[L.S.]

I Assent,

James B. Carlisle,
Governor-General.

3rd December, 2001.

ANTIGUA AND BARBUDA

No. 17 of 2001

AN ACT to amend the Representation of the People Act Cap. 379.

[3rd December, 2001]

ENACTED by the Parliament of Antigua and Barbuda.

1. This Act may be cited as the Representation of the People (Amendment) Act 2001. Short title.

2. The Representation of the People Act (in this Act referred to as the principal Act) is amended in section 2 as follows — Amendment of section 2.

(a) by the repeal of the following definitions "election officer", "elector", "election rules", and "prescribed"; and

(b) by the substitution in their appropriate alphabetical order of the following —

"elector" in relation to an election, means any person, whose name is for the rime being on the appropriate register to be used at that election;

"Election Rules" means the Election Rules contained in the First Schedule to this Act.

"Comrnission" means the Electoral Commission established under section 3;

"Constitution" means the Antigua and Barbuda Constitution Order 1981 Cap. 23;

"election officer" includes the Supervisor of Elections, the Assistant Chief Elections Officer, returning officer, election clerk, presiding officer, poll clerk, registration officer and any other person having any duty to perform under this Act or the regulations relating to the registration of electors, the proceedings on polling day and the counting of the votes;

"Minister" means the Minister responsible for the administration of the Act;

"polling day" means the day fixed for the holding of a poll of electors at election;

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

"prescribed" in relation to Parts I and II, means prescribed by regulations made under this Act, and in Part III means prescribed by the Rules of the Supreme Court;

"qualifying date" in relation to the qualification of any person to be registered as an elector, means the date on which that person applies to be registered as an elector unless in respect of any particular year of election, the Commission, by order, appoints some other date;

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

"registration officer" means a registration officer appointed under section 20 to be registration officer for a constituency or a person acting in that office.

3. The principal Act is amended by the repeal of sections **3** – 42 and the substitution of the following —

ESTABLISHMENT OF ELECTORAL COMMISSION

"Electoral Commission.

3. (1) For the purposes of conducting elections under this Act, there shall be established the Electoral Commission.

(2) The Commission shall consist of a Chairman, a Deputy Chairman, and three other Members who shall be persons of integrity.

(3) The Chairman and two other members of the Commission shall be appointed by the Governor-General, acting on the recommendation of the Prime Minister after consultation with the Leader of the Opposition, by instrument under the Public Seal and two other members shall be appointed by the Governor-General, acting on the recommendation of the Leader of the Opposition after consultation with the Prime Minister, by instrument under the Public Seal.

(4) A person shall not be qualified to hold office as a member of the Commission if he is a Minister of Government, Parliamentary Secretary, a Member of Parliament, or a Candidate for election to the House of Representatives or a Senator or a senior public servant, or a former Parliamentarian who has ceased to be a Parliamentarian for less than ten years.

(5) The office of a member of the Commission becomes vacant —

(a) at the expiration of seven years from the date of his appointment but he shall be eligible for reappointment;

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

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

(d) if he dies.

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

(7) If the Chairman is unable, by reason of his illness, or for any other reason, to perform the functions of his office, the Deputy Chairman shall perform the functions of that office."

(8) A member of the Electoral Commission shall cease to hold office on attaining the age of seventy-five years.

(9) The members of the Commission shall take an Oath or Affirmation before the Governor-General.

Removal from office.

4. (1) A member of the Commission may be removed from office only for inability to exercise the functions of his office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour and shall not be so removed except in accordance with the provisions of this section.

(2) A member of the Commission shall be removed from office by the Governor-General if the question of his removal has been referred to a tribunal appointed under subsection **(3)** and the tribunal has recommended to the Governor-General that he ought

to have been removed from office for inability as aforesaid or for misbehaviour.

(3) If the Prime Minister or Leader of the Opposition represents to the Governor-General that the question of removing a member of the Commission under this section ought to be investigated then —

(a) the Governor-General may appoint a tribunal which shall consist of a chairman and not less than two other members, selected by the Chief Justice from among persons who hold or have held office as a judge of a court having unlimited jurisdiction in civil and criminal matters in some part of the Commonwealth or a court having jurisdiction in appeals from such a court; and

(b) the tribunal shall enquire into the matter and report on the facts thereof to the Governor-General and recommend to him whether the member ought to be removed under this section.

