozette to the second bend of the Ravine north of St. Jude's Hospital, thence in a south-westerly direction by a straight line to the source of Ravine Languedoc.

WEST Thence southward along Ravine Languedoc to the mouth.

SOUTH & EAST Thence along the coast to the point of commencement.

VIEUX-FORT NORTH

NORTH Commencing at the mouth of the Canelles River thence along the said River to its intersection with the Vieux-Fort—Micoud quarter boundary, thence in a north-westerly direction along the said quarter boundary to the junction of Soufriere — Micoud quarter boundary.

WEST Thence southward by a straight line to the source of the Grande Riviere Du Vieux-Fort, thence along the said River to Woodlands thence south and along the Grace — Woodlands Road in a southerly direction to the road junction at Grace, thence south-westerly by a straight line to the source of Ravine Rozette, thence along the said Ravine Rozette to its intersection with the Resource Road.

SOUTH Thence easterly by a straight line to the junction of the Beane Field Road and the old Micoud — Vieux-Fort Road, thence along the Micoud—Vieux-Fort Road in a north-easterly direction to the St. Urbain Bridge and thence in a south-easterly direction along Ravine St. Urbain to its mouth.

EAST Thence in a northerly direction along the coast to the point of

commencement.

MICOUD SOUTH

NORTH Commencing at the mouth of Troumassee River thence along the said river to its intersection with the Soufriere quarter boundary.

WEST Thence southerly along the said Soufriere quarter boundary to Vieux-Fort quarter boundary.

SOUTH Thence easterly along the said Vieux-Fort quarter boundary to its intersection with the Canelles River, thence along the said Canelles River to its mouth.

EAST Thence northerly along the coast to the point of commencement.

MICOUD NORTH

NORTH Commencing at the mouth of the Riviere Des Trois Islets thence along the said river to its source, thence by a straight line to the junction of the second tributary of Praslin river (counting from its source), thence along the said Praslin river to its source, thence in a south-westerly direction along the Dennery — Praslin quarter boundary to its junction with the Castries — Praslin quarter boundary.

WEST Thence in a southerly direction along the said Castries — Praslin quarter boundary to the Soufriere — Micoud quarter boundary.

SOUTH Thence in a south-easterly direction along the said Soufriere — Micoud quarter boundary to its intersection with the Troumassee River, thence along the said Troumassee River to its mouth.

EAST Thence northerly along the coast to the point of commencement.

DENNERY SOUTH

NORTH Commencing at the mouth of the Grande Riviere DuMabouya thence along the said River to its second tributary, (counting westward from the sea), thence along the said tributary to its source, thence in a southerly direction by a straight line to Glavier, thence in a westerly direction along the Bois Jolly Road to its terminus, thence by a straight line to the most eastern bend of the St. Joseph Road, thence in a south-westerly direction along the said St. Joseph Road to the next prominent bend and thence by a straight line in a westerly direction to Mount La Combe.

WEST Thence along Barre de l'Isle Ridge in a southerly direction to the junction of the Dennery — Praslin quarter boundary.

SOUTH Thence along the said quarter boundary to the source of the Praslin River thence along the said Praslin River to the junction of its second tributary, thence by a straight line to the source of Riviere des Trois Islets thence along the said Riviere des Trois Islets to its mouth.

EAST Thence in a northerly direction along the coast to the point of commencement.

DENNERY NORTH

NORTH Commencing at a point on the mouth of the Louvet River thence along the Louvet River and the Dennery — Dauphin quarter boundary to Piton Flore.

WEST Thence in a southerly direction along the Barre De L'Isle Ridge to Mount La Combe.

SOUTH Thence by a straight line in an easterly direction to the most western bend of the St. Joseph Road, thence in a north-easterly direction along the St. Joseph Road to the next prominent bend thence in an easterly direction along a straight line to the terminus of the Bois Jolly Road, thence along Bois Jolly Road to Glavier, thence by a straight line in a northerly direction to the source of the second tributary of the Grande Riviere du Mabouya (counting westward from the sea) thence along the said tributary and Grande Riviere du Mabouya to its mouth.

EAST Thence in a northerly direction along the coast to the point of commencement.

CASTRIES SOUTH EAST

NORTH Commencing at the junction of the Fond Cannie, Fond Assor and Babonneau roads thence in a south-westerly direction along the eastern side of Fond Cannie Road thence in a westerly direction along the southern side of the Guesneau Road and Victoria Road thence in a north-westerly direction along the western side of Roberts Road to the southern side of Red Tape Lane, thence in a westerly direction along the said Red Tape Lane to Combomere Road and thence in a north-easterly direction along the said road to its junction with the East Coast Road.

WEST Thence in a southerly direction along the said road and the Cul-de-Sac—Roseau road to the Roseau River Bridge and thence in a south-easterly and southerly direction along the right bank of the Roseau River to its intersection with the Castries/Soufriere quarter boundary.

SOUTH Thence in a south-easterly direction along the Castries/Soufriere quarter boundary to the most southern limit of the Castries quarter.

EAST Thence in a northerly direction along the Castries/Dennery quarter boundary or Barre de L'Isle Ridge to Piton Flore and thence in a north-westerly direction along a straight line to the point of commencement.

SCHEDULE 2

(Section 53)

POLICE ELECTORS

1. The Chief Elections Officer shall supply to the Commissioner of Police so many copies as he or she thinks necessary of each Register of Police electors.

2. So soon as may be after the ballot papers are printed, the Chief Elections Officer shall supply to the Commissioner of Police a sufficient number of such ballot papers to enable every elector whose name appears upon any Register of Police electors to vote at the election of a member for the electoral district to which such Register of Police electors relates if such elector is in Saint Lucia upon the day next but 2 before polling day.

3. When the Chief Elections Officer supplies any ballot papers to the Commissioner of Police he or she shall also supply an equal number of envelopes addressed to the returning officer for the electoral district to which the ballot paper relate and bearing thereon the words "Police Elector".

4.

(a) The Commissioner of Police shall appoint so many officers (in this Schedule referred to as "police electoral officers") for such police stations as he or she may think

necessary to ensure that all police electors who may be in Saint Lucia on the day referred to in Rule 2 of this Schedule shall have the opportunity of voting.

(b) He or she shall take the oath similar to the oath of presiding officers as set out in Form 4 in Schedule 3.

5. Every police electoral officer shall be supplied with a copy of the Register of Police electors for each electoral district and with such ballot papers and such envelopes addressed to the returning officer for each electoral district as may be necessary to enable every elector who is entitled to vote in accordance with this Schedule and who is attached to or stationed at a police station within the unit or area in respect of which the police electoral officer is appointed so to vote.

6.

(1) On the day next but 2 before polling day, every police electoral officer at the police station to which he or she is appointed on application between the hours of 6:30 a.m. and 6:00 p.m. by any elector whose name appears upon the Register of Police electors and who is attached to or stationed at a police station within the unit or area for which the police electoral officer was appointed, shall—

(a) select from the ballot papers and envelopes supplied to him or her a ballot paper and an envelope appropriate to the electoral district from the Register of police electors in which appears the name of the applicant;

(b) detach the ballot paper so selected from its counterfoil;

(c) hand the ballot paper and the envelope to the applicant;

(d) write against the name of the applicant upon the Register of Police electors the word “voted”.

(2) Every candidate for the electoral district in which the police station referred to in subparagraph (1) is situated may appoint an agent to be present thereat and such agent shall be entitled to witness the taking of the poll.

7.

(1) Upon receiving any ballot paper in accordance with Rule 6 of this Schedule, the applicant for such ballot shall within the precints of the police station—

(a) mark a cross with a black lead pencil against the name of the candidate for whom he or she desires to vote;

(b) place the ballot paper in the envelope delivered to him or her;

(c) securely fasten the flap of such envelope;

(d) place such envelope in the ballot box.

(2) An elector who votes in accordance with paragraph (1) of this rule shall not permit the police electoral officer or any other person to see for whom he or she votes.

(3) At the conclusion of the poll the police electoral officer shall place in the ballot box all the counterfoils relating to ballot papers issued by him or her and all Registers of police electors marked by him or her in accordance with rule 6(d) of this Schedule.

(4) The ballot box shall then be locked and sealed with the seal of the police electoral officer and the key put in the envelope provided by the Chief Elections Officer and the envelope shall be sealed by him or her. When this has been done every police electoral officer shall on the same day deliver personally to the Chief Elections Officer the ballot box for the unit area in respect of which he or she was appointed police electoral officer.

8. On the day next but one before polling day every police electoral officer shall deliver personally to the Chief Elections Officer the ballot box for the unit or area in respect of which he or she was appointed police electoral officer.

9.

(1) The Chief Elections Officer shall open the ballot boxes referred to in this Schedule and shall make up all the envelopes contained in any such ballot boxes addressed to the returning officer for any one electoral district into a parcel.

(2) The Chief Elections Officer shall place in each parcel made up in accordance with paragraph (1) of this rule all

the counterfoils relating to the ballot papers contained in such parcel and all the Registers of police electors contained in such ballot boxes relating to the electoral district to which the parcel relates.

(3) The Chief Elections Officer shall not open any envelope contained in any ballot box.

10. Upon polling day the Chief Elections Officer shall cause to be delivered to the returning officer for each electoral district the parcel referred to in rule 9 of this Schedule relating to such electoral district.

11. Upon receipt of the parcel referred to in rule 9 of this Schedule the returning officer shall proceed to the nearest polling station and there, in full view of the presiding officer and of such of the candidates or of their agents as may be present, open the parcel and remove therefrom the envelopes and remove from such envelopes the ballot papers. He or she shall then count the ballot papers and counterfoils without permitting any person to see for whom any such ballot papers have been marked. The returning officer shall then place all such ballot papers in the ballot box and shall make and sign a note upon the statement of the poll of the number of ballot papers so placed by him or her in the ballot box and the number of counterfoils relating to those ballot papers found by him or her in the parcel.

SCHEDULE 3

FORM 1 (Section 36)

THE ELECTIONS ACT

WRIT OF ELECTION

His/Her Excellency
The Governor General
of Saint Lucia

To the Returning Officer.....

.....of the.....Electoral District.

WHEREAS by section 36(1) of the Elections Act it is provided that for

the purposes of every general election of members of the House of Assembly, and for the purposes of the election of members to fill vacancies in the House caused by death, resignation, or otherwise, the Governor General shall issue writs under the Public Seal, addressed to the returning officers of the respective electoral districts for which members are to be returned.

*And Whereas I think it expedient that writs should be issued for the election of members to serve in the House of Assembly;

†And Whereas the seat of the Elected Member for the..... Electoral District has become vacant in consequence of

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 as required by law, you do on the.....day of.....at.....in the said Electoral District, cause election to be made according to law of a member to serve in the House of Assembly of the State for the said Electoral District, and that, if necessary, you do cause a poll to be taken on the.....day of..... 20.....and that you do cause the name of such member when so elected to be certified to me not later than the.....day of.....

Given under my Hand and the Public Seal of the State of Saint Lucia this .....day of.....

* *To be included in a writ for a general election*
† *To be included in a writ for a by-election*

FORM 2 (Section 29(2))

THE ELECTIONS ACT

OATH OF RETURNING OFFICER

I, ...having been appointed returning officer for the.....electoral district, do swear that I will faithfully perform all the duties of such returning officer in accordance with the Elections Act, and of any statutory instruments made thereunder to the best of my ability.

Sworn before me

.....
Returning Officer

.....
Justice of the Peace (or as the case may be)

Date.....

FORM 3 (Section 30(2))

THE ELECTIONS ACT

APPOINTMENT AND OATH OF AN ELECTION CLERK

Appointment

To (.....), whose occupation is (.....) and whose address is (.....)

TAKE NOTICE that We hereby appoint you to be election clerk for the ..... electoral district.

Given under my hand at ..... this ..... day of ..... in the year 20.....

.....
Electoral Commission

Oath

I, ... the undersigned, having been appointed election clerk for the ..... electoral district, do swear that I will act faithfully in the capacity of election clerk and also of that of returning officer, if required to act as such in accordance with the Elections Act and of any rules made thereunder, without partiality, fear, favour or affection to the best of my ability.

.....

Election Clerk

Sworn before me this ..... day of ..... 20.....

.....
Justice of the Peace
(or as the case may be)

FORM 4 (Section 32(2))

THE ELECTIONS ACT

OATH OF A PRESIDING OFFICER

I, ... the undersigned, appointed presiding officer for polling station No ..... of the ..... electoral district swear that I will act faithfully in my said capacity of Presiding Officer according to law, without partiality, fear, favour or affection, and that I will keep secret the names of the candidates for whom any of the voters in the abovementioned polling station marks his or her ballot paper in my presence at this election.

So Help Me God.

.....
Presiding Officer

Sworn before me at ..... this ..... day of ..... 20.....

.....
Returning Officer
(as the case may be)

FORM 5 (Section 33(2))

THE ELECTIONS ACT

OATH OF A POLL CLERK

I, ... the undersigned, appointed as Poll Clerk for polling station No.....

of the ..... electoral district swear that I will act faithfully in my capacity of Poll Clerk and also that of Presiding Officer if required to act as such, according to law, without partiality, fear, favour or affection, and that I will keep secret the names of the candidates for whom any voter in the above-mentioned polling station marks his or her ballot paper in my presence at this election.

So Help Me God.

.....
Poll Clerk

Sworn before me at ..... this ..... day of ....., 20.....

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

FORM 6 (Section 37)

THE ELECTIONS ACT

Notice of Election of a Member of the Electoral District of.....
.....

His Excellency the Governor General having issued His Writ for the Election of a member of the House of Assembly for the ..... electoral district the Returning Officer of the said district will on the ..... day of ..... 20..... now next ensuing between the hours of 9:00 a.m. and noon at ..... proceed to the nomination, and if there is no opposition, to the election of a member for the ..... electoral district.

Forms of nomination papers may be obtained at the office of .....
.....at ..... between the hours of ..... and ..... daily except on Wednesday when the office is closed at ..... p.m. (Sunday also excepted).

Every nomination paper must be signed by any 6 or more electors qualified to vote in the ..... electoral district and be handed to the Returning Officer between the said hours of 9:00 a.m. and

noon.

No nomination paper shall be valid or acted upon by the Returning Officer unless it is accompanied by —

(a) the consent in writing of the person therein nominated, and

(b) a deposit of $250 in cash.

In the event of election being contested the poll will take place between the hours of 6:30 a.m. and 6:00 p.m. ..... and the counting of votes will take place thereafter at ..... on ..... at the hour of ..... and at such places as may hereafter be appointed.

The office of the Returning Officer for the ..... Electoral District is situate at .....

.....
Returning Officer for the
..... Electoral District

Date ....

FORM 7 (Section 39(2)(a))

THE ELECTIONS ACT

NOMINATION PAPER

We, the undersigned electors for the ..... electoral district do hereby nominate the following person as a proper person to serve as a member of the House of Assembly for the said ..... electoral district and we certify that to the best of our belief he or she is qualified for election as a member of the House of Assembly under the Constitution and this Act.

Surname	Other Names	Address	Occupation	Signature

.....
.....
.....

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

Dated .....

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 ..... electoral district and name as my address for serving of process and papers under the Elections Act—

Address .....

Witness my hand this ..... day of ..... 20.....

Signed by the said nominee in the ..... presence of .....

....
Signature of Witness *Signature of Candidate*

FORM 8 (Section 39(7))

THE ELECTIONS ACT

STATUTORY DECLARATION OF A PERSON NOMINATED AS A CANDIDATE FOR ELECTION AS A MEMBER OF THE HOUSE OF ASSEMBLY

Qualification of .....
of .....
in the ..... of .....
nominated as a candidate for election as a member of the House of Assembly for the ..... Electoral District.

I, ...
of .....
in the ..... of .....
do solemnly and sincerely declare that —

(a) I am a citizen of Saint Lucia;

(b) I am not below the age of 21;

(c) I was —

(i) born in Saint Lucia and am domiciled and resident there at the date of my nomination for election; or

(ii) born outside Saint Lucia but have resided in Saint Lucia for a period of 12 months immediately preceding the date of my nomination for election;

(d) 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;

(e) I am not by virtue of my own under any acknowledgement of allegiance, obedience or adherence to a foreign power or state;

(f) I am not a minister of religion;

(g) I am not a person certified to be insane or otherwise adjudged to be of unsound mind under any law in force in any part of the Commonwealth;

(h) I do not hold, nor am I acting in any public office;

(i) I am not under sentence of death imposed on me by a court in any part of the Commonwealth nor am I serving a sentence of imprisonment (by whatever named called) exceeding 12 months imposed on me by such a court or 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;

(j) I am not disqualified for membership of the House of Assembly by any law enacted by the Parliament of Saint Lucia by reason of my having any interest in any such Government contract as may be prescribed by any law;

(k) I have not been adjudged or otherwise declared bankrupt under any law in force in any part of the Commonwealth and have not been discharged;

(l) I am not disqualified for membership of the House of Assembly by virtue of any law enacted by the Parliament of Saint Lucia relating to offences connected with elections;

(m) I am not disqualified for election by any law enacted by the Parliament of Saint Lucia 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.

I make this declaration conscientiously believing the same to be true and according to the Statutory Declaration Act and I am aware that if there is any statement in this Declaration which is false in fact which I know or believe to be false or do not believe to be true, I am liable to imprisonment.

(Signed) .....

Declared before me this ..... day of ..... 20.....

(Signed) .....

FORM 8A (Section 39(7))

THE ELECTIONS ACT

STATUTORY DECLARATION OF AGENT OF A PERSON NOMINATED AS A CANDIDATE FOR ELECTION AS A MEMBER OF THE HOUSE OF ASSEMBLY

Qualification of .....
of .....
in the ..... of .....
nominated as a candidate for election as a member of the House of Assembly for the ..... Electoral District.

I, ...
in the ..... of .....
of .....
do solemnly and sincerely declare that .....

(a) is a citizen of Saint Lucia;
(b) is not under 21 years of age;
(c) was born —
  (i) in Saint Lucia and is domiciled and resident there at the date of his or her nomination for election; or
  (ii) outside Saint Lucia but has resided in Saint Lucia for a period of 12 months immediately preceding the date of his or her nomination for election;
(d) is able to speak and read the English language with a degree of proficiency sufficient to enable him or her to take an active part in the proceedings of the House of Assembly;
(e) is not by virtue of his or her own act under any acknowledgement of allegiance, obedience, or adherence to a foreign power or state;
(f) is not a minister of religion;

(g) is not an undischarged bankrupt having been adjudged or otherwise declared bankrupt under any law in force in any part of the Commonwealth;

(h) is not a person certified to be insane or otherwise adjudged to be of unsound mind under any law in force in Saint Lucia;

(i) is not under sentence of death imposed on him or her by a court in any part of the Commonwealth or is serving a sentence of imprisonment (by whatever name called) exceeding 12 months imposed upon him or her by such a court or substituted by competent authority for some other sentence of imprisonment the execution of which has been suspended;

(j) is not disqualified for membership of the House of Assembly by any law enacted by the Parliament of Saint Lucia by reason of his or her having any such interest in any such Government contract as may be prescribed by law;

(k) is not disqualified for membership of the House of Assembly by virtue of any law enacted by the Parliament of Saint Lucia relating to offences connected with elections;

(l) does not hold, nor is he or she acting in any public office;

(m) is not disqualified for election by any law enacted by the Parliament of Saint Lucia by reason of his or her holding or acting in any office the functions of which involves—

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

(ii) any responsibliity for the compilation or revision of any electoral register.

I make this Declaration conscientiously believing the same to be true and according to the Statutory Declarations Act and I am aware that if there is any statement in this Declaration which is false in fact which I know or believe to be false or do not believe to be true, I am liable to imprisonment.

(Signed) .....
Agent for

Declared before me this ..... day of ..... 20.....

(Signed)

FORM 9 (Section 41)

THE ELECTIONS ACT

RETURN OF UNCONTESTED ELECTION

I hereby certify that the member elected for the ..... electoral district in pursuance 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 ..... 20.....

.....
Returning Officer

To The Chief Elections Officer

FORM 10 (Section 42(2))

THE ELECTIONS ACT

NOTICE OF GRANT OF POLL

The ..... Electoral District

NOTICE is hereby given to the electors of the Electoral District aforesaid that a Poll will be taken for the election now pending for the said electoral district and that such Poll will commence on the ..... day of ..... 20..... at the hour of 6:30 in the forenoon and kept open till the hour of 6 in the afternoon in the following Polling Stations established in the various Polling Divisions comprised in the said electoral district

Polling Stations .....

.....

.....

.....

.....

And that the candidates in the above electoral district are as follows—

Candidates .....

.....

.....

.....

.....

And that the number of votes given to the several candidates will be finally counted on the ..... day of ..... 20..... in the ..... of which all persons are hereby required to take notice and govern themselves accordingly.

Given under my hand at ..... this ..... day of ..... 20.....

.....
Returning Officer

FORM 11 (Section 44(2))

THE ELECTIONS ACT

RETURN WHERE CANDIDATES WITHDRAW OR DIE

I hereby certify that the member for the ..... electoral

district in pursuance of the 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 ....., 20.....

.....

Returning Officer

To The Chief Elections Officer

FORM 12 (Section 45(2))

THE ELECTIONS ACT

BALLOT PAPER

6700	GENERAL ELECTION .....
	6700 ..... Electoral District
	Voter's Number on Roll.....
	Polling Day — Space for initials of Presiding Officer
	————Do not fold beyond this line————
	1. Babulah, Conrad D. 72, Chancery Lane Engineer — Symbol
	2. Ocean, Francis 891, Haynes Street — Symbol

	Merchant	
	3. Ronson, Emmanuel 475, Marli Street Insurance Broker	Symbol

FORM 13 (Section 47(1)(a)(iv))

THE ELECTIONS ACT

DIRECTION TO ELECTORS

1. Each elector may vote only at one polling station and for only one candidate.

2. The elector will go into one of the compartments and with a black lead pencil there provided place a cross within the space containing the name of the candidate for whom he or she votes, thus X.

3. The elector shall then fold the ballot paper so that the initials of the presiding officer can be seen without opening the ballot paper. He or she shall then place the ballot paper so folded in the ballot box after having shown the initials to the presiding officer. The elector shall then quit the polling station.

4. If an elector inadvertently spoils a ballot paper he or she may return it to the Presiding Officer who on being satisfied of the fact will give him or her another.

5. If an elector votes for more than one candidate or places any mark on the ballot paper by which he or she can afterwards be identified his or her vote will be void and will not be counted.

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

Polling Day.....	Space for initials of

Presiding Officer

——————————Do not fold beyond this line——————————

1.	Babulah, Conrad D. 72, Chancery Lane Engineer	Symbol	
2.	Ocean, Francis 891, Haynes Street Merchant	Symbol	X
3.	Ronson, Emmanuel 475, Marli Street Insurance Broker	Symbol	

[*Insert page 1 Elections Act, Cap.1.02 landscape pages*]

FORM 15 (Section 58(1))

THE ELECTIONS ACT

APPOINTMENT OF AGENT

I, ... nominated to serve as a member of the House of Assembly for the ..... electoral district do hereby appoint .... whose address is ..... and whose occupation is ..... as my agent.

*for the purpose of the proceedings at Polling Station No.....

†(to attend the final count of votes by the returning officer).

.....
Candidate

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

FORM 16 (Section 60(1))

THE ELECTIONS ACT

Oath of Identity of an Elector receiving a Ballot Paper after another has voted in his or her 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 17 (Section 60(3))

THE ELECTIONS ACT

OATH OF INCAPACITATED ELECTOR

I swear that I am incapable of voting without assistance by reason of physical incapacity.

So Help me God

FORM 18 (Section 60(4))

THE ELECTIONS ACT

OATH OF BLIND ELECTOR

I ..... swear that I am incapable of voting without assistance by reason of my inability to see.

So Help me God

FORM 19 (Section 60(5))

THE ELECTIONS ACT

OATH OF FRIEND OF BLIND ELECTOR

I swear that I will keep secret the name of the candidate for whom I mark the ballot paper of the blind elector on whose behalf I act, and that I have not already acted as the friend of a blind elector for the purpose of marking his or her ballot paper at this election.

So Help me God

FORM 20 (Section 61(1))

THE ELECTIONS ACT

Oath that the Elector is the Person Intended to be Referred to in the List of Electors

I swear that I am qualified to vote at this election of a member to serve in the House of Assembly and am not disqualified from voting thereat and

that I verily believe that I am the person intended to be referred to by the entry, in the List of Electors used at this Polling Station, of the name ..... whose occupation is given as ..... and whose address is given as .....

So Help me God

FORM 21 (Section 61(2))

THE ELECTIONS ACT

OATH OF QUALIFICATION

I swear that —

(1) I am a citizen of Saint Lucia;

(2) I have resided in the electoral district of ..... for a period of at least 2 months prior to my registration as an elector.

(3) I am not within any of the classes of persons who lack qualification or are disqualified by reason of crime or mental incapacity.

(4) I am not under 18 years of age.

(5) I am not disqualified by any law in force in Saint Lucia relating to offences connected with elections.

(6) I am not the returning officer for this electoral district.

So Help me God

FORM 22 (Section 62(2))

THE ELECTIONS ACT

OATH OF AGENT OF A CANDIDATE

I, ... the undersigned, agent for ..... one of the candidates at the election of a member of the House of Assembly held on this day in the ..... electoral district do swear that I will keep secret the names of the Candidates for whom any elector voting at this polling station marks his or her ballot paper in my presence at this election.

So Help me God

.....
Signature of Agent

Sworn before me at ..... this ..... of ..... 20.....

.....
Returning Officer for the

..... Electoral District

or

Justice of the Peace

or

Presiding Officer for the polling division No ..... of the ..... Electoral District

FORM 23 (Section 63(8))

THE ELECTIONS ACT

OATH OF PRESIDING OFFICER AFTER CLOSING THE POLL

I, ... the undersigned, presiding officer for polling station no ..... of the ..... electoral district do swear that to the best of my knowledge and belief this Poll Book kept for the said polling station under my direction has been so kept correctly and that the total number of votes recorded there 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 ..... 20.....

.....
Poll Clerk
(or as the case may be)

FORM 24 (Section 63(8))

THE ELECTIONS ACT

OATH OF THE POLL CLERK AFTER CLOSING THE POLL

I, ... the undersigned, Poll Clerk for polling station no ..... of the ..... electoral district do swear that this Poll Book 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 or her direction as aforesaid correctly and to the best of my skill and judgment; 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 ..... 20.....

.....
Presiding Officer
(or as the case may be)

FORM 25 (Section 63(9))

THE ELECTIONS ACT

STATEMENT OF THE POLL AFTER COUNTING THE BALLOTS

..... Electoral District. Polling Station No.....

Number of ballot papers received from the returning officer	.....
Number of ballot papers cast for	.....
" " " " " "	.....
" " " " " "	.....
" " " " " "	.....
" " " " " "	.....
" " " " " "	.....
Number of rejected ballot papers	.....

Total number of ballot papers found in box	.....
Number of unused ballot papers undetached from the books	.....
Number of spoiled ballot papers	.....
Total	.....

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 ..... 20.....

.....

Presiding Officer

FORM 26 (Section 63(10))

THE ELECTIONS ACT

OATH OF MESSENGER SENT TO COLLECT BALLOT BOXES

I, ... messenger appointed by ..... returning officer for the ..... electoral district do swear that the several boxes to the number of ..... which were used at polling stations nos ..... of this electoral district 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 ..... 20.....

.....
Returning Officer
(or as the case may be)

FORM 27 (Section 68(1)(a))

THE ELECTIONS ACT

RETURN AFTER POLL HAS BEEN TAKEN

I hereby certify that the member for the ..... electoral district in pursuance of the within Writ as having received the majority of votes lawfully given is .....
.....

(*Name, address and occupation as stated in nomination paper*.)

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

20.....

.....
Returning Officer

FORM 28 (Section 68(1)(h))

THE ELECTIONS ACT

OATH OF RETURNING OFFICER AFTER FINAL COUNT

I hereby swear that I have received all the ballot boxes ..... in number for the ..... electoral district; that I have personally counted all the votes cast therein for each candidate which number as follows

(*Name of candidate*)	(*No. of votes*)
.....	.....
.....	.....
.....	.....
.....	.....
.....	.....

and that I have faithfully performed all duties required of me by law.

.....
Returning Officer

Sworn before me at ..... this ..... day of ..... 20.....

.....
Justice of the Peace
(or as the case may be)

SCHEDULE 4

(Section 45(4))

Bottle		Key	
Cock		Knife	
Cow		Saw	
Gate		Scale	
Hammer		Shoe	
Hand		Spoon	
Head		Star	
Heart		Torch	
House		Umbrella	

Revision Date: 31 Dec 2008

HOUSE OF ASSEMBLY (ELECTION PETITION) RULES – SECTION 89(2)

(Statutory Instrument 4/1948)

Commencement [21 February 1948]

1. SHORT TITLE

These Rules may be cited as the House of Assembly (Election Petition) Rules.

2. DEFINITIONS

In these Rules, unless the context otherwise requires, the following expressions shall have the meanings assigned to them—

"**Act**" means the Elections Act;

"**Court**" means the High Court;

"**Court of Appeal**" means the Court of Appeal of the Eastern Caribbean Supreme Court;

"**electoral district**" means an electoral district as constituted by, and defined under, the Constitution of Saint Lucia;

"**judge**" means a judge of the Court and includes the Chief Justice, any puisne judge and any acting Chief Justice or acting puisne judge;

"**petition**" means an election petition presented to the Court under the Elections Act;

"**petitioner**" means a person who presents a petition to the Court;

"**Registrar**" means the Registrar of the High Court;

"**respondent**" means a person against whom a petition is presented to the Court;

"**returning officer**" means the returning officer for an electoral district appointed by the Governor General under the Elections Act;

"**writ**" means the writ of election issued by the Governor General for the election of a member to the House of Assembly under the Act.

The Petition

3. THE PETITION

(1) A petition shall be in writing and signed by the petitioner.

(2) The following rules shall apply to a petition—

(a) It shall state the right of the petitioner to petition within section 88 of the Act;

(b) It shall state the holding and result of the election, and shall briefly state the facts and grounds relied on to sustain the prayer;

(c) It shall be divided into consecutively numbered paragraphs each of which, as nearly as may be, shall be confined to a distinct portion of the subject;

(d) It shall conclude with a prayer, as for instance, that some specified person should be declared duly returned or elected, or that the election should be declared void, or that a return may be enforced.

4. EVIDENCE NOT TO BE STATED

(1) Evidence shall not be stated in the petition, but the Court or judge may, on summons, order such particulars as may be necessary to prevent surprise and unnecessary expense, and to ensure a fair and effectual trial in the same way as in ordinary proceedings in the Court, and upon such terms as to costs and otherwise as may be ordered.

(2) In any case in which the Court or a judge orders that particulars of any allegation made in a petition be delivered to the respondent, it or he or she may fix the time within which such particulars shall be delivered and may also order that the petitioner at the trial of the petition may be precluded from going into any case in respect of which such particulars have not been duly delivered, unless it is otherwise ordered.

5. PETITIONER TO GIVE ADDRESS FOR SERVICE

The petitioner shall in his or her petition give the name and address of an attorney-at-law whom he or she authorises to act on his or her behalf, or state that he or she acts for himself or herself, and in either case give an address for service within one mile of the office of the Registrar.

6. HOW PRESENTED

(1) The presentation of a petition shall be made by delivering it to the Registrar.

(2) A petition shall be presented within 21 days after the writ relating to the member whose return or election is complained of has been returned to the Governor General in accordance with section 89 of the Act.