(4) If the question of removing a member has been referred to a tribunal under this section, the Governor-General, after consultation with the Prime Minister and the Leader of the Opposition, may suspend that member from the functions of his office and any such suspension may at any lime be revoked by the Governor-General, after consultation with the Prime Minister and the Leader of the Opposition, and shall in any case cease to have effect if the tribunal recommends to the Governor-General that the member should not be removed.

(5) If the office of Chairman is vacant, the functions of that office shall be exercised by a person appointed by the Governor-General acting in accordance with the advice of the Prime Minister after consultation with the Leader of the Opposition to be the Chairman.

(6) If the office of Deputy Chairman is vacant, the functions of that office shall be exercised by a person appointed by the Governor-General acting in accordance with the advice of the Leader of the Opposition after consultation with the Prime Minister to be the Deputy Chairman.

Quorum at meetings.

5. (1) At any meeting of the Commission, a quorum shall be constituted if four members are present; and, if a quorum is present, the Commission shall not be disqualified for the transaction of business by reason of any vacancy among its members or the absence of any member, and any proceedings of the Commission shall be valid notwithstanding that some person who was not entitled so to do took part therein.

(2) The Commission may regulate its own procedure.

(3) Any question for decision at any meeting of the Commission shall be determined by a majority of the votes of the members thereof present and voting.

Functions and duties of the Commission.

6. (1) The Commission shall be responsible for the general direction, control and supervision of the preparation of the voters' register and the conduct of elections in every constituency and enforcing with respect to all election officers, fairness, impartiality and compliance with the elctoral law.

(2) The Commission shall be responsible for the selection and appointment of election officers and prescribing the duties of such officers.

(3) It shall be the duty of the Commission to —

(a) prescribe the qualification for the selection and appointment of all officers of the Commission;

(b) develop and design training programmes for persons appointed to be election officers, including such programmes as shall ensure that the functions of the Commission are carried out in an independent and impartial manner;

(c) design a continuous non-partisan voter education programme for voters;

(d) regulate the conduct of election officers.

(4) The Commission shall, in the exercise of its functions act impartially and independently of any political or governmental influence and shall not be subject to the direction or control of any other person or authority. The Commission shall conduct its affairs in a transparent manner, consistent with good election management practice.

(5) The Commissionshall:

(a) prepare and furnish to the Minister, as soon as practicable after June 30 in each year, a report on the operations of the Commission during the year that ended on June 30; and

(b) as soon as possible after polling day in a general election, prepare and furnish to the Minister a report, with special reference to the operations of section 83 of the Act with respect to that election.

(6)(a) The Minister shall cause a copy of a report furnished by the Commission pursuant to subsection (5) *(a)* to be laid in the House of Representatives at the sitting following the receipt of the report.

(b) The Minister shall cause a copy of a report furnished by the Commission pursuant to subsection (5) (b) to be laid before each House of Parliament at the meeting next following the receipt of the report.

Appointment of Counsel and staff of the Commission.

7. (1) The Commission shall appoint a Counsel to —

(a) advise it on the interpretation and application of the Act and the Regulations made thereunder, and to provide the Commission with such legal opinion as it may, from time to time, require;

(b) provide training to its officers and assist in the public education of voter registration and voting procedures at election.

(2) The Commission shall appoint such number of suitable officers, as it considers necessary to enable it to carry out its functions efficiently and impartially.

(3) The administrative expenses of the Commission, including salaries, allowances and pensions payable to, or in respect of Counsel and other persons serving with the Commission, shall be charged to the Consolidated Fund.

(4) The Commission shall prepare its annual budget proposals and submit them to the Minister who shall seek the approval of Parliament of the budget as proposed by the Commission.

Protection of the Commission from legal proceedings.

8. (1) No member shall be personally liable for any act or default of the Commission done or omitted to be done in good faith in the course of the operation of the Commission.

(2) Where any member is exempt from liability by reason only of the provisions of this section the Commission shall be liable to the extent that it would be if the said member were a servant or agent of the Commission.

ADMINISTRATION AND SUPERVISION OF ELECTIONS

Powers and duties of the Supervisor of Elections.

9. (1) For the purposes of this Act, the Supervisor of Elections appointed under section 67 of the Constitution shall be the Chief Executive Officer of the Commission and shall, at the direction of the Commission, perform the duties conferred upon him under this Act in an impartial, fair and efficient manner.