However—

(a) if the petition complains of the return or election on the ground of a corrupt practice, and specifically alleges a payment of money or some other act to have been made or done by the member, or on his or her account or with his or her privity since the return of the writ in pursuance or furtherance of that corrupt practice, the petition, so far as respects that corrupt practice, shall be presented within 28 days after the date of such payment or act;

(b) if the petition complains of the return or the election on the ground of an illegal practice, and specifically alleges a payment of money or some other act to have been made or done by the member on his or her account or with his or her privity since the return of the writ in pursuance or in furtherance of that illegal practice, the petition, so far as respects that illegal practice, shall be presented within 28 days after the date of such payment or act.

7. PUBLICATION OF PETITION

(1) On presentation of the petition, the Registrar shall cause the same to be inserted in the Gazette and in a newspaper published in Saint Lucia.

(2) The costs of publication of the petition and of any other matter required to be published by the Registrar under these Rules shall be paid to the Registrar by the petitioner or other person moving in the matter in the first instance before such publication, and shall form part of the general costs of the petition.

8. SERVICE OF PETITION

(1) A petition shall be served upon the respondent by delivering a notice of the presentation of the petition together with a copy thereof to him or her personally within 10 days after the presentation of the petition, but a judge may, on the application of the petitioner made by summons not later than 14 days after the petition is presented and supported by affidavit showing what has been done, on being satisfied that all reasonable effort has been made to effect personal service and cause the matter to come to the knowledge of the respondent, order that what has been done shall be considered sufficient service, subject to any conditions which he or she may think fit to impose.

(2) In case of evasion of service the posting of a notice in the office of the Registrar that the petition has been presented, stating the petitioner, the prayer and the nature of the proposed security, shall be deemed equivalent to personal service, if so ordered, by the judge.

(3) A respondent shall, within 10 days after service on him or her of notice of the petition, lodge with the Registrar and serve on the petitioner a statement of the facts required by rule 5 of these Rules to be stated by a petitioner in the petition, and he or she shall state the said facts in any summons taken out by him or her for the purpose of objecting to the security given by the petitioner or otherwise.

Security for Costs and Objection thereto

9. SECURITY FOR COSTS

(1) When making the presentation of the petition, or within 3 days thereafter, the petitioner shall give security in the sum of $480 for the payment of all costs, charges and expenses that may

become payable by him or her to any party to the proceedings or to any person summoned as a witness on his or her behalf.

(2) The security may be given wholly or partly by deposit of money with the Director of Finance and Planning or by delivering to the Registrar a recognizance taken and acknowledged by the petitioner and by any number of sureties not exceeding 3 before a justice of the peace or other person authorised to administer oaths in favour of Our Sovereign Lord The King.

(3) Within 3 days after the giving of security as required by this rule, notice of the nature of the security given shall be served by the petitioner on the respondent.

(4) When the security is given wholly or partly by recognizance, it shall be lawful for the respondent within 10 days from the date of service on him or her of the notice to object to the recognizance on the ground that one or more of the sureties is insufficient, or that a surety is dead, or that he or she cannot be found or ascertained for want of sufficient description in the recognizance, or that a person named in the recognizance has not duly acknowledged the same.

(5) Any objection to the security shall be made by summons before a judge supported by affidavit of the facts relied on, but the judge may require evidence of witnesses on personal examination, if he or she thinks fit so to require.

(6) The summons shall be made upon not less than 4 days notice to the petitioner and the costs thereof shall be in the discretion of the judge who may decide which party shall pay them.

(7) The costs of hearing and deciding any objection upon the ground of insufficiency of a surety or sureties shall be paid by the petitioner, unless at the time of leaving the recognizance with the Registrar there be also left with him or her an affidavit sworn by each surety before a justice of the peace, or other person duly authorised to administer oaths, that he or she is possessed of immovable property of the value of double the amount for which he or she is bound by the recognizance, after satisfying all other debts and liabilities due to other persons.

10. REMOVAL OF OBJECTION WHERE SECURITY DECLARED INSUFFICIENT

(1) If by order made upon such summons the security be declared insufficient and the objection is allowed, it shall be lawful for the petitioner, within such time not exceeding 10 days as may be ordered by the judge before whom the summons is heard, to remove the objection by a deposit with the Director of Finance and Planning of such sum of money as the judge may direct for the purpose of making the security sufficient.

(2) If the petitioner does not remove the objection by deposit of the sum of money so directed to be deposited within the period fixed by the order of the judge, no further proceedings shall be taken on the petition which shall thereafter stand dismissed.

11. WHEN PETITION AT ISSUE

If by order made upon such summons the security be declared sufficient, or if no objection is made to the sufficiency of the security within the time limited by these Rules for making objection thereto, the petition shall be at issue.

12. AMENDMENT OF PETITION

A petition which has been presented questioning a return or election other than upon an allegation of a corrupt practice or an illegal practice may, for the purpose of questioning the return or election upon an allegation of a corrupt practice or an illegal practice, be amended with the leave of the Court to be applied for on summons in the time within which a petition questioning the return upon the allegation of that corrupt practice or illegal practice can be presented under rule 6(2)(a) and 6(2)(b) of these Rules.

13. WITHDRAWAL OF PETITION

(1) A petition shall not be withdrawn without the leave of the Court or a judge upon application made by summons.

(2) No such application shall be made for the withdrawal of a petition until the petitioner has given notice of his or her intention to the Registrar and the respondent, and the Registrar

shall cause the same to be inserted in the Gazette and a newspaper published in Saint Lucia.

(3) Where there are more petitioners than one no application to withdraw a petition shall be made except with the consent of all the petitioners.

(4) Before leave for the withdrawal of a petition is granted, there shall be produced affidavits by the parties to the petition and their Attorneys-at-law, and by the election agents of the parties who were candidates at the election to the effect stated in the next succeeding paragraph of this rule, but the Court may on cause shown dispense with the affidavit of any particular person if on special grounds it appears to the Court just so to do.

(5) Each affidavit shall state that to the best of the deponent's knowledge and belief, no agreement or terms of any kind whatsoever has or have been made, and no undertaking has been entered into, in relation to the withdrawal of the petition; but if any lawful agreement has been made with respect to the withdrawal of the petition the affidavit shall set forth that agreement, and shall make the foregoing statement subject to what appears from the affidavit.

(6) The affidavits of the applicant and his or her attorney-at-law shall further state the ground on which the petition is sought to be withdrawn.

(7) It is not lawful for any person to make any agreement or terms, or to enter into any undertaking, in relation to or for the withdrawal of a petition in consideration of any payment, or in consideration that the seat shall at any time be vacated, or in consideration of the withdrawal of any other petition, and every person acting in contravention of this provision is liable on conviction to a fine not exceeding $48.

(8) Any person who might have been a petitioner in respect of the election to which the petition relates may, within 5 days after the publication by the Registrar of a copy of the notice of application for leave to withdraw the petition, apply to the Court or a judge to be substituted as a petitioner for the petitioner so desirous of withdrawing the petition, and the Court or judge may at the hearing of the application, if it or he or she thinks fit, substitute as a petitioner any such applicant.

(9) Where in the opinion of the Court or a judge the proposed withdrawal of a petition is induced by any corrupt bargain or consideration or is the result of any agreement, terms or undertaking prohibited by this rule, it or he or she may by order direct that the security given on behalf of the original petitioner shall remain as security for any costs that may be incurred by the substituted petitioner.

(10) If no such order is made with respect to the security given on behalf of the original petitioner, security to the same amount as would be required in the case of an original petitioner, and subject to the like conditions, shall be given on behalf of the substituted petitioner within 5 days after the order of substitution and before he or she takes any step in the proceedings.

(11) Subject as aforesaid, a substituted petitioner shall stand in the same position, as nearly as may be, and be subject to the same liabilities as the original petitioner.

(12) If a petition is withdrawn the petitioner is liable to pay the costs of the respondent.

Miscellaneous Matters Affecting the Petition

14. ABATEMENT OF PETITION

(1) A petition is abated by the death of a sole petitioner or the survivor of several petitioners.

(2) The abatement of a petition shall not affect the liability of the petitioner's legal personal representative to pay the costs previously incurred.

(3) On the abatement of a petition notice of such abatement shall be given by any party or person interested in the petition to the Registrar who shall cause the same to be inserted in the Gazette and in a newspaper published in Saint Lucia.

(4) Within one month after publication of the notice any person who might have been a petitioner in respect of the election to which the petition relates may apply by summons to the Court or a judge to be substituted as a petitioner.

(5) The Court or a judge may, if it or he or she thinks fit, substitute as a petitioner any such applicant on whose behalf security to the same amount as is required in the case of an original petition is given, and such security shall be subject to the same objection as the security given in an original petition.

15. ADMISSION IN CERTAIN CASES OF VOTERS TO BE RESPONDENT

(1) If before the trial of a petition either of the following events happens, that is to say—

(a) the respondent dies; or

(b) the respondent gives notice to the Registrar and to the petitioner that he or she does not intend to oppose the petition,

then, in the first case, any person entitled to be a petitioner in respect of the election to which the petition relates may, and in the second case the Registrar shall, give notice by publication in the Gazette, and in a newspaper published in Saint Lucia of such event having taken place, and within 21 days after publication of the notice in the Gazette, any such person may apply by summons to the Court or a judge to be admitted as a respondent to oppose the petition, and such person shall be admitted accordingly either with the respondent, if there be a respondent, or in place of the respondent.

(2) Any number of such persons not exceeding 3 may be so admitted.

16. RESPONDENT NOT OPPOSING NOT TO APPEAR AS PARTY

A respondent who has given the prescribed notice that he or she does not intend to oppose the petition shall not appear or act as a party against such petition in any proceedings thereon.

17. SEVERAL PETITIONS AS TO THE SAME ELECTION

Where more petitions than one relating to the same election or return are presented, all such petitions shall be dealt with as one petition, in such manner and on such terms as a judge may direct.

18. NOTICE OF RECRIMINATION WHEN PETITION COMPLAINS OF UNDUE RETURN AND CLAIMS SEAT

(1) When a petition complains of an undue return and claims the seat for some person other than the person returned, it shall be lawful for the respondent, within 10 days after the service of the notice of the petition as aforesaid, to give notice in writing to the petitioner that he or she intends to complain of the election of the person on whose behalf the seat is claimed undue.

(2) The grounds on which a respondent intends to complain of the election of a person on whose behalf the seat is claimed undue shall be set out in the notice and the rules applicable to a petition and the particulars of charges made therein shall apply to every such notice.

19. RETURNING OFFICER IF COMPLAINED OF TO BE RESPONDENT

Where a petition complains of the conduct of a returning officer, such returning officer shall for the purposes of these Rules, except the substitution of respondents in his or her place, be deemed to be a respondent.

20. PETITION COMPLAINING OF NO RETURN

A petition complaining of no return may be presented to the Court, and shall be deemed to be an election petition, and the Court may make such order thereon as it thinks expedient for compelling a return to be made, or may allow such petition to be heard by the judge in manner herein provided with regard to petitions.

Trial of the Petition and the Costs thereof

21. MODE OF TRIAL OF PETITIONS

The following provisions shall apply to the trial of a petition—

(1) the trial shall take place at such time as the judge may appoint, not being less than 7 days after notice of trial has been given to the parties and published in the Gazette and in a newspaper published in Saint Lucia;

(2) the judge may adjourn the trial from time to time, but the trial of every petition so far as practicable, consistently with the interests of justice in respect of such trial, shall be continued *de die in diem* on lawful days until its conclusion;

(3) the judge may make a special report to the Governor General upon any matter arising in the course of the trial, an account of which in his or her judgment ought to be submitted;

(4) where it appears to the Court or a judge, on application by summons of either party or without such application, that the case raised by the petition can be conveniently stated as a special case, it or he or she may direct the same to be stated by the petitioner and the respondent accordingly, and any such special case shall, as far as may be, be heard before the Court, and the decision of the Court thereon shall be the decision on the petition;

(5) in case of the petitioner and the respondent differing on the stating of the special case, the Court or a judge may refer the same to some qualified person to be settled;

(6) the Court shall certify to the Governor General its determination in reference to such special case.

22. POWER TO RESERVE QUESTION OF LAW FOR COURT OF APPEAL

If it appears to the judge on the hearing of any election petition or any special case that any question of law requires further consideration by the Court of Appeal, it shall be lawful for the judge to postpone the hearing or the granting of any certificate to the Governor General until the determination of such question by the Court of Appeal and for this purpose to reserve any question of law for the determination of the Court of Appeal.

23. EVIDENCE OF CORRUPT PRACTICE RECEIVABLE BEFORE PROOF OF AGENCY

On the trial of a petition, unless the judge otherwise directs, any charge of a corrupt practice may be gone into, and evidence in relation thereto received, before any proof has been given of agency on the part of any candidate in respect of such corrupt practice.

24. EXPENSES OF WITNESSES

(1) The reasonable expenses incurred by any person in appearing to give evidence at the trial of a petition, if allowed to such person by order of the judge, shall be payable in the first instance by the party who summonses or calls him or her and the amount thereof shall be ascertained and certified by the Registrar. Such expenses may be included in the costs of the petition and shall be paid by the party directed to pay those costs.

(2) The expenses of a witness called and examined by the judge shall be deemed to be costs of the petition and shall be paid as directed by the order of the judge.

25. GENERAL COSTS OF PETITION

(1) All costs, charges and expenses of and incidental to the presentation of a petition, or of any proceedings consequent thereon shall be in the discretion of the Court or judge and shall be defrayed by the parties to the petition in such manner and in such proportions as the Court or judge may determine, regard being had to the disallowance of any costs, charges or expenses which may, in the opinion of the Court or judge, have been caused by vexatious conduct, unfounded allegations, or unfounded objections on the part of either the petitioner or the respondent, and regard also being had to the discouragement of any needless expense by throwing the burden of defraying the same on the parties by whom it has been caused, whether such parties are or are not on the whole successful.

(2) The amount of such costs may be fixed by the Court or judge or may be directed to be taxed, and in the latter case they shall be taxed by the Registrar in accordance with scale of fees and disbursements contained in Schedule 1 to these Rules and paid by the party ordered to pay the same.

(3) Where the petitioner is ordered to pay any such costs and he or she fails to pay the same within 14 days from the date of the order of the court or judge, the Director of Finance and Planning shall pay such costs out of any money deposited with him or her as security under these Rules and execution may be issued against the petitioner and the sureties jointly and severally for any balance not covered by the deposit, or where security has been given by recognizance, the Registrar shall,

upon an affidavit of the respondent stating the amount of the costs directed to be paid by the petitioner and that neither the petitioner nor any of the sureties has paid them within 14 days after the order to pay the same, certify such recognizance to be forfeited and execution shall issue out of the Court thereupon for the recovery of the amount of the costs ordered to be paid against the petitioner and the sureties jointly and severally to the extent of the amount for which they are bound by the recognizance, the petitioner however being always liable to pay the full amount of the costs.

(4) If the security given by the petitioner be in the form of money deposited with the Director of Finance and Planning, the petitioner shall be entitled to a refund of any portion thereof exceeding the amount of the costs ordered to be paid by him or her.

(5) If a respondent who is ordered to pay any costs to the petitioner fails to do so within 14 days from the date of the order directing such payment, execution shall be issued out of the Court for the recovery of the amount of such costs.

(6) Execution shall be levied in accordance with the law governing executions in civil actions in the Court.

26. FORMS AND MATTERS NOT PROVIDED FOR

(1) In proceedings regulated by these Rules the forms contained in Schedule 2, or forms to the like effect, shall be used as the documents described by the headings thereof.

(2) In any matter not provided for by these Rules the practice and procedure of the Court in a civil action shall apply and have effect and the judge may in any such case direct what the procedure shall be.

27. INTERPRETATION ACT APPLIED

The Interpretation Act applies for the purpose of the interpretation of these Rules in like manner as it applies for the purpose of interpreting an Act.

SCHEDULE 1

(Rule 25(2))

PART 1
DISBURSEMENTS PAYABLE IN THE REGISTRY

	$	¢
On presentation of a petition to the Registrar.....	4	80
On filing in the Registry any recognizance giving security, or any summons, affidavit, notice of withdrawal of petition or other document.....	1	20
For sealing any order made by the Court or judge	2	40
Any service rendered by the Registrar under these Rules not herein provided for		60

PART 2
COUNSEL'S FEES COSTS AND WITNESSES EXPENSES

The rules and regulations of the Court governing the fees of counsel and remuneration of witnesses in a civil action shall, as far as may be practicable, apply to the costs of a petition and proceedings consequent thereon.

SCHEDULE 2

(1)

PETITION. (Rule 26(1))

In the Eastern Caribbean Supreme Court

(Saint Lucia).

and

THE ELECTIONS ACT

Election for (state the electoral district) held on the day of 20 .

BETWEEN

A.B.....*Petitioner*,

and

X.Y.,.....*Respondent*.

The petition of A.B. of (or of A.B. of and C.D. of) (*as the case may be*) whose name is subscribed.

1. Your petitioner A.B. is a person who voted (*or* had a right to vote *as the case may be*) at the above election (*or* claims to have had a right to be returned at the above election, *or* was a candidate at the above election); and your petitioner C.D. (here state in like manner the right of each petitioner).

2. Your petitioner states that the election was held on the day of 20 when E.F., G.H. and I.J. were candidates, and the returning officer has returned E.F. as being duly elected.

3. Your petitioner says that (here state in specific paragraphs the facts and grounds on which the petitioner relies).

WHEREFORE your petitioner prays that it might be determined that the said E.F. was not duly elected or returned, and that the election was void (*or* that the said G.H. was duly elected and ought to have been returned, *or as the case may be*).

Dated this day of 20 .

Petitioner.

(2)

(Rule 8(1))

SUMMONS FOR SUBSTITUTED SERVICE.

(Title as in the case of the Petition).

Let all parties concerned attend the judge in chambers at Saint Lucia in Castries on the day of 20 , at a.m./p.m. on the hearing of an application on the part of the petitioner for an order that what has been done by the petitioner to effect personal service of the petition and cause the matter to come to the knowledge of the respondent shall be considered sufficient service of the petition, subject to any conditions which the judge may think fit to impose (or for an order that the posting of notice in the office of the Registrar that the petition has been presented stating the petitioner, the prayer and the nature of the proposed security shall be equivalent to personal service).

And that the costs of this application be costs of the Petition.

Dated the day of 20 .

Petitioner

or

Petitioner's Attorney-at-law.

(3)

RECOGNIZANCE GIVING SECURITY FOR COSTS UNDER RULE 9. (Rule 9(2))

(Title as in the case of the Petition).

BE IT REMEMBERED that on the day of in the year of Our Lord 20 before me (name and description) came A.B. of (name and description as above) and acknowledged himself or herself (or severally acknowledged themselves) to owe to Our Sovereign Lord the King the sum of (in words) dollars (or the following sums) (that is to say) the said C.D., the sum of (in words) dollars, the said E.F., the sum of (in words) dollars, and the said G.H., the sum of (in words) dollars to be levied on his or her (or their respective) goods and chattels, lands and tenements to the use of Our said Lord the King, His heirs and successors.

The condition of this recognizance is that if (here insert the names of all the petitioners, and if more than one, add, *or any of them*) shall well and truly pay all costs, charges and expenses in respect of the election petition signed by him or her (*or* them) relating to the (here insert the name of the electoral district) which shall become payable by the said petitioner under the House of Assembly (Election Petitions) Rules to any person, then this recognizance to be void, otherwise to stand in full force.

Petitioner and Sureties.

Taken and acknowledged by the abovenamed (names of petitioner and sureties) on the day of 20 before me.

A Justice of the Peace, or Person Authorised to Administer Oaths.

(4)

(RULES 8(1), 9(3))

NOTICE OF PRESENTATION OF PETITION AND OF THE NATURE OF THE SECURITY.

(Title as in the case of the Petition)

TAKE NOTICE that a petition complaining of (state the grounds of complaint briefly) and praying that (state briefly the prayer of the petition) was presented to the Court on the day of 20 and that security for the cost, charges and expenses thereof has been given (state the nature of the security given i.e. whether by deposit of money or by recognizance and the names and the description of the sureties and the amounts for which each surety has bound himself or herself).

Dated the day of 20 .

To (Name of Respondent)

(Address)

Petitioner.

(5)

(Rule 9(3))

SUMMONS.

(Title as in the case of the Petition)

LET ALL PARTIES CONCERNED attend the judge in chambers at Saint Lucia in Castries on the day of 20 on the hearing of an objection to the recognizance on the part of the respondent on the ground that the surety is insufficient (*or* that he or she cannot be found or ascertained for want of sufficient description in the recognizance, *or* that the surety named in the recognizance has not duly acknowledged the same, *as the case may be*).

Dated the day of 20 .

This Summons is taken out by of

Attorney-at-law for
(*or* personally, *as the case may be*).

To The Petitioner.

(6)

(Rules 10(1), 11)

ORDER UPON A SUMMONS.

(Title as in the case of the Petition).

Approved. Before Mr. Justice

The day of 20 .

P.J. (date). UPON objection to the security given by the petitioner herein made by summons on the day of 20 .

AND UPON reading the affidavit of dated the day of 20 and hearing the evidence of witnesses personally examined, (if such evidence was required), and counsel on behalf of the parties. It is Declared that the security given by the petitioner in the abovementioned petition is insufficient and IT IS ORDERED that the objection be allowed but that the petitioner be at liberty to remove the objection thereto by deposit with the Director of Finance and Planning of the sum of $ within days from this day (the period is not to exceed 10 days) (In case the security is declared sufficient this order shall read — It Is Declared that the security given by the petitioner in the abovementioned petition is sufficient and IT IS ORDERED that the objection be disallowed And that the costs of this objection be paid by the petitioner (*or* the respondent, *as the case may be*).

By the Judge.

Registrar.

(7)

SUMMONS FOR PARTICULARS. (Rule 4)

(Title as in the case of the Petition).

LET ALL PARTIES CONCERNED attend the judge in chambers at Saint Lucia in Castries on the day of 20 at a.m./p.m. on the hearing of an application on the part of the respondent that the petitioner do,

days before the day appointed for the trial of this petition deliver to the respondent or his or her attorney-at-law particulars in writing of the names of all persons alleged in the paragraph of the petition to have been bribed, and by whom, with the address, and number, if any, on the register, and if none, the occupation of each of the same respectively, the time or times when, and the place or places where, each act of bribery is alleged to have been committed, and the amount and nature thereof.

[*The above form may be adapted to allegations of treating, undue influence, personation, etc.*]

AND that it may be ordered that the petitioner be precluded at the trial of the petition from going into any case in respect of which the aforesaid particulars have not been duly delivered, unless it is otherwise ordered.

Dated this day of 20 .

Respondent.

To

The Petitioner and to his or her attorney-at-law.

(8)

PARTICULARS DELIVERED. (Rule 4)

(Title as in the case of the Petition).

The following are the particulars delivered by the petitioner to the respondent the day of 20 .

BRIBERY.

No. in partic-ulars.	Name of person bribed	Address.	No. on registe r or occu-pation	Name of person bribing.	Address	Time when bribed.	Place where bribed.	Amount and chara-cter of bribe.

(9)

SUMMONS TO AMEND PETITION. (Rule 12)

(Title as in the case of the Petition).

LET ALL PARTIES CONCERNED attend the judge in chambers at Saint Lucia in the city of Castries on the day of 20 at a.m./p.m. on the hearing of an application on the part of the petitioner that he or she may be at liberty to amend the petition by (here state the amendment required).

Dated the day of 20 .

Petitioner or *Attorney-at-law*.

To

The Respondent and his or her attorney-at-law.

(10)

(Rule 13(2))

NOTICE TO REGISTRAR AND RESPONDENT OF APPLICATION FOR LEAVE TO WITHDRAW A PETITION.

(Title as in the case of the Petition).

1. The petitioner proposes to apply to withdraw …….. petition upon the following grounds—

[*Here state the grounds*].

2. He or she accordingly prays that a day may be appointed for hearing the application.

Dated the day of 20 .

Petitioner.

To The Registrar.

(11)

(Rules 13(2) and 13(8))

NOTICE TO PUBLIC OF APPLICATION FOR LEAVE TO WITHDRAW PETITION.

(Title as in the case of the Petition).

NOTICE IS HEREBY GIVEN that the above petitioner has on the day of 20 lodged at the High Court Registry notice of an application to withdraw the petition of which notice the following is a copy—

[Here set out a copy of the notice to Registrar and respondent]

And take notice that by the rule made by the Chief Justice any person who might have been a petitioner in respect of the said election may, within 5 days after the publication by the Registrar of this notice, give notice in writing of his or her intention on the hearing to apply for leave to be substituted as a petitioner.

Dated the day of 20 .

Registrar.

(12)

SUMMONS FOR LEAVE TO WITHDRAW PETITION. (Rule 13(1)).

(Title as in the case of the Petition).

LET ALL PARTIES CONCERNED attend the judge in chambers at Saint Lucia in the city of Castries on the day of 20 at a.m./p.m. on the hearing of an application on the part of the petitioner that he or she be at liberty to withdraw the above petition on the affidavits of the parties to the petition, their attorneys-at-law and election agents filed herein.

Notice of the petitioner's intention to withdraw the petition has been given to the Registrar and the respondent on the day of 20 , and the Registrar has caused a copy of the said notice to be published in the Gazette and in a newspaper in Saint

Lucia.

Dated the day of 20 .

Petitioner.

To

The Registrar and the Respondent and his or her attorney-at-law.

(13)

NOTICE OF ABATEMENT OF PETITION. (Rule 14(3))

(Title as in the case of the Petition).

TAKE NOTICE that the petitioner (*or* the survivor of the several petitioners) in the above petition died on the day of 20 at in the of and that consequently the said petition was abated by such death.

Dated the day of 20 .

Sgd.

A party or person interested in the petition.

(14)

SUMMONS FOR SUBSTITUTION OF A PETITIONER IN PLACE OF A DECEASED PETITIONER. (Rule 14(4))

(Title as in the case of the Petition).

LET ALL PARTIES CONCERNED attend the judge in chambers at Saint Lucia in the city of Castries on the day of 20 at a.m./p.m. on the hearing of an application on the part of a person who might have been a petitioner in respect of the election to which the petition relates, for an order that he or she the said be substituted as a petitioner.

Security in accordance with these Rules has been given as proved by the affidavit of the applicant in support of this application.

Dated the day of 20 .

Sgd.

Applicant to be substituted a petitioner.

(15)

(Rule 15(1))

NOTICE TO BE PUBLISHED OF DEATH OF THE RESPONDENT.

(Title as in the case of the Petition).

TAKE NOTICE that the respondent died on the day of 20 at in the of

Sgd.

A person entitled to be a petitioner in respect of the election questioned.

(16)

(Rule 15(1))

NOTICE TO BE PUBLISHED BY RESPONDENT OF INTENTION NOT TO OPPOSE THE PETITION.

(Title as in the case of the Petition).

TAKE NOTICE that I the undersigned respondent do not intend to oppose the above petition.

Respondent.

To

The Registrar and the Petitioner.

(17)

(Rule 15(1))

SUMMONS TO BE ADMITTED A RESPONDENT TO OPPOSE THE PETITION.

(Title as in the case of the Petition).

LET ALL PARTIES CONCERNED attend the judge in chambers at Saint Lucia in the city of Castries on the day of 20 at a.m./p.m. on the hearing of an application on the part of the undersigned to be admitted as a respondent to oppose the petition in place of who died on the day of 20 .

Sgd.

Applicant.

(18) (Rule 18).

NOTICE OF RECRIMINATORY GROUNDS

(Title as in the case of the Petition).

TAKE NOTICE that I the respondent in the abovementioned petition intend to complain of the election of , the person on whose behalf the seat is claimed undue and that the following are the grounds on which I intend to rely in support of that complaint—

(Here set out the grounds which the respondent intends to complain of).

Respondent or *his or her Attorney-at-law*

To

The Petitioner and his or her Attorney-at-law.

(19) (Rule 21(a)).

NOTICE OF TRIAL

(Title as in the case of the Petition).

TAKE NOTICE that the above petition (or petitions) will be tried in the High Court at Saint Lucia in Castries on the day of 20 commencing at a.m./p.m. and on such other subsequent days as may be needful.

Registrar.

To

The Petitioner and the Respondent
and their Attorneys-at-law.

(20) (Rule 21(d)).

SUMMONS TO TURN PETITION INTO SPECIAL CASE.

(Title as in the case of the Petition).

LET ALL PARTIES CONCERNED attend the judge in chambers at Saint Lucia in the city of Castries on the day of 20 at a.m./p.m. on the hearing of an application on the part of the petitioner (*or* respondent) that the case raised by the petitioner be stated as a special case, and that in the event of the parties differing the same be referred to to settle, and that the costs of this application be costs in the petition.

Dated the day of 20 .

Petitioner or
his or her
Attorney-at-
law.

To

The Respondent and his or her Attorney-at-law
or the Petitioner or his or her Attorney-at-law
or

Respondent or
his or her
Attorney-at-law.

Revision Date: 31 Dec 2008

ELECTIONS REGULATIONS

ARRANGEMENT OF REGULATIONS

Regulation

1. Short title 135
2. Interpretation 135

PART 1 135

REGISTRATION 135

3. Registration offices 135
4. Oath of registration officer 136
5. Registration officer's functions 136
6. Registration officer to be supplied with registration documents 136
7. Oath of enumerator 137
8. Enumerator to be supplied with registration documents 137
9. Documents of registration 137
10. Application for registration 138
11. Manner of registration 138
12. Where applicant unable to read or write 139
13. Spoilt and disallowed registration record card 140
14. Refusal of application for registration 141
15. Names of persons refused registration to be sent to Chief Registration Officer 141
16. Applications referred by enumerators to be considered by registration officers 141
17. Correction of minor errors and omissions and minor alterations 142
18. Correction as to date of birth 143
19. Delivery of documents by enumerators to registration officer 144
20. Registration officer to complete extracts of master registration record card 144
21. Form of content of lists 145
22. Publication of lists 145
23. Notice of claims of objections 145
24. Time for making claims and objections 146
25. Form of claim or objection 146
26. Entry and disposal of claims and objections 146
27. Hearing of claim or objection 147
28. Chief registration officer's decision to be final 147
29. Correction of lists 147
30. Publication of registers 148
31. Chief registration officer to furnish copies of registers 148
32. Free copies of register 149
33. Sale of register 149
34. Revision of register 149
35. Change of place 150
36. Change of residence from one electoral district to another 151

37. Change of name 152
38. Re-registration due to constant changes of residence 152

PART 2 153

GENERAL 153

39. Residence 153
40. Declaration as to age and nationality 153
41. Enumeration and enquiry 154
42. Interpreter 155
43. District registrar to supply lists of deaths 155
44. Disposal of incompleted documents 156
45. Partial or total loss of registration record cards 156
46. Remuneration of election officers 156
47. Travelling allowance 159
48. Allowance to election officers receiving instructions 159
49. Transcribing entries to extract of registration sheet 159
50. Typing lists of claims and objections 159
51. Rental of registration centre and polling station 160
52. Statement of candidature 160
53. Symbols for ballot paper 160
54. Sending of notices 160
55. Failure to publish document 161
56. Misnomers and inaccurate description 161
57. Offences 161

SCHEDULE 163

Revision Date: 31 Dec 2008

ELECTIONS REGULATIONS – SECTION 94 AND 95

(S.I. 32 & 41/1978, 30/1980, 15/1982, 87/1995, 156/2005, 155 & 173/2006 & Act 5 of 2004)

Commencement [16 August 1978]

1. SHORT TITLE

These Regulations may be cited as the Elections Regulations.