(2) The Supervisor of Elections shall be the Chief Registration Officer and, for the purposes of an election be the Chief Elections Officer and shall, on the written instructions of the Commission —

(a) issue to election officers such instructions as are necessary for ensuring effective execution of the provisions of this Act;

(b) execute and perform all other functions which by this Act or the regulations and rules are conferred or imposed upon him.

(3) Upon the issuing of a Writ of Elections, the Commission shall appoint an Assistant Chief Elections Officer.

(4) The Assistant Chief Elections Officer shall assist the Supervisor of Elections and shall, subject to any general or specific directions of the Commission, have power to perform any of the functions which the Supervisor of Elections is by this Act required to perform in relation to Elections.

Appointment and duties of returning officer.

10. (1) The Commission may, by notice published in the *Gazette*, appoint for each constituency a returning officer who shall receive such remuneration as the legislature may by resolution prescribe.

(2) It shall be the duty of the returning officer at any election to do all such acts as may be necessary for effectively conducting the election in the manner provided by the Act and regulations and orders made thereunder.

Appointment of election clerks.

11. (1) The Commission may, appoint one or more election clerks for each constituency, who shall receive such remuneration as the legislature may by resolution prescribe, and where more than one such clerk has been appointed for a constituency, the Commission shall assign an order of seniority among them.

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

Appointment and duties of presiding officer.

12. (1) The Commission may, after consultation with the Supervisor of Elections, appoint a presiding officer for each Polling Station.

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

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

(4) Any person appointed by the Commission as a presiding officer and any person appointed as a poll clerk under subsection (3) shall respectively perform the functions of those offices while acting in the capacity of presiding officer or poll clerk, as the case may be, and shall receive in respect of their services such remuneration as may be prescribed.

(5) It shall be the general duty of the presiding officer at a polling station to see that the poll is taken fairly and to keep order at the station.

Saving of rights of election officers.

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

Oath of election officers.

14. Every election officer shall take an oath or affirmation prescribed by regulation before a Magistrate.

Persons entitled to vote.

15. (1) Subject to section 40 s f the Constitution and this Act, a person is entitled to vote as an elector at an election in a constituency if on polling day he is qualified to be an elector for that constituency and is on that day registered in the register of electors to be used at that election in that constituency.

(2) A person is not entitled to vote as an elector at an election in a constituency unless be is registered in the register of electors to be used at that election in that constituency.

(3) A person who is subject under any enactment to and incapacity to vote is not entitled to vote as an elector at an election in a constituency.

(4) No person may —

(a) at a general election, or at an election held in more than one constituency, vote as an elector in more than one constituency;

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

(c) at any election, vote without first producing the identification card issued to him under section 26 or where such identification card is lost produces a special identification card issued to him by the Supervisor of Elections in accordance with subsection (6).

(5) Any person who contravenes subparagraphs ***(a)*** and ***(b)*** of subsection (4) commits an offence and is liable on conviction to a fine not exceeding five thousand dollars or to a term of imprisonment not exceeding two years.

(6) The Supervisor of Elections shall, on application by a person whose identification card is lost, issue to such person a special identification card if the applicant produces evidence to prove his identity and that his identification card is lost.

(7) The Supervisor of Elections shall keep a register in which he shall record the names and addresses of all persons to whom special identification cards have been issued.

(8) The Register kept under subsection (7) shall be open to the public for inspection.

Qualification for registration and right to vote.

16. (1) Subject to this Act and any enactment imposing any disqualification for registration as an elector, a person is qualified to be registered as an elector for a constituency if, on the qualifying date he —

(a) is a citizen of Antigua and Barbuda; or

(b) is a Commonwealth citizen (other than a citizen of Antigua and Barbuda) who has resided in Antigua and Barbuda for a period of at least three years immediately before the qualifying date; and

(c) is 18 years of age or over; and

(d) has resided in that constituency for a period of at least one (1) month immediately preceding that qualifying date.

(2) A person is not qualified to be registered as an elector for more than one constituency.

(3) Where a person who is registered as an elector for a constituency has ceased to reside in that constituency he shall not on that account cease to be qualified to be registered as an elector for that constituency until he has become qualified to be registered as an elector for another constituency.

(4) For the purposes of this section a person is deemed to have lived in Antigua and Barbuda for a continuous period of the time specified in this section.