2. INTERPRETATION

In these Regulations unless the context otherwise requires—

"**Act**" means the Elections Act;

"**christian name**" includes a first or forename;

"**list**" means a preliminary list, a supplementary list or a revised list prepared under the Act;

"**Master Registration Card**" means the original of a registration record card;

"**Minister**" means the Minister responsible for matters relating to the election of members of the House of Assembly as provided by section 62 of the Constitution of Saint Lucia;

"**Polling Station Card**" means the duplicate of a registration record card;

"**registration officer**" includes an assistant registration officer;

"**Registration Record Card**" means the record of registration of a person registered under these Regulations;

"**Schedule**" means the Schedule to these Regulations.

PART 1
REGISTRATION

3. REGISTRATION OFFICES

On such dates as the Minister shall direct in writing the Chief Registration Officer shall cause to be established for each electoral

district a registration office together with such registration centres as he or she considers necessary which shall be under the control and direction of the registration officer for the electoral district.

4. OATH OF REGISTRATION OFFICER

Every registration officer shall, on his or her appointment, take and subscribe an oath in the form set out as Form 1 in the Schedule and shall transmit such oath to the Chief Registration Officer.

5. REGISTRATION OFFICER'S FUNCTIONS

(1) Every registration officer shall immediately after his or her appointment affix at his or her office and on 2 public buildings in each polling division in the electoral district to which he or she has been appointed or if there are no public buildings in that district, on 2 other buildings, having first obtained permission from the occupants, a copy of the registration notice in the form set out as Form 2 in the Schedule.

(2) The registration officer shall use the registration office and centres for the registration of electors under the Act and shall be assisted in the performance of his or her duties by such number of enumerators and photographers as the Chief Registration Officer shall assign to him or her.

(3) The registration office and centres referred to in sub-regulation (1) shall be open during such times as shall be fixed by the Chief Registration Officer who shall cause to be published in the Gazette and one newspaper circulating in the State the location of such office and centres and the time when they shall be open.

6. REGISTRATION OFFICER TO BE SUPPLIED WITH REGISTRATION DOCUMENTS

The Chief Registration Officer shall supply each registration officer with—

(a) a sufficient number of registration record cards and identification cards;

(b) such number of registration record inventory forms which shall be in duplicate in the form as set out as Form 3 in

the Schedule, sufficient for entries to be made in respect of every registration record card supplied;

(c) a sufficient number of "extract of master registration cards" commensurate with the number of registration record cards supplied;

(d) such other documents and materials as may be necessary to enable the registration officer to perform his or her functions under these Regulations.

7. OATH OF ENUMERATOR

Every enumerator shall on his or her appointment take an oath in the form set out as Form 4 in the Schedule and deliver such oath to the registration officer for transmission to the Chief Registration Officer.

8. ENUMERATOR TO BE SUPPLIED WITH REGISTRATION DOCUMENTS

(1) The registration officer shall supply each enumerator with such number of registration record cards, identification cards and such other documents and materials as may be necessary to enable the enumerator to perform his or her functions under these Regulations.

(2) Every enumerator shall keep in safe custody all registration record cards, identification cards and other documents supplied to him or her and shall not permit any unauthorised person to have access to any of them.

(3) Where it is necessary for any registration record cards, identification cards and other documents to be kept overnight, they shall be kept in containers provided for the purpose by the Chief Registration Officer and such containers may be kept at any convenient police station.

9. DOCUMENTS OF REGISTRATION

The record of registration of persons registered of a registration centre under these Regulations shall be—

(a) a printed card in duplicate the original of which shall contain the heading "Master Registration Card" and on the duplicate the heading "Polling Station Card" with a

registration number and with the particulars set out as Form 5 in the Schedule;

(b) an identification card in the form set out as Form 6 in the Schedule.

(Amended by S.I. 41/1978)

10. APPLICATION FOR REGISTRATION

(1) An elector qualified for registration in an electoral district shall tender to the registration officer or enumerator at a registration office or centre for the said electoral district an application for registration in the form set out as Form 7 in the Schedule.

(2) If by reason of illiteracy or physical disability, an applicant is unable to fill out an application form, the registration officer or enumerator shall assist the applicant by entering on his or her behalf the particulars required on the application form and the applicant shall make his or her mark thereon which shall be witnessed by the registration officer or enumerator.

11. MANNER OF REGISTRATION

(1) On receipt of an application for registration the registration officer or enumerator shall inquire from the applicant whether he or she is already a registered elector and if so proceed to complete the requirements for registration of the elector in the manner and form provided under these Regulations.

(2) Where an applicant for registration has not been previously registered the registration officer or enumerator shall obtain from the applicant all the particulars required under these Regulations and if satisfied that the applicant is entitled to be registered as an elector he or she shall record the same in accordance with these Regulations and shall request the applicant to present himself or herself to an official photographer at the registration office or centre.

(3) A photograph taken for the purpose of registering an elector may be—

(a) with or without negatives;

(b) in the form known as a Polaroid photograph;

(c) in colour or black and white.

(4) On receipt of the applicant's photograph from the official photographer, the registration officer or enumerator shall cause the photograph to be affixed in the space provided on the identification card and after entering the particulars required thereon request the applicant to sign his or her name in the space provided on the identification card. If the applicant is unable to sign his or her name, the registration officer shall insert in the said space, the words "finger-printed". He or she shall then laminate the identification card and issue the same to the applicant as his or her completed identification card.

(5) The signature of the Chief Registration Officer may be impressed upon an identification card by a registration officer or enumerator by means of a stamp.

(6) A copy of the elector's photograph shall also be affixed in the space provided on the "Master Registration Card" and on the "Polling Station Card".

(7) The registration officer or enumerator shall—

(a) record in ink on the Master Registration Card and by means of carbon, on the Polling Station Card all the particulars required to be stated thereon;

(b) require the applicant, unless he or she is unable to do so by reason of illiteracy or physical disability to read the Master Registration Card and sign that card in ink and by means of carbon, the Polling Station Card; and

(c) himself or herself sign in ink the Master Registration Card and by means of carbon, the Polling Station Card.

12. WHERE APPLICANT UNABLE TO READ OR WRITE

(1) Where a person who is being registered is unable to read or write the registration officer or enumerator shall, subject to sub-regulation (2) read over to him or her the contents of his or her registration record card.

(2) Before reading over the contents of a registration record card, the registration officer shall inform the person who is being registered, that the contents thereof will, should he or she so desire, be read over to him or her in the presence of a witness of his or her own choice there present.

(3) If the person being registered informs the registration officer or enumerator that he or she wishes the said contents to be read over to him or her in the presence of a witness of his or her own choice there present the registration officer or enumerator shall read over the said contents to such person in the presence of such witness as is there and then produced by such person or by the registration officer or enumerator with the consent of such person.

(4) Where a person who is being registered is unable to sign his or her name because of illiteracy or physical disability he or she shall subject to subregulation (5) make a mark or impression in ink on the Master Registration Card and on the Polling Station Card which impression may be made in the following ways—

(a) with his or her right thumb; or

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

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

(5) Where such person has no finger on either hand, the Master Registration Record Card and the Polling Station Card may be signed for and on behalf of the applicant by a person of his or her choice there present in the presence of a registration officer or enumerator.

(6) Where an impression is made under subregulation (4) with a finger other than the right thumb the registration officer or enumerator shall make a note of the finger with which it is made upon the Master Record Registration Card and the Polling Station Card of the person who made such impression.

13. SPOILT AND DISALLOWED REGISTRATION RECORD CARD

(1) A registration officer or enumerator on being satisfied that a registration record card cannot conveniently be used or that he or she is unable to complete such card, shall cancel it by writing the word “spoiled” upon the registration record card.

(2) A registration record card that has not been completed because of the disallowance of a registration shall be cancelled by the registration officer or enumerator by marking upon it the word “disallowed”.

(3) When a registration record card has been cancelled under sub-regulation (1) or (2), the registration officer or enumerator shall record such cancellation upon the Inventory form in respect of such registration record card.

14. REFUSAL OF APPLICATION FOR REGISTRATION

Where a registration officer or enumerator is not satisfied that an applicant is qualified to be registered as an elector, he or she shall—

(a) issue to the applicant the original of the notice of refusal in the form set out as Form 8 in the Schedule;

(b) inform the applicant that he or she may appear before the registration officer for the electoral district or the Chief Registration Officer when directed by notice in writing to do so, if he or she wishes to justify his or her claim; and

(c) transmit to the Chief Registration Officer a copy of the notice of refusal issued to the applicant under paragraph (a).

15. NAMES OF PERSONS REFUSED REGISTRATION TO BE SENT TO CHIEF REGISTRATION OFFICER

The names of persons whose application for registration have been refused by a registration officer or enumerator shall be listed in a form supplied by the Chief Registration Officer to registration officers and the lists shall be forwarded by the registration officer to the Chief Registration Officer.

16. APPLICATIONS REFERRED BY ENUMERATORS TO BE CONSIDERED BY REGISTRATION OFFICERS

(1) The registration officer for an electoral district shall consider all applications for registration as electors made to them by persons in the district who have been previously refused by enumerators.

(2) The registration officer shall give notice to a person who claims that his or her registration has been refused by an enumerator in the form as set out as Form 9 in the Schedule. The notice shall be given by registered post or by hand not less than 2 clear days

before the application is to be heard and shall state the time and place at which the application shall be heard.

(3) The applicant shall appear in person at the office of the registration officer.

(4) The registration officer shall permit the applicant and witnesses to be heard, and the registration officer may summon such witnesses and may order the production of such documents which he or she may consider necessary.

(5) The registration officer may require that the evidence given by any person shall be upon oath.

(6) The registration officer shall make a decision on the application confirming or reversing the enumerator's decision.

(7) Where the registration officer has refused an application for registration or has confirmed an enumerator's decision refusing an application for registration, the applicant or the registration officer may refer the matter to the Chief Registration Officer.

(8) The registration officer shall make and keep a record of all evidence taken and all documents produced during the hearing of an application under this regulation and shall transmit to the Chief Registration Officer all records and documents produced together with his or her decision in respect of the application and his or her reasons therefor.

(9) The Chief Registration Officer shall make a decision which shall be final upon any application for registration and may vary or confirm any decision upon an application made by a registration officer.

(10) If the Chief Registration Officer disallows any application for registration he or she shall issue to the applicant a notice of refusal in the form set out as Form 8 in the Schedule and keep a duplicate copy of such notice together with the records and other documents submitted to him or her by the registration officer relative to the application.

17. CORRECTION OF MINOR ERRORS AND OMISSIONS AND MINOR ALTERATIONS

(1) A clerical error or omission in a registration record card or any other error caused by the inadvertence of a registration officer

or enumerator, may be corrected or inserted either by the enumerator who registered the person or to whom such registration record card relates or if the enumerator is for any reason unavailable for the purpose by the registration officer appointed for the electoral district.

(2) Where the description of the address of a registered person has been altered by lawful authority the Chief Registration Officer shall make the appropriate alterations on the registration record card of such person.

(3) A correction, insertion or alteration, made under this regulation shall be initialled by the enumerator, registration officer or Chief Registration Officer as the case may be.

(4) Where the correction, insertion or alteration is made by a person other than the Chief Registration Officer, such person shall inform the Chief Registration Officer of any correction, insertion or alteration made under this regulation, and the Chief Registration Officer shall, where he or she is so informed, or where he or she as Chief Registration Officer has himself or herself made the change, make or cause to be made the requisite changes in the appropriate registration record card.

18. CORRECTION AS TO DATE OF BIRTH

(1) Where a person at the time that he or she is seeking registration gives as the date of his or her birth a date which he or she subsequently discovers to be inaccurate, he or she shall notify the Chief Registration Officer who may subject to sub-regulation (2) alter the date on the registration record card relating to such person.

(2) Before an alteration described in sub-regulation (1) is made the Chief Registration Officer shall—

(a) require a birth certificate with an affidavit attached thereto deposing that the date mentioned in the certificate relates to the birth of the applicant or where a birth certificate is unobtainable an affidavit deposing to the true date of the birth of the applicant;

(b) check the information supplied on the master registration record card.

(3) Where an affidavit is required under subregulation (2)(a) no fee or stamp duty as required by any enactment providing for the payment of such fee or stamp duty shall be payable therefor.

(4) The Chief Registration Officer shall make or cause to be made the requisite change in the appropriate registration record card relating to such person.

19. DELIVERY OF DOCUMENTS BY ENUMERATORS TO REGISTRATION OFFICER

Every enumerator shall deliver to the registration officer of the electoral district the completed master registration record card, the polling station card, and such other documents and materials which were supplied to him or her for the performance of his or her duties.

20. REGISTRATION OFFICER TO COMPLETE EXTRACTS OF MASTER REGISTRATION RECORD CARD

(1) On receipt of the completed master registration record card, polling station cards and other documents and materials the registration officer shall from the information supplied on the master registration record card and Polling Station card make up and complete in triplicate the extract of the Master registration record as supplied to him or her by the Chief Registration Officer in the form of a list of all the persons appearing on the Master registration record card and polling station card.

(2) The registration officer shall retain the triplicate copy of the extract of the Master Registration record card and deliver to the Chief Registration Officer—

(a) the master registration record card;

(b) the Polling station card;

(c) the Registration record Inventory forms;

(d) the original and duplicate of the extract of the master registration record card;

(e) all other unused cards, inventory forms, documents, and other materials delivered to him or her by the enumerator;

(f) two copies of each elector’s photograph in the envelope provided for the purpose.

21. FORM OF CONTENT OF LISTS

(1) Each list of electors shall be formed in separate parts for each polling division within the electoral district to which such list relates.

(2) There shall be assigned to each polling division and to the part of the list which relates to that polling division a separate letter or letters and such letter or letters shall be deemed to form part of an elector's number on that list.

(3) Subject to subregulation (4), the names in each part shall be arranged in alphabetical order which shall be numbered so far as is reasonably practicable consisting of separate series or numbers for each polling division or in such other manner as may be considered expedient.

(4) There shall be inserted opposite to each name in every list the occupation (if any) and address of the person whose name appears therein.

22. PUBLICATION OF LISTS

The Chief Registration Officer shall publish the list of electors for each electoral district by—

(a) making copies thereof available for inspection at the office of the registration officer for the electoral district; and

(b) making copies thereof available for inspection at any specified public place in the electoral district to which the lists relate;

(c) publishing in at least one daily newspaper notices specifying the places where every list of electors for each electoral district is available for inspection;

(d) causing copies of these notices to be posted in public places in each polling division to which any list relates.

23. NOTICE OF CLAIMS OF OBJECTIONS

(1) The Chief Registration Officer shall at the time of publishing any preliminary or supplementary list of electors for an electoral district append thereto a notice stating that claims or

objections may be made to the inclusion of any person's name in any such list.

(2) The date to be fixed as the last date for the receipt of the claims and objections in respect of the list referred to in subregulation (1) shall not be later than the sixtieth day after publication of the list. *(Substituted by S.I. 156/2005 and 155 of 2006)*

(3) Claims or objections in respect of any such list shall be made at the office of the registration officer for the electoral district and shall be dealt with in the manner provided under these Regulations.

24. TIME FOR MAKING CLAIMS AND OBJECTIONS

A claim or objection in respect of any preliminary or supplementary list of electors which is delivered to the registration officer at any time after the last date for the receipt of such claim or objection shall be disregarded.

25. FORM OF CLAIM OR OBJECTION

(1) A claim or objection shall be in the form set out as Form 7 or 10 respectively in the Schedule; shall specify the claim or objection and give full particulars in support thereof.

(2) Claims and objections shall be made available for inspection at the office of the registration officer until their determination as provided under these Regulations.

26. ENTRY AND DISPOSAL OF CLAIMS AND OBJECTIONS

(1) If the registration officer is of the opinion—

(a) that the particulars given in a claim or objection are insufficient, he or she may ask for further information and take no further action until such information is supplied. However, should such further information not be received by the registration officer by the last date for the receipt of claims and objections specified in the notice referred to in these Regulations no further action need be taken in respect of it;

(b) that a claim may be allowed without the claim being referred to the Chief Registration Officer, he or she may

allow the claim provided that no objection is made thereto, and shall so inform the person making the claim;

(c) that a claim or objection cannot be allowed because the particulars given in a claim or objection do not entitle the claimant or objector to succeed, he or she shall refer the matter to the Chief Registration Officer and send a notice in the Form set out as Form 11 in the Schedule, in the case of a claim to the person making the claim, and in the case of an objector to the person objected to, stating the time and place at which the Chief Registration Officer proposes to hear the claim or objection; and the notice sent to a person objected to shall also state the name and address of the objector and the grounds of objection.

(2) The time fixed for the hearing of a claim or objection shall not be earlier than the third day after the date of notice referred to in subregulation (1)(c) hereof.

(3) The registration officer shall make lists of claims and objections available for inspection at his or her address until they are finally disposed of, together with the times and places at which the registration officer proposes to hear any claim or objection.

27. HEARING OF CLAIM OR OBJECTION

(1) On the hearing of a claim or objection, the claimant or objector, and the person objected to, and any other person who appears to the registration officer to be interested shall appear and be heard.

(2) The right to appear and be heard includes the right to make written representations.

28. CHIEF REGISTRATION OFFICER'S DECISION TO BE FINAL

A person whose claim for registration has been refused or whose objection to the registration of an elector has been overruled by a registration officer may appeal to the Chief Registration Officer whose decision shall be final.

29. CORRECTION OF LISTS

(1) An alteration to any list which is required—

(a) to carry out the registration officer's decision with respect to any claim or objection;

(b) to carry out the Chief Registration Officer's decision with respect to any claim or objection;

(c) to correct any clerical error;

(d) to correct any misnomer, or inaccurate description of any person, his or her occupation or address,

shall be made by the Chief Registration Officer.

(2) Where it appears that it is necessary to make any alteration (other than an alteration under Regulations to any list or register) in order to ensure that no person shall be incorrectly registered or registered more than once in any electoral district or registered when not qualified, the Chief Registration Officer shall send the person affected by the alteration a notice stating the proposed alteration and shall give him or her an opportunity within 7 days from the date of such notice of stating, his or her objection to the alteration and, if necessary of appearing before him or her and of being heard in accordance with these Regulations.

30. PUBLICATION OF REGISTERS

The Chief Registration Officer shall publish the register of electors for each electoral district by making copies available for inspection at his or her address and at the address of the registration officer for the electoral district to which it relates and by making copies available for inspection as soon as practicable at specified public places in the electoral district to which it relates.

31. CHIEF REGISTRATION OFFICER TO FURNISH COPIES OF REGISTERS

(1) Copies of the Register shall on publication be forwarded by the Chief Registration Officer to the Minister, the Central Library and other public libraries.

(2) The Librarian of the Central Library and the person in charge of a public library shall place the registers in a conspicuous place therein and shall take such action as they think fit for the purpose of preserving the condition of the registers.

32. FREE COPIES OF REGISTER

The Chief Registration Officer shall on request supply without fee such number of copies of any register as are in the opinion of the Chief Registration Officer necessary for each candidate at an election in an electoral district.

33. SALE OF REGISTER

The Chief Registration Officer shall supply to any person copies of any part or parts of the register so long as there are sufficient copies available, allowing for the number which he or she considers may be required for official purposes including the purposes of any election, on payment of a fee of one dollar for each part of the register relating to any polling division.

34. REVISION OF REGISTER

(1) For the purpose of the annual revision of the register of electors for each electoral district the Chief Registration Officer shall not later than 30 April and 31 October, publish for each electoral district a biannual supplementary list containing—

(a) the names of all persons who have been registered as electors in each electoral district since the publication of the last register or last biannual revised list of electors;

(b) the names of all electors who because of a change of address have applied in the prescribed form for an alteration in registration either from one electoral district to another or within an electoral district.

(2) The Chief Registration Officer shall after allowing such time as shall be prescribed for claims or objections to the inclusion of any name on any biannual supplementary list make all necessary corrections therein in accordance with the Act and shall not later than the 30th of June and the 31st of December publish such list as the biannual revised list for each electoral district.

(3) Not later than 31 January in each subsequent year, the Chief Registration Officer shall cause to be revised the register of electors for each electoral district by—

(a) adding therein the names of all persons whose names have been published as electors during the preceding year on a biannual revised list of electors;

(b) deleting therefrom the names of all persons who have ceased to be entitled to registration as electors;

(c) making such other alterations in the Register as are provided under the Act.

(4) Not later than 31 March in each subsequent year, the Chief Registration Officer shall—

(a) publish the register of electors for each electoral district as revised under this regulation;

(b) cause the register of police electors for each electoral district to be revised by—

(i) adding therein the names of every police elector qualified for registration since the preparation of the last register of police electors;

(ii) deleting therefrom the names of all police electors who have ceased to be so qualified.

35. CHANGE OF PLACE

(1) A person whose name appears on any list or register of electors and who has changed his or her place of residence from one polling division to another polling division in the same electoral district or from one address to another in the same polling division shall give notice to the Chief Registration Officer of such change in the form set out as Form 12 in the Schedule.

(2) Upon receipt of the notice mentioned in subregulation (1), the Chief Registration Officer shall, if he or she is satisfied as to the identity of the person giving the notice and as to the correctness of the other particulars contained therein make or cause to be made such correction in the registration record card of such person.

(3) When a person has given notice under subregulation (1) and the Chief Registration Officer is not satisfied as to the matters mentioned in subregulation (2), he or she shall make or cause an enquiry to be made in connection therewith and if after such enquiry he or she is then satisfied he or she shall make or cause

to be made such corrections on the registration record card of such person; otherwise no correction shall be made.

(4) The Chief Registration Officer shall after causing a registration card to be corrected in accordance with sub-regulation (2) or (3) shall—

(a) where the person has changed his or her address from one polling division to another polling division in the same electoral district transfer or cause to be transferred the registration record card of such person to the file stack where the other registration record cards of electors who reside in the same polling division in which such person resides are kept;

(b) make the necessary change of address in the appropriate list or register according to the time when the notice was received and the list or register in which the change is to be published.

36. CHANGE OF RESIDENCE FROM ONE ELECTORAL DISTRICT TO ANOTHER

Where a person whose name appears on any list or register of electors changes his or her residence from one electoral district to another electoral district he or she shall notify the Chief Registration Officer in writing in the form set out as Form 12 in the Schedule and if the Chief Registration Officer is satisfied that the person is ordinarily resident in that other electoral district—

(a) correct or cause the registration record to be corrected to show the new address and insert the date of the change of address on the corrected registration record card as an amendment to the date originally recorded on the registration record card of such person;

(b) transfer or cause to be transferred the registration record card of such person to the file stack where the other registration record cards of electors who reside in that other electoral district are kept;

(c) make the necessary change of address in the appropriate list or register according to the time in which the notice was received and the list or register in which the change is to be published.

37. CHANGE OF NAME

(1) Where a person whose name appears on any list or register of electors changes his or her name he or she shall—

(a) give notice to the Chief Registration Officer in the form set out as Form 13 in the Schedule;

(b) produce to the Chief Registration Officer satisfactory evidence of such change.

(2) If the Chief Registration Officer is not satisfied as to the identity of the person giving the notice or his or her change of name he or she shall enquire or cause an enquiry to be made in connection therewith.

(3) If upon receipt of the notice under sub-regulation (1) or after the enquiry made under subregulation (2) the Chief Registration Officer is satisfied as to the identity of such person and his or her change of name, he or she shall register or cause such person to be re-registered in the manner set out in these Regulations for the registration of persons qualified to be registered.

38. RE-REGISTRATION DUE TO CONSTANT CHANGES OF RESIDENCE

Where a registered person has changed his or her place of residence from one polling division to another polling division in the same electoral district or from one electoral district to another electoral district on such number of occasions as to render the registration record card relating to such person incapable of accommodating any further changes, the Chief Registration Officer shall, if he or she is satisfied that no further entries can conveniently be made thereon, after notifying such person, register such person in the manner set out in these Regulations for the registration of persons qualified to be registered.

PART 2
GENERAL

39. RESIDENCE

(1) For the purpose of registration under the Act a person shall be deemed to reside in the polling division in which he or she was ordinarily resident on the qualifying date.

(2) The place of residence of a person shall be that place which he or she has always been, or which he or she has adopted as his or her place of habitation or home to which place when away therefrom, he or she intends to return.

(3) When a person normally sleeps in one place and has his or her meals or is employed in another place, the place of residence is where the person sleeps.

(4) A person's place of residence is where his or her family is; or if he or she is living apart from his or her family, with the intent to remain so apart in another place, the place of residence of such person is such other place.

(5) Temporary absence from a place of residence does not cause a loss or change of residence.

(6) Any person who has more than one place of residence may elect in respect of which place he or she desires to be registered.

(7) A person shall not for the purpose of these Regulations be deemed to be resident in any polling division to which he or she comes for the purpose of engaging temporarily in any employment of a seasonal character.

(8) Subject to this regulation the question as to whether a person is or was resident at any place at any material period shall be determined by reference to all the facts of the case.

40. DECLARATION AS TO AGE AND NATIONALITY

(1) For the purpose of the discharge of their functions under the Act an enumerator, a registration officer or the Chief Registration Officer may, in relation to a person claiming to be registered or against whose inclusion in any preliminary or revised list an objection has been made, if he or she thinks necessary—

(a) require that person either to produce a birth certificate or to make a statutory declaration as to the date of his or her birth;

(b) require that person either to produce a certificate of naturalisation or a document showing that he or she has become a Commonwealth citizen by nature of registration, or to make a statutory declaration that he or she was a Commonwealth citizen on the qualifying date.

(2) Where a declaration is so required no stamp duty as provided by any enactment making provision for the payment of stamp duty shall be payable therein.

41. ENUMERATION AND ENQUIRY

(1) Despite regulations 10, 11 and 12 the Chief Registration Officer shall, through enumerators appointed under these Regulations cause a house to house enumeration in each electoral district to be made for the purpose of ensuring that all persons qualified as electors are duly registered.

(2) For the purposes of this regulation an enumerator may be appointed in respect of one or more polling divisions.

(3) Each enumerator shall, for the purpose of registering electors in the polling division in an electoral district to which he or she has been appointed, proceed to ascertain the name, address, occupation and other requisite particulars of every person qualified as an elector for the electoral district to which the polling station relates and for that purpose shall visit every household in that polling division.

(4) An enumerator, after having obtained all the particulars from any person referred to in the preceding subregulation, shall record the same and shall, where he or she is satisfied that that person is qualified to be registered as an elector and has not been registered, issue to him or her a copy of the form set out as Form 15 in the Schedule.

(5) The particulars of an enumeration made under this regulation shall be entered on Form 5 in the Schedule and the name of every elector so enumerated shall be included in the list or register of electors for that electoral district.

(6) An elector to whom a card in the form set out as Form 15 has been issued, shall proceed as soon as is practicable to a registration centre for the polling division to which he or she is attached for the purpose of obtaining an identification card.

(7) Where it appears by an enumeration made under this regulation that an elector registered at a registration centre was registered in an electoral district different from that in which he or she resides, the Chief Registration Officer shall so notify the elector and after giving such elector an opportunity to be heard if he or she so desires and if satisfied that the elector has not been correctly registered as to his or her place of residence, make the appropriate correction in the registration record of that elector.

(8) An enumerator, a registration officer, or the Chief Registration Officer may require any householder or any person occupying any premises to give to such enumerator, registration Officer or the Chief Registration Officer as the case may be such information as lies within the power of such householder or person to give as is required for the purpose of performing his or her duties under these Regulations.

(Substituted by S.I. 41/1978 and amended by Act 5 of 2004)

42. INTERPRETER

(1) Wherever an enumerator, a registration officer or the Chief Registration Officer in the performance of his or her duties under these Regulations does not understand the language spoken by any person he or she shall appoint an interpreter who shall be the means of communication between an enumerator, a registration officer or the Chief Registration Officer as the case may be, and such person.

(2) An interpreter appointed under this regulation shall take an oath in the form set out as Form 14 in the Schedule.

43. DISTRICT REGISTRAR TO SUPPLY LISTS OF DEATHS

(1) Every District Registrar shall, between the first and tenth days of each month, transmit to the Chief Registration Officer a list stating the names, addresses and occupation of persons of 18 years of age or over, whose death have occurred during the preceding month.

(2) For the purpose of this regulation a District Registrar means any person whose duty it is to record or report any death under the Civil Status Act.

44. DISPOSAL OF INCOMPLETED DOCUMENTS

(1) All registration record cards which have been used but have not been completed and all registration record inventory forms, delivered by registration officers to the Chief Registration Officer shall be kept by him or her for a period of not less than one year.

(2) The Chief Registration Officer shall, after the period referred to in subregulation (1) has elapsed, destroy such registration record cards and keep a record of the numbers of such cards destroyed.

45. PARTIAL OR TOTAL LOSS OF REGISTRATION RECORD CARDS

(1) If the completed registration card of an elector is lost, mutilated, defaced or destroyed such elector shall be required to register anew.

(2) If only one copy of the registration record card of any elector is lost, mutilated, defaced or destroyed the Chief Registration Officer shall prepare a photostatic copy thereof from the remaining copy and that copy shall be deemed to replace the lost, mutilated, defaced or destroyed copy.

(3) The Chief Registration Officer shall make and sign a certificate on the photostatic copy to the effect that it is a true and correct reproduction.

46. REMUNERATION OF ELECTION OFFICERS

(1) The Chief Elections Officer shall be paid a salary of $17,380 per annum together with the cost-of-living allowance and a travelling allowance at the approved rate applicable to the public service except that he or she shall be paid at the rate of $21,835 per annum from the date when the Governor General instructs him or her to prepare for the holding of elections and

until 2 months after the date of the return of the writ of election to the Governor General.

However, the above salaries are to be paid only when the officer is engaged full time in the post. Where the officer is required to discharge the duties of his or her substantive office in addition to the duties of Chief Elections Officer, he or she shall be paid 50% of the aforesaid salary.

(2) The Electoral Commission may appoint a suitable person as Assistant Chief Elections Officer from time to time to assist the Chief Elections Officer in the discharge of his or her functions under the Elections Act and relevant statutory rules and regulations. Such person shall be paid at a rate to be determined by the Commission.

(3) The remuneration indicated in this subregulation shall be paid to the following officers for their services in connection with the registration of voters or the holding of an election—

(a) Registration officer

(i) $400 per week for the period of duty within the electoral district to which he or she is appointed, when an official photographer is in attendance at the Registration Centre, or

(ii) $200 per week during any period other than the period referred to in subparagraph (i);

(Substituted by S.I.156/2005)

(b) Assistant Registration Officer:

(i) $100 per week for the period of duty at a registration centre when an official photographer is in attendance,

(ii) $55 per week at any other time;

(c) any Returning Officer of an electoral district where the election was contested: $2,100;

(d) any Returning Officer of an electoral district where the election was uncontested: $1,200;

(e) any Election Clerk of an electoral district where the election was contested: $1,050;

(f) any Election Clerk of an electoral district where the election was uncontested: $675;

(g) any Assistant Election Clerk of an electoral district where the election was contested: $675;

(h) any Assistant Election Clerk of an electoral district where the election was uncontested: $450;

(i) any Presiding Officer: $600;

(j) any Poll Clerk: $450;

(k) any Assistant Poll Clerk: $300;

(l) enumerator: a basic wage of $200 per month plus a rate of $4 per verified elector when engaged in a house to house enumeration exercise; *(Substituted by S.I.156/2005)*

(m) any Camera Operator: $30 a day for attendance at a registration centre together with subsistence allowance at an approved rate when engaged in an out district;

(n) any Typist: $25 a day for attendance at a registration centre together with subsistence allowance at an approved rate when engaged in an out district;

(o) Scrutineer: a basic wage of $150 per month plus a rate of $1.50 per verified elector when engaged in a house to house enumeration exercise;

(p) Registration Centre staff $55 per day together with a subsistence and relocation allowance at an approved rate when engaged in areas away from station;

(q) Enumeration Co-ordinator: a basic allowance of $1,200 per month during a house to house enumeration exercise.