(5) A person employed at a Mission and members of his family who are qualified to register to vote are deemed to be resident at the address where they resided prior to his assumption of duties at that Mission.

(6) Subject to subsection (7), in calculating any period of residence in Antigua and Barbuda —

(a) a period of absence from Antigua and Barbuda for less than six months;

(b) a period of absence from Antigua and Barbuda for the purpose of education as certified by the Chief Education Officer; and

(c) a period of absence fiom Antigua and Barbuda for reasons of health as certified by the Chief Medical Officer.

shall be treated as residence in Antigua and Barbuda and a person is deemed to be resident in Antigua and Barbuda before that day and that day is included in any period of absence referred to in this subsection.

(7) In calculating for the purpose of this Act any period of residence in Antigua and Barbuda, account shall not be taken —

(a) of any period during which a person was not lawfully resident in Antigua and Barbuda;

(b) of any period spent as an inmate in prison or as a person detained in lawful custody in any place other than a mental hospital under the provision of any enactment in force in Antigua and Barbuda.

Disqualification for registration.

17. A person is disqualified fiom being registered as an elector and shall not be so registered if he —

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

(b) is serving any sentence of imprisonment in Antigua and Barbuda;

(c) is under a sentence of death imposed on him by a court in any part of the Commonwealth or under sentence of imprisonment (by whatever name called) exceeding 12 months imposed on him by such a court or under some sentence substituted therefor by a competent authority and has not suffered the punishment to which he was sentenced or received a free pardon therefor; or

(d) is under any enactment, disqualified for registration as an elector.

Requirement to register.

18. (1) On the coming into force of this Act, the Governor-General acting on the advice of the Commissionshall, by Proclamation, specify a period within which every person who is qualified under section 16, shall apply in person with supporting documents as prescribed in the Registration Regulations to the registration officer for that constituency within that period to be registered as an elector and to have his name entered in the register of electors for that constituency. The Commission shall, at the end of the specified period, cause to be prepared a register of electors for each constituency. The Commission shall, at the end of the specified period, cause to be prepared a register of electors for each consituency, thereafter the Commission shall pursuant to subsection (2) and section 21 of the Act publish at intervals of not more than six months commencing on 31st day of December, 2002, the register of electors for each constituency.

(2) There shall be continuous registration of all persons qualified to be registered as electors in each constituency immediately after the publications of the register of electors, under subsection (1). Every person who at any time after the period specified by the Governor-General under subsection (1) is or becomes qualified to be registered as an elector for a constituency shall apply in person with supporting documents as prescribed in the Registration Regulations to the Commission to be registered as an elector and have his name entered in the register of electors for that constituency.

(3) The registration of voters carried out in accordance with this section shall be subject to the claims and objections proce-

dures provided for in section 22 of the Act and the regulations made thereunder.

(4) Continuous registrations shall be conducted in accordance with the regulations made under this Act.

Cap. 379.

(5) The register of electors prepared under the existing Act (Cap. 379) shall cease to have effect on the date when the Commission publishes the register of electors pursuant to subsection (1).

Right to remain registered.

19. A person registered in accordance with this Act shall remain registered unless and until his name is deleted from the register because —

(a) he has died; or

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

(c) he has become disqualified for registration as an elector under this Act or any other enactment imposing disqualifications for registration as an elector.

Registration Officers.

20. (1) The Commission shall appoint a registration officer and such registration clerks as may be necessary for each constituency.

(2) Every registration officer shall carry out his duties in an impartial, fair and efficient manner.

(3) Each registration officer shall, so long as he acts in that capacity, receive such remuneration as may be prescribed.

Registers of electors.

21. (1) Subject to subsection 18 (1) the Commission shall publish not later than the 30th of June and 31st of December in each year the register of electors for each constituency.

(2) The Register of Electors to be prepared pursuant to subsection (1) shall contain the name, address, occupation, electoral number of the following persons who are ordinarily resident in the constituency to which the register relates and qualified under this Act as electors, namely —

(a) a person who, after the period specified by the Governor-General under section 18 (1) was registered in

the Register of Elections published for the constituency to which the register relates;

(b) a person who was registered in accordance with section 18 (2) or in the revised register of electors or the register for elections published by virtue of section 24 since the date on which the register referred to in paragraph (u) was published.