(Inserted by S.I. 87/1995 and amended by S.I.135/2001, 156/2005 and 173/2006)

(4) The rates specified in subregulation (3) shall not apply to persons already employed at the Elections Office. *(Inserted by S.I. 87/1995)*

(5) The Chief Elections Officer shall be paid a duty allowance not exceeding $40 per day when in attendance in office on any Saturday, Sunday or public holiday; and any assistant to the Chief Elections Officer shall be paid for similar attendance a duty allowance not exceeding $20 per day. *(Substituted by S.I. 15/1982)*

47. TRAVELLING ALLOWANCE

An election officer who is required to travel on election duty, irrespective of the fact that he or she is in receipt of a basic travelling allowance, shall be paid a mileage at an approved Public Service rate. *(Substituted by S.I. 15/1982)*

48. ALLOWANCE TO ELECTION OFFICERS RECEIVING INSTRUCTIONS

(1) An election officer who travels for the purpose of receiving instructions either from the Chief Elections Officer or from a returning officer shall be paid an allowance at the following rates—

(a) $20 — within a 5 mile radius of the place where instructions are received;

(b) $25 — outside the 5 mile radius and up to 15 miles from the place where instructions are received;

(c) $30 — outside the 15 mile radius of the place where instructions are received;

(d) $30 — where instructions are received from the Chief Elections Officer or the Returning Officer for each instruction session received.

(2) A returning officer shall not give instructions on more than one occasion without having first obtained the approval of the Chief Elections Officer.

(Substituted by S.I. 15/1982 and amended by S.I. 173/2006)

49. TRANSCRIBING ENTRIES TO EXTRACT OF REGISTRATION SHEET

A person appointed to transcribe entries from the Master Registration Card to the Extract of Registration Sheet shall be paid at the rate of $0.20 for each entry. *(Amended by S.I. 30/1980)*

50. TYPING LISTS OF CLAIMS AND OBJECTIONS

A typist appointed to type copies of the list of claims and objections shall be paid at the rate of $0.20 for each one typed. *(Amended by S.I. 30/1980)*

51. RENTAL OF REGISTRATION CENTRE AND POLLING STATION

For each polling station or registration centre rented for polling day or registration of electors there shall be paid a sum not exceeding $150. *(Amended by S.I. 15/1982 and 173/2006)*

52. STATEMENT OF CANDIDATURE

(1) The expression "political party" hereinafter appearing means any party, members of which contest an election.

(2) Where candidates from the same political party contest an election the Secretary of the Party shall file with the Supervisor of Elections a certified joint statement made by such candidates according to the form prescribed in Appendix I to these Regulations.

53. SYMBOLS FOR BALLOT PAPER

(1) There shall be printed upon every ballot paper opposite to the name of each candidate, one of the symbols shown in Appendix IIA to these Regulations, which shall be allotted to each candidate in the manner hereinafter provided.

(2) When the Supervisor of Elections is satisfied that a recognised political party has applied for a party symbol, he or she shall allocate a symbol shown in Appendix IIA to these Regulations to such party, and the official candidate of the party in each electoral district shall be entitled to have the party symbol printed opposite his or her name. The same symbol shall be allotted to every candidate from the same political party.

(3) In the case of other candidates, the Supervisor of Elections shall allocate a symbol shown in Appendix IIB to these Regulations to each such candidate.

54. SENDING OF NOTICES

(1) Subject to this Act any notice which is required by this Act to be given to the Chief Registration Officer, or a registration officer shall be in writing and sent by post or delivered to the Chief Registration Officer, or, as the case may be, to the registration officer or to his or her address.

(2) Where the Chief Registration Officer or a registration officer is required by the Act or these Regulations to notify any person, such notification shall be in writing and may be sent by post or delivered to or at the address furnished by that person for the purpose of such notifications, or if there is no such address, to the last known place of abode of that person.

55. FAILURE TO PUBLISH DOCUMENT

Any failure to publish a document in accordance with the Act shall not invalidate the document but this provision shall not relieve the person responsible under these Regulations from any penalty for failure so to do.

56. MISNOMERS AND INACCURATE DESCRIPTION

A misnomer or an inaccurate description of any person or place in any register, list, list of claims or objections, or in any notice shall not prejudice the operation of that document with respect to that person or place in any register, list, list of claims or objections, in any case where the description of that person or place is such as to be commonly understood.

57. OFFENCES

(1) A person commits an offence who—

(a) wilfully fails to give the information as it is in his or her power to give or gives information which he or she knows to be false or does not believe to be true;

(b) without lawful authority destroys, mutilates, defaces, removes or makes any alteration in—

(i) an unused, completed, uncompleted or cancelled registration record card,

(ii) a registration record inventory form,

(iii) a file of notice of refusal,

(iv) any other document published under these Regulations;

(c) assaults, obstructs or in any way interferes with a registration officer, an enumerator or a photographer in the execution of his or her duty under these Regulations;

(d) having no lawful business to perform under these Regulations remains at a registration centre after having been required by a registration officer or enumerator to depart therefrom;

(e) registers more than once as an elector for the same electoral district;

(f) registers as an elector in more than one electoral district;

(g) incites, aids, counsels or abets any other person to commit any of the offences contained in paragraphs (a) to (f) of this subregulation; or

(h) on the hearing of an application in respect of any matter under these Regulations make any statement on oath which he or she knows to be false or does not believe to be true.

(Amended by S.I. 41/1978)

(2) A person who commits an offence under these Regulations is liable on summary conviction to a fine of $100 or to imprisonment for a period not exceeding 3 months or to both such fine and imprisonment.

SCHEDULE

FORM 1 (Regulation 4)

ELECTIONS ACT

OATH OF REGISTRATION OFFICER

I, ... do swear that I will faithfully perform all the duties of Registration Officer of the ..... electoral district in accordance with the Elections Act and of all Regulations made thereunder to the best of my ability.

.....
Registration Officer

Sworn before me

.....
Justice of the Peace
(or as the case may be)

Date .....

FORM 2 (Regulation 5(1))

ELECTIONS ACT

REGISTRATION NOTICE

TAKE NOTICE THAT—

(a) the boundaries of polling division No ..... of the ..... electoral district are as follows—
.....
.....
.....

(b) the registration of all qualified electors in the aforesaid polling division shall commence on the ..... day of ..... 20..... at the registration office and centres listed hereunder and shall be

completed on the ..... day of ..... 20.....

Location of Registration Office/Centre	Times open
.....	.....
.....	.....
.....	.....

(c) every person not disqualified on any of the grounds set out in the next paragraph of this notice is qualified to be registered as an elector in an electoral district if he or she—

(i) is a person who belongs to Saint Lucia; or

(ii) is a Commonwealth citizen (other than belonging to Saint Lucia) who has resided in Saint Lucia for a period of at least 5 years immediately before the qualifying date; and

(iii) is not below the age of 18 years; and

(iv) has resided in the aforesaid electoral district for a period of at least 2 months preceding the qualifying date.

(d) a person is not entitled to be registered as an elector in any electoral district who—

(i) is an undischarged bankrupt;

(ii) has, in any part of the Commonwealth been sentenced to death or penal servitude or to imprisonment for a term exceeding 12 months and has not either suffered the punishment to which he or she was sentenced or such other punishment as has been substituted therefor by competent authority or received a free pardon; or

(iii) is a person adjudged to be of unsound mind under any law in force in the State.

(e) the preliminary list of qualified persons for the above polling division will be posted up in this polling division for a period of 12 days beginning on the day of 20 .

.....

Registration Officer

Date .....

FORM 3 (Regulation 6(b))

ELECTIONS ACT

REGISTRATION RECORD INVENTORY FORM

Electoral District ..... Polling District .....

Registration No.	Name	Address	How Disposed of
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....

.....
Enumerator/Registration Officer

FORM 4 (Regulation 7)

ELECTIONS ACT

OATH OF AN ENUMERATOR

I, the undersigned ..... appointed enumerator for polling division No ..... in the ..... electoral district, do solemnly swear that I will act faithfully in my said capacity of enumerator, without partiality, fear, favour or affection, and in every respect according to law.

So Help Me God.

.....
Enumerator

CERTIFICATE OF THE ENUMERATOR HAVING TAKEN THE OATH OF OFFICE

I, the undersigned, do hereby certify that on the ..... day of ..... 20..... the enumerator above named made and subscribed before me the above oath.

In testimony whereof I have issued this certificate under my hand.

.....

Registration Officer
(Justice of the Peace)

FORM 5 (Regulation 9(a))

ST.L

Master Registration Card

Surname	Christian	Middle

Residence	District	Parish	Occupation

Sex Male Female	Age	Date of Birth	Place of Birth	Electoral District	P.D.*	Saint Lucian; or Cmmwlth Citizen	Domiciled/ Resident in the State

Period of residence in electoral district before qualifying date	Height	Distinguishing Marks (if any)

Signature of Registrant

Date Signature of Enumerator/Registration Officer

*P.D. Polling Division

(Amended by S.I. 41/1978)

FORM 6 (Regulation 9(b))

PHOTOGRAPH	SAINT LUCIA Identification Card			
	Name			
	Address			
	Nationality			
	Registration Number	Soc. Sec. No.		
	Signature			
	Distingushing Marks (if any)			
Sex	Height ft. ins.	Date of Birth	Issued on	Chief Registration Officer

(*Reverse Side*)

Property of the Government of Saint Lucia
To be produced on demand.
If found, please deliver to the nearest Post Office.

FORM 7 (Regulation 10(1))

ELECTIONS ACT

APPLICATION/CLAIM FOR REGISTRATION AS AN ELECTOR

To the Registration Officer for the electoral district of .....

I, ...
(*Full name in Block Letters*)

of .....
(Address)

whose occupation is ..... do hereby apply/claim to be registered as an elector for the electoral district of ..... certify that the particulars entered on this APPLICATION FORM are to the

best of my knowledge and belief true and correct in all respects; and declare that I am not subject to any legal incapacity.

.....
Signature or mark of Applicant

Dated .....
(The particulars on the reverse side of this Form must be filled out by or on behalf of the applicant).

The following particulars to be filled out in BLOCK LETTERS

1. Applicant's name in full

   (Surname first and style or title— Mr. Mrs. or Miss) .....

   Other names (if any) .....

2. (a) Applicant's address on qualifying date*

   (Number and name of street or road – city, town, village or place) .....

   (b) Period of residence in the electoral district prior to the qualifying date .....

3. (a) Was applicant aged 18 or over on the qualifying date*? (Yes or No) .....

   (b) Applicant's date and place of birth .....

4. (a) Is applicant a person who belongs to Saint Lucia*? (Yes or No) .....

   If "yes" does applicant belong to Saint Lucia by birth, descent, marriage, naturalisation or registration (State which) .....

   (b) If a Commonwealth citizen

(i) of which part of the Commonwealth is the applicant a citizen? .....

(ii) period of residence in Saint Lucia .....

*The qualifying date is the..... 20.....

FORM 8 (Regulations 14(a); 16(11))

ELECTIONS ACT

Notice of Refusal of Application for Registration or Objection

Electoral District ..... Polling District .....

Take notice that the application/objection of .... of .....
(*Address*)
to be registered *against the registration of ..... as an elector for the above electoral district has this day been refused by me on the grounds that .....

Dated this ..... day of ..... 20 .....

.....

**Chief Registration Officer/*
Enumerator
(*or as the case may be*)

* *Delete words inapplicable*

FORM 9 (Regulation 16(2))

ELECTIONS ACT

NOTICE OF HEARING OF APPLICATION

From The Registration Officer for the Electoral District of .....

..... at .....
(*Address of office*)

To .....
(*Name*)

of .....
(*Address*)

Take notice that I ..... propose to hear your application for registration as an elector at my office at the above address on the ..... day of ..... 20..... at the hour of .....

Dated this ..... day of ..... 20 .....

.....
Registration Officer

FORM 10 (Regulation 25(1))

ELECTIONS ACT

FORM OF OBJECTION

To The Registration Officer for the Electoral District of .....
.....

Take notice that I .....
(*Full name in BLOCK LETTERS*)
of ..... whose electoral number in the
(*Address*)
*preliminary/supplementary list for the Electoral District of .....
is ..... and whose occupation is .....
(*insert number*)
object to the inclusion of .....
(*name in BLOCK LETTERS of person objected to*)
of ..... whose electoral number in
(*address of person objected to*)

*preliminary/supplementary list for the Electoral District of .....
is ..... and whose occupation is .....
(*insert number*)
in the *preliminary/supplementary list for that Electoral District.

My reasons for objection are as follows—

.....
.....

Dated this ..... day of ..... 20 .....

.....

Signature or mark of Objector

* *Delete words inapplicable*

FORM 11 (Regulation 26(1)(c))

ELECTIONS ACT

NOTICE OF HEARING OF CLAIM/OBJECTION*

From The Registration Officer for the Electoral District of .....
.....at .....
(*Address of Office*)
.....
(*Name*)
of .....
(*Address*)

Take notice that the Chief Registration Officer proposes to hear your *claim to be registered/objection to the registration of .....
(*insert the name of the person objected to*)
as an elector for the Electoral District of ..... at his or her office on the ..... day of ..... 20 ..... at the hour of .....

The objection to registration has been made by ..... of ..... on the following grounds—

.....
.....

Dated this ..... day of ..... 20 .....

.....

Registration Officer

* *Delete if inapplicable*

FORM 12 (Regulations 35(1); 36)

ELECTIONS ACT

NOTICE OF CHANGE OF RESIDENCE

To The Chief Registration Officer

Take notice that I have changed my place of residence as follows—
From .....
in the electoral district of .....
(*or change of place of Residence*)
To .....
in the electoral district of .....
(*or change of place of Residence*)
My name is .....
(*Full name in BLOCK LETTERS*)
and my electoral number on the *preliminary/supplementary list for the Electoral District of ..... is .....
(*here insert the electoral number*)
Dated this ..... day of ..... 20 .....

.....
Signature or mark of Applicant

* *Delete if inapplicable*

FORM 13 (Regulation 37(1)(a))

ELECTIONS ACT

NOTICE OF CHANGE OF NAME

To The Chief Registration Officer

Take notice that my name which now appears as—
.....
(*here insert the name on the *preliminary/supplementary list in BLOCK LETTERS*)
in the *preliminary/supplementary list of electors for the electoral district of ..... has been changed by *deed poll/affidavit/marriage dated the ..... day of ..... to .....
(*here insert the name as changed in BLOCK LETTERS*)
My electoral number in the *preliminary/supplementary list for that electoral district is .....
(*here insert the electoral number*)
Dated this ..... day of ..... 20.....

.....
Signature or mark of Applicant

* *Delete if inapplicable*

FORM 14 (Regulation 42(2))

ELECTIONS ACT

OATH OF INTERPRETER

I, ... swear that I will well and faithfully interpret and true explanation make to .....
(*here insert name of officer*
and .....
(*here insert name of person*)
of all such matters and things as shall be required of me according to the best of my skill and understanding.

So help me God

.....
Signature

Sworn before me at ..... this ..... day of ..... 20.....

.....
.....
Registration officer/Assistant Registration officer/Enumerator (as the case may be)*

* *Delete if inapplicable*

(Regulation 41)

Form 15

St. L ..... PHOTO APPLICATION St. L. .....

.....
Name

Please take this application at your earliest convenience to your nearest Registration Centre in order to be photographed.