(3) The register referred to in subsection (2) shall not contain the name of any person who, is proved to the satisfaction of the Commission, that since the publication of the register referred to in paragraphs ***(a)*** and *(b)* of that subsection —

(a) to have died;

(b) to have left Antigua and Barbuda for a period of one year immediately preceding the date of the last publication of the register to be no longer ordinarily resident in that constituency, not being a citizen of Antigua and Barbuda;

(c) to have become ordinarily resident in another constituency;

(d) to have been absent from Antigua and Barbuda for a period of ten years continuously, being a citizen of Antigua and Barbuda.

(4) ***(a)*** The Commission shall cause to be prepared and publish not later than 30th April and 31st October in each year a preliminary list of electors for each constituency in pursuance of the revised register prepared under section 23 (1) and the register of electors published in accordance with section 21 (1).

(b) Where any person whose name does not appear in the preliminary register of electors claims to be qualified, he shall make an application to the Chief Registration Officer and his claim shall be determined in accordance with the Registration Regulations.

(c) Where any person makes an objection to a name in the preliminary register he shall make application to

the Chief Registration Officer to have that name removed from the preliminary register and his objection shall be determined as if it were an objection made pursuant to section 22.

(d) The Chief Registration Officer shall make all additions to the appropriate register and removal therefrom in accordancewith the decision of the Commission.

(5) The Commission may in the exercise of its functions under this section give directions to the Chief Registration Officer who shall comply with these directions.

(6) For the purposes of this section, ordinary residence means a place where in the settled routine of life a person regularly, normally or customarilylives.

Claims and objections.

22. (1) All claims for registration made by a person whose name does not appear in the list of electors, supplementary list of electors, the revised register of electors or the register for elections and all objections to the registration of persons whose names appear in the register of electors, as the case may be, shall be determined in accordance with regulations made under this Act by the appropriate registration officer acting with respect to the constituency to which the register in question relates.

(2) Any person aggrieved by a decision of the registration officer may appeal to the Commission in the manner prescribed in the Registration Regulations and such person may appeal a decision of the Commission to a judge of the High Court in accordance with the Registration Regulations.

Revised register.

23. (1) The Chief Registration Officer shall make all additions to the register published under section 21 and shall make removals therefrom in consequence of any action taken under section 19 or 22.

(2) The revised register shall be a list of electors for each constituency which shall consist of all persons —

(a) whose names appear on the register for the constituency who have notified the Chief Registration Officer of a change of address in accordance with the

regulations and appear to be ordinarily resident in the constituency;

(b) whose names appear in the register for the constituency who have effected a change of address within the constituency and have notified the Chief Registration Officer in accordance with the regulations;

(c) who have reached the age of 18 years and who appear to the Chief Registration Officer to be otherwise qualified; and

(d) who otherwise become qualified persons.

(3) The revised register shall be published as soon as practicable after it is completed.

Register for elections.

24. (1) The Commission shall, not later than 7 days after the issuing of the writ for an election for a constituency, publish in respect of that constituency, a register of electors to be known as a register for elections.

(2) The register for elections must contain the names of all persons included in the Register of Electors published pursuant to section 21 and the revised register published pursuant to section 23.

Register for elections to be used for any elections.

25. The register for elections published under section 24 (1) shall be used for any election held in a constituency to which that register relates until it is superseded by a later register of electors prepared and published for that constituency pursuant to section 21 (1) and the later revised register pursuant to section 23.

Identification cards.

26. The Commission shall cause identification cards containing the prescribed matters to be issued in accordance with regulations made under this Act.

Effect of **register.**

27. (1) The register of electors prepared under this Act and the regulations shall for the purposes of this Part be conclusive on the following questions that is to say —

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

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

(2) A person registered as an elector shall not be excluded from voting on the ground that he is not a Commonwealth citizen, or is not 18 years of age or over, or was otherwise subject to any legal incapacity to vote; but this provision shall not prevent the rejection of the vote on a scrutiny or affect his liability to any penalty for voting.

(3) No misnomer or inaccurate description of any person or place named in the register of electors or in any list, record, nomination paper, ballot paper, notice or other document required for the purposes of this Act shall affect the full cperation 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 commonly understood.

(4) Where anything in connection with the preparation or publication of any register of electors, revised register of electors or register for elections under this Part is omitted to be done or cannot be done at the time required to under this Part or is done before or after that time or is otherwise irregularly done in matter or form, the Commission may, by order, at any time before or after the time within which the thing is required to be done, extend that time or validate anything so done before or after the time required or so irregularly done in matter or form.

Registration regulations.

28. (1) The registration of electors, the preparation of an electors' list and the revision of such list shall be conducted in accordance with the Registration Regulations in the Second Schedule.

(2) The Commission, subject to affirmative resolution of the House of Representatives, may by regulations amend, or add to the regulations contained in the Second Schedule and may in particular make provision —

(a) with respect to the form of the register of electors and of electors' lists or any special lists or records required by this Act in connection with the register or any election;

(b) with respect to the procedure to be followed in the preparation of the register, the electors' lists and any

such special lists or records as aforesaid, and with respect to the time, place and manner of their publication; and

(c) generally with respect to any matters incidental to the provisions of this Act so far as those provisions relate to the registration of electors.

(3) The said incidental matters shall include the time and manner of preparation and publication and form of, and the making and determination of claims or objections with respect to, the corrupt and illegal practices lists.

(4) Without prejudice to the generality of the foregoing subsections, regulations made with respect to the matters therein mentioned may contain any such provisions as are mentioned in the Third Schedule.

Bribery

29. (1) **A** person is guilty of a corrupt practice if he is found guilty by a court of competent jurisdiction of bribery.

(2) A person is guilty of bribery if he, directly or indirectly, by himself or by any other person on his behalf

(a) gives any money or procures any office to or for any voter or to or for any other person on behalf of any voter or to or for any other person in order to induce any voter to vote or refrain from voting;

(b) corruptly does any such act as aforesaid on account of any voter having voted or refrained from voting; or

(c) makes any such gift or procurement as aforesaid to or for any other person in order to induce that person to procure the return of any person at an election or the vote of any voter; or

(d) if upon or in consequence of any such gift or procurement as aforesaid he procures or engages, promises or endeavours to procure the return of any person at an election or the vote of any person at an election or the vote of any voter.

(3) For the purposes of subsection (2) references to giving money shall, include references to giving, lending, agreeing to give or lend, offering, promising, or promising to procure or to endeavour to procure any office, place or employment.

(4) A person is guilty of bribery if he advances or pays or causes to be paid any money to or to the use of any other person with the intent that the money or any part thereof shall be expended in bribery at an election or knowingly pays or causes to be paid any money to any person in discharge or payment of any money wholly or in part expended in bribery at any election.

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

(6) A voter is guilty of bribery if before or during an election he directly or indirectly by himself or by any other person on his behalf receives, agrees to or contracts for any money, gift, loan or valuable consideration, office, place or employment for himself or for any other person for voting or agreeing to vote or for refraining or agreeing to refrain from voting.

(7) A person is guilty of bribery if after an election he directly or indirectly by himself or by any other person on his behalf receives any money or valuable consideration on account of any person having voted or refrained from voting or having induced any other to vote or refrain from voting.

(8) In this section, the expression "voter" includes any person who has or claims to have a right to vote either as an elector or as proxy.

Treating.

29A. (1) A person is guilty of corrupt practice if he is guilty of treating.

(2) A person shall be guilty of treating if he corruptly, by himself or by any other person either before, during or after an election, directly or indirectly gives or provides, or pays wholly or in part the expenses of giving or providing, any meat, drink, entertainment or provision to or for any person —

(a) for the purpose of corruptly influencing that person or any other person to vote or refrain from voting; or

(b) on account of that person or any other person having voted or refrained from voting, or being about to vote or refrain from voting.

(3) Every elector or proxy for an elector who corruptly accepts or takes any such meat, drink, entertainment or provision shall also be guilty of treating.

Undue influence.

29B. (1) A person shall be guilty of a corrupt practice if he is guilty of undue influence.

(2) A person shall be guilty of undue influence —

(a) if he directly or indirectly, by himself or any other person on his behalf, makes use of or threatens to inflict, by himself or by any other person, any temporal or spiritual injury, damage, harm or loss upon or against any person in order to induce or compel that person to vote or refrain from voting, or on account of that person having voted or refrained from voting; or

(b) if, by abduction, duress or any fraudulent device or contrivance, he impedes or prevents the free exercise of the franchise of any elector or proxy for an elector, or thereby compels, induces or prevails upon an elector or proxy for an elector either to vote or to refrain from voting.

Disturbances at election meetings.