.....
Date *Enumerator*

(Substituted by S.I. 41/1978)

(Regulation 52(2))

APPENDIX I

ELECTIONS ACT

To the Supervisor of Elections

We, the undersigned persons hereby give notice that we are members of the party called ..... and we are contesting the elections immediately forthcoming in the revelant electoral district appearing opposite our names.

No.	Name of Candidate	Address	Occupation	Electoral District	Signature of Candidate

I certify that the above statement is true and correct.

.....
Secretary of Party

Date .....

APPENDIX IIA (Regulation 53(2))

Hand | Scale

Head		Star	
Heart		Torch	

APPENDIX IIB (Regulation 53(3))

Bottle		Key	
Cock		Knife	
Cow		Saw	
Gate		Shoe	
House		Spoon	
Hammer		Umbrella	

ELECTIONS (FEES) REGULATIONS – SECTION 11 AND 94

(Statutory Instrument 8/2004 and 11/2005)

Commencement [23 February 2004]

1. SHORT TITLE

These Regulations may be cited as the Elections (Fees) Regulations.

2. INTERPRETATION

In these Regulations—

"**principal Act**" means the Elections Act.

3. FEES

(a) The fees under section 94(d) of the principal Act for voter identification cards are prescribed in Part 1 of the Schedule.

(b) The fees under section 11 of the principal Act for the issue of composite identification cards are prescribed in Part 2 of the Schedule.

(c) The fees under section 33 of the Elections Regulations for voters list are prescribed in Part 3 of the Schedule.

4. EXEMPTIONS

(1) Despite regulation 3(a), the following persons are exempted from the payment of the replacement cost for Identification Cards—

(a) a person who provides evidence that his or her name appears on the Government's Public Assistance Record;

(b) a person with a disability who shows evidence or who, in the opinion of the Chief Elections Officer, has a *bona fide* claim that he or she cannot engage in gainful employment because of the disability;

(c) a person who is 70 years old or older;

(d) a person between 60 to 70 years old may be exempted at the discretion of the Chief Elections Officer;

(e) a person who provides evidence that his or her Identification Card is defaced, mutilated, lost or destroyed as a result of fire, natural disaster or theft.

(2) The Chief Elections Officer shall produce a list of names of all persons whom he or she has exempted from payment of the fees in regulation 3(a) and shall provide a copy of such list to the Electoral Commission.

(Substituted by S.I.11/2005)

SCHEDULE

Part 1

Voters Identification Cards:		**Fee EC$**
(a)	Replacement cost for lost voter identification cards	$100 per card
(b)	Replacement cost for defaced or mutilated identification cards	$10 per card

Part 2

Identification Cards (Others):		**Fee EC$**
(a)	Laminated cards	$15 per card
(b)	PVC Plastic cards	$30 per card

Part 3

Voters Lists:		**Fee EC$**
(a)	Hard copy of the voters lists	$5 per polling station
(b)	Electronic copy of the voter lists cd rom	$200 per list with all electoral districts

Revision Date: 31 Dec 2008

ELECTIONS (ENUMERATION AND SCRUTINEER) REGULATIONS - 94

(Statutory Instrument 157/2005)

Commencement [14 November 2005]

1. CITATION

These Regulations may be cited as the House of Assembly Elections (Enumeration and Scrutineer) Regulations.

2. ASSIGNMENT TO POLLING DIVISION

The Chief Elections Officer—

(a) shall assign one or more polling divisions to each enumerator; and

(b) may assign an enumerator as a co-ordinator to co-ordinate the activities of the house-to-house enumeration exercise in one or more electoral districts during house-to-house enumeration exercises.

3. ENQUIRY

(1) Subject to subregulation (2), an enumerator shall carry out a house-to-house enquiry in each polling division assigned to him or her under regulation 2.

(2) An enumerator may be accompanied by a scrutineer when carrying out a house-to-house enquiry under subregulation (1).

4. IDENTITY BADGE

In conducting a house-to-house enquiry the enumerator and scrutineer shall prominently display his or her identity badge provided to him or her by the Chief Elections Officer.

5. NOTICE TO SCRUTINEERS

Each enumerator shall—

(a) in writing notify the scrutineer when the enumerator proposes to conduct a house-to-house enquiry in any polling division at least 2 days prior to the enquiry; and

(b) keep the scrutineer informed of other notices issued by the enumerator during the course of the enquiry.

6. NOTICE OF OBJECTION

(1) The scrutineer may in the form prescribed in regulation 25 of the Elections Regulations submit to the Chief Elections Officer an objection to the registration of a person enumerated and shall give reasons for an objection.

(2) The Chief Elections Officer shall on receipt of a notice of objection comply with regulations 26 to 29 of the Elections Regulations.

7. CERTIFICATE OF ENUMERATION

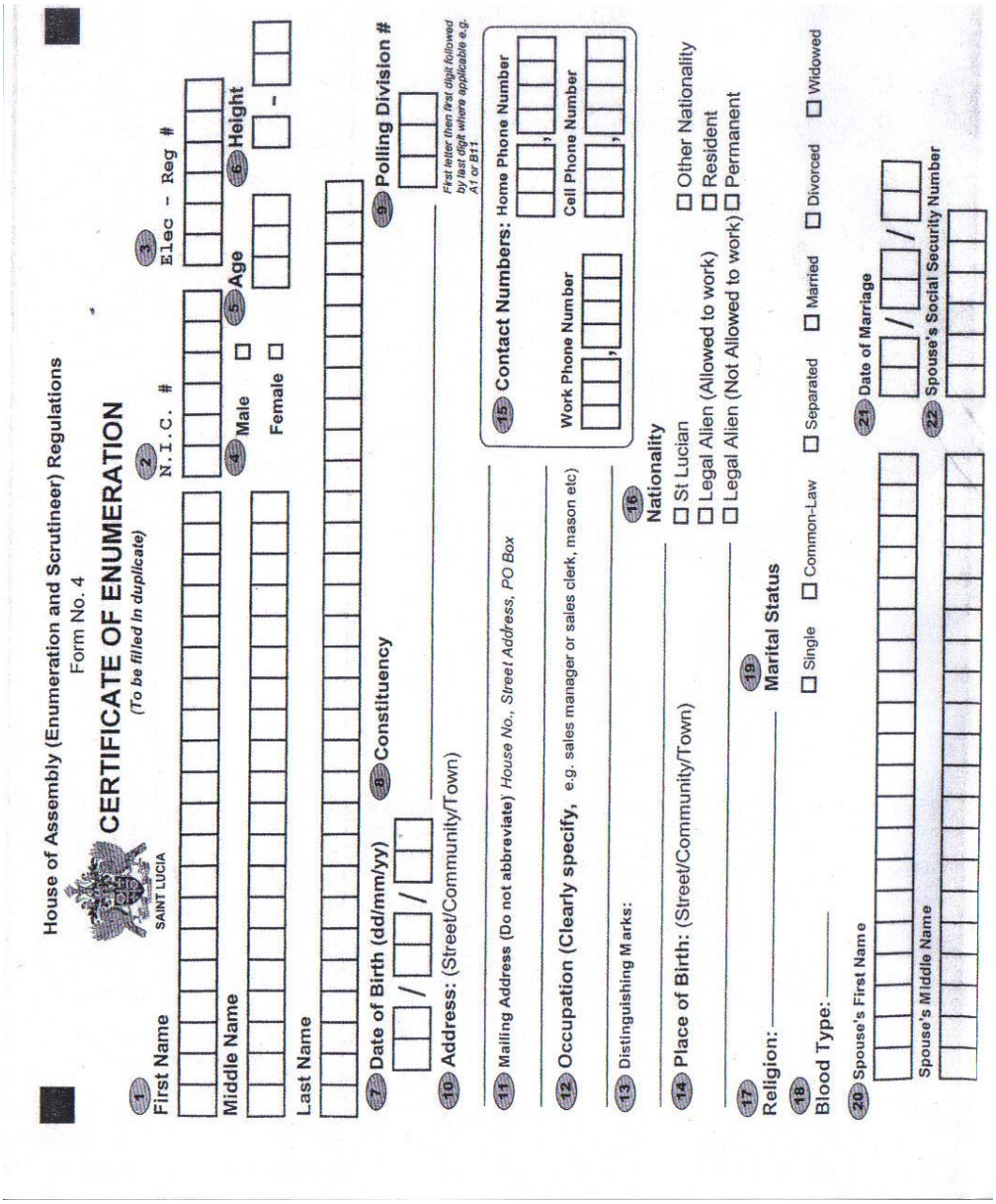
(1) Subject to subregulation (2), the enumerator shall issue a certificate of enumeration, in the form prescribed in the schedule, to each elector verified or registered during a house-to-house enquiry.

(2) A certificate of enumeration shall be signed by the enumerator and any scrutineer who observed the house-to-house enquiry.

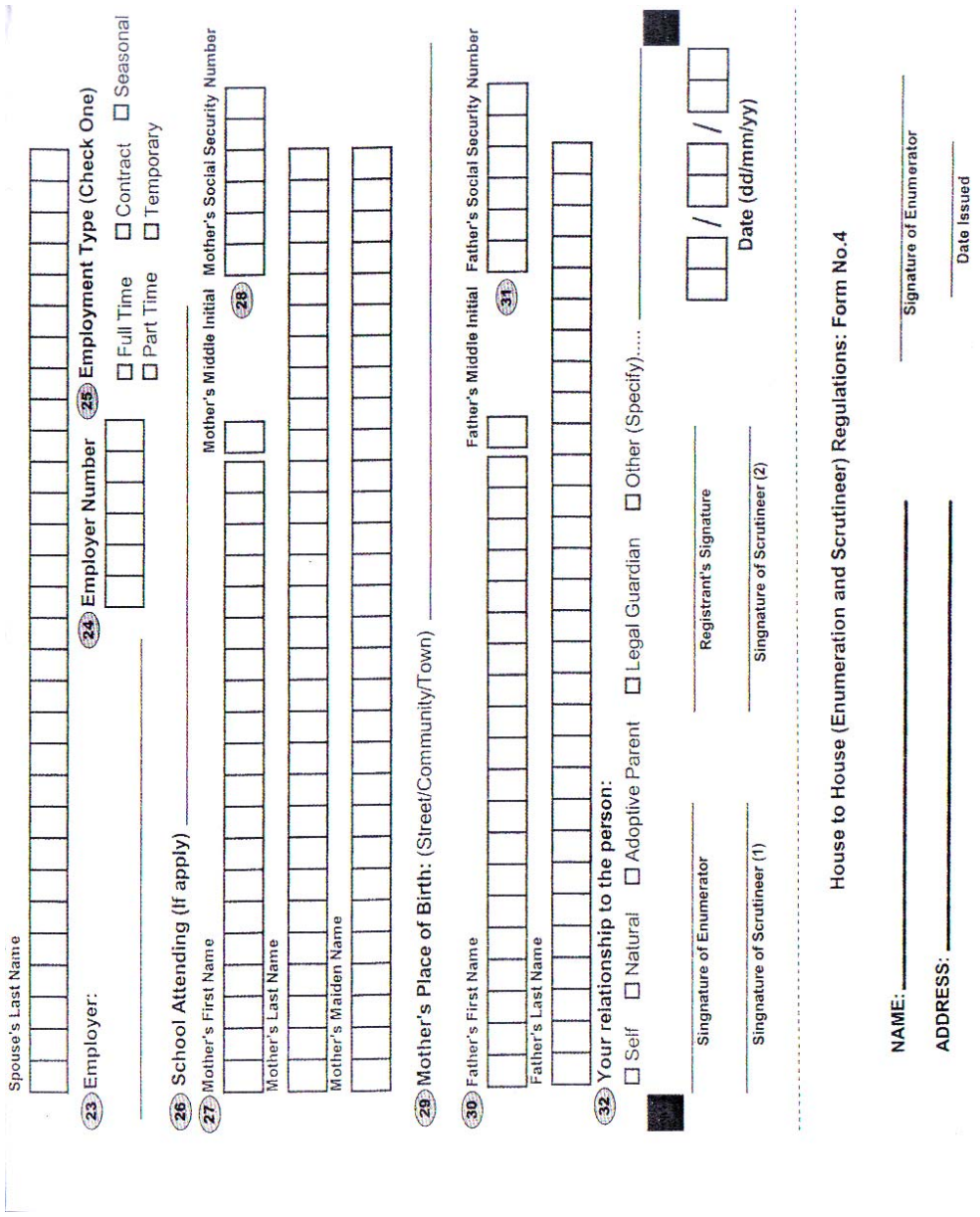
Revision Date: 31 Dec 2008

SCHEDULE

(Regulation 7)



[Form continued on next page]



[Form continued from previous page]

ELECTIONS (IDENTIFICATION CARDS) REGULATIONS – SECTION 94

(Statutory Instrument 36/2006)

Commencement [15 May 2006]

1. CITATION

These Regulations may be cited as the Elections (Identification Cards) Regulations.

2. IDENTIFICATION CARDS

Subject to regulations 3 to 7, identification cards pursuant to section 9 of the Elections Act shall be in the form prescribed in the Schedule.

3. NON-FILM SYSTEM

Identification cards may be produced using a fully integrated non-film system based on computerized photo identification system to be used for the photo capture, creation and production of a secure identification card.

4. POLYVINYL CHLORIDE CARD

An identification card may be produced from polyvinyl chloride or similar material considered appropriate by the Chief Elections Officer.

5. ELECTRONIC SIGNATURE AND FINGER PRINT

An identification card may carry an electronically produced signature and fingerprint of the card holder and the signature of the Chief Registration Officer.

6. MACHINE READABLE INFORMATION

An identification card shall carry machine readable information by using a magnetic stripe and a barcode or both.

7. SECURITY

An identification card shall carry specific security measures established within the system and on the card to prevent unauthorized use or production of the card.

8. VALIDITY OF IDENTIFICATION CARDS

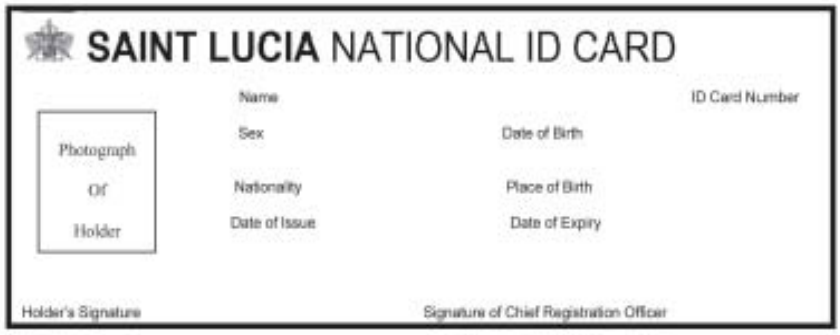
(1) An identification card issued by the Electoral Department is valid for such period to be determined by the Commission.

(2) The Commission may extend the expiry date of an identification card for any period it considers appropriate.

SCHEDULE

(Regulation 2)

IDENTIFICATION CARD FRONT SIDE



IDENTIFICATION CARD REVERSE SIDE

Property of the Government of St. Lucia

To be produced on demand. If found please deliver to the nearest Post Office

[I<LCA123456«<9«««««««««<

5508187F1012234LCA«««««««<3

BROWN«J AMES<ARNOLD«««««««<]

FORM 14 (Section 56(4))

THE ELECTIONS ACT

POLL BOOK

Consecutive number given each Elector as he or she applies for Ballot	Particulars of Elector							Particulars of persons applying for Ballot Papers after another person has voted as such person				
	Name of Elector	Occupation	Postal Address	Registration number of Elector on list of Electors	Form numbers of Oaths if any Elector is required to swear	(a) Record that Oath sworn or refused	(b) Record that Elector has voted	Name	Registration Number of Electors list of electors	Record that Oath sworn	Objections if any made on behalf of any candidates	Remarks

(a) If sworn insert “Sworn”, and number of the Oath, if refused insert, “refused to be sworn”
(b) When Ballot put into Ballot Box insert “voted”