29C. (1) Any person who at a lawful public meeting to which this section applies act, or incites others to act, in a disorderly manner for the purpose ofpreventing the transaction of the business for which the meeting was called together shall be guilty of an illegal practice.

(2) This section applies to a political meeting held in any Constituency between the date of the issue of a writ for the return of a member of the House of Representatives for the constituency and the date at which a return to the writ is made.

(3) If any police officer reasonably suspects any person of committing an offence under subsection (1), he may if requested so to do by the chairman of the meeting require that person to declare to him immediately his name and address and, if that person refused or fails so to declare his name and address or

gives a false name and address he shall be guilty of an offence and liable on summary conviction to a fine not exceeding two thousand dollars, and if he refuses or fails so to declare his name and address or if the police officer reasonably suspects him of giving a false name and address or if the person continues to behave in a disorderly manner, the police officer may without warrant arrest him.

False statements as to withdrawal of candidates.

29D. Any person who during an election knowingly publishes a false statement of the withdrawal of a candidate at the election for the purpose of promoting or procuring the election of another candidate shall be guilty of an illegal practice.

Corrupt withdrwal from candidature.

29E. Any person who corruptly induces or procures any other person to withdraw from being a candidate at an election, in consideration of any payment or promise of payment or reward and any person withdrawing in pursuance of the inducement or procurement, shall be guilty of an illegal practice.

Premises not to be used as committee rooms.

29F. (1) If a person hires or uses any premises to which this section applies or any part thereof for a committee room for the purpose of promoting or procuring the election of a candidate, or lets any premises to which this section applies or any part thereof knowing that it was intended to use them or that part as a committee room, he shall be guilty of an illegal hiring.

(2) This section applies to any premises —

(a) which are licensed for the sale of any intoxicating liquor for consumption on or off the premises or on which refreshment of any kind (whether food or drink) is ordinarily sold for consumption on the premises; or

(b) where any intoxicating liquor is supplied to members of a club, society or association, other than a permanent political club.

Provided that this section shall not apply to the hiring, using, letting or permitting the use of any part of premises which is ordinarily let for the purpose of chambers, or offices, or the holding of public meetings or of arbitrations, if that part has a separate entrance and no direct communication with any part of the premises on which any intoxicating liquor or refreshment is sold or supplied as aforesaid.

Payments for exhibition of election notices.

29G. (1) No payment or contract for payment shall, for the purpose ofpromoting or procuring the election of a candidate at an election, be made to an elector on account of the exhibition of, or the use of any house, land, building or premises for the exhibition of, any address, bill or notice, unless it is the ordinary business of the elector as an advertisement agent to exhibit for payment bills and advertisements and the payment or contract is made in the ordinary course of that business.

(2) If any payment or contract for payment is knowingly made in contravention of this section either before, during or after an election the person making the payment or contract, and, unless he establishes that he did not know that it was in contravention of this Act, any person receiving the payment or being a party to the contract, shall be guilty of an illegal practice.

Name and address of printer of election publication.

29H. (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 specified in subsection (1) (a); or

(c) distribute or cause to be distributed any printed document for the said purpose, specified in subsection (1) *(a),*

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

(2) For the purposes of this section, any process for multiplying copies of a document, other than copying it by hand, shall be deemed to be printing and the expression "printer" shall be construed accordingly.

(3) A candidate acting in contravention of this section shall be guilty of an illegal practice and any other person so acting shall be guilty of an offence and on summary conviction be liable to a fine not exceeding five thousand dollars.

Prohibition of paid canvassers.

291. If a person is, either before, during or after an election for the purpose of promoting or procuring the election of a candidate, engaged or employed or employed for payment or promise of payment as a canvasser, the person so engaging or employing him and the person so engaged or employed shall be guilty of illegal employment.

Providing money for illegal purposes.

29J. Where a person knowingly provides money for any payment which is contrary to the provisions of this Act, or for replacing any money expended in any such payment or expenses, except where the payment or the incurring of the expenses may have been previously allowed in pursuance to section 71 to be an exception, that person shall be guilty of an illegal payment.

Corrupt and illegal practices list.

29K. (1) The Commission shall in each year make out a corrupt and illegal practices list containing —

(a) the names and description of persons who though otherwise qualified to be registered in the register of electors for each constituency, are not so qualified by reason of having been convicted of corrupt or illegal practices; and

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

(2) The Commission shall, at least 14 days before publishing the register as required by section 21 (1), publish the corrupt practices list by making a copy available for inspection at the address as prescribed of each registration officer.

CONDUCT OF ELECTIONS

Issue of Writ.

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

(2) Every writ issued for the purposes of subsection (1) shall be in Form prescribed by regulation and shall specify the day of nomination of candidates, the day upon which, if necessary, the poll shall be taken, being not less than fourteen and not more

than twenty-one clear days thereafter, and the day the writ is returnable to the Governor-General.

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

(4) For the purposes of this section, where the last day of time allowed for the return of the writ falls on a Sunday or a public holiday that time shall be extended until the next following day that is not one of the days mentioned above.

(5) On receipt of the results for each constituency, the Chairman of the Commission shall declare the results of the election.

(6) In computing the period of time for the purposes of subsection (2), Sundays and public holidays shall be included.

Governor-General to adjourn polling day in the event of emergency or occurrence of certain events.

31. (1) Where at any time between the issue of a writ and the day appointed by the writ for the holding of a poll at any election, the Governor-General, after consultation with the Commission, is satisfied that it is expedient so to do because of —

(a) there being in force a proclamation declaring that a state of emergency exists;

(b) the likelihood that the registers of electors for any constituency will not be ready before the day appointed for the holding of the poll; or

(c) the likelihood that any essential electoral supplies or materials will not be available in adequate quantities, upon the day appointed for the holding of the poll,

he may by proclamation adjourn the holding of the poll to some other day specified in the proclamation not being more than thirty days after the day specified in the writ.

(2) Any proclamation made under paragraph *(b)* or (c) of subsection (1) may be expressed to apply only to such constituencies as are specified in the proclamation, in which case the poll shall be taken in any constituencies not so specified upon the day appointed in the writ for the taking of the poll.

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

(4) Where a proclamation is made under this section —

(a) before the day which would have been nomination day if such proclamation had not been made; or

(b) on or after nomination day on the ground set out in paragraph ***(b)*** of section (1);

nomination day shall, subject to subsection (7), be deemed to have been adjourned to the twenty-third day next before the day to which the holding of the poll is adjourned by the proclamation.

(5) Where any proclamation is made under this section after nomination day on a ground other than set out in paragraph ***(a)*** of subsection (1), the adjournment by the proclamation of the day on which the poll is to be taken shall in no way affect the validity of any nomination validly made on nomination day and no other nomination shall be made.

(6) Where any proclamation is made under this section after nomination day on the grounds set out in subsection (1) the adjournment by such proclamation of the day on which the poll is to be taken shall in no way affect the validity of the nomination made before such proclamation and which could validly be made on the day to which nomination day shall have been deemed to have been adjourned, and nomination of persons who are not nominated on the day originally fixed as nomination day may be made.

(7) Where by virtue of any proclamation made under this section nomination shall be deemed to have been adjourned to the twenty-third day next before the day to which the holding of the poll is adjourned, then, if such twenty-third day is a Sunday or public holiday, nomination day shall be deemed to be adjourned to the first day after such twenty-third day that is not one of the days mentioned above.

Rules of Election.

32. (1) The proceedings at an election shall be conducted in accordance with the election rules contained in the First Schedule to this Act.

(2) The Commission subject to affirmative resolution of the House of Representatives may by regulations amend, or add to the rules contained in the First Schedule.

(3) It is the general duty of the returning officer to do all such acts as may be necessary for effectively conducting the election in the manner provided by rules made under subsection (1).

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

Place and manner of voting as elector.

33. (1) All persons voting as electors at an election shall do so in person at the polling station allotted to them under rules made under this Act except in so far as this section makes exceptions for those unable or likely be unable to do so in person at the polling station for one of the following reasons —

(i) that person's service as a member of the Antigua and Barbuda Police Force or the Antigua and Barbuda Defence Force;

(ii) that person is employed as an election officer or polling agent on the date of the poll for a purpose connected with the elections;

(2) Any person mentioned in paragraph (i) of section (1) may vote by proxy if he applies to be treated as an absent voter and furnishes in such manner as may be prescribed by regulations the name and address of some other person within Antigua and Barbuda whom he wishes to act as proxy to him.

(3) A person who falls within subsection (1) (ii) may vote by proxy or apply for a transfer in accordance with the election rules made under this Act.

(4) At an election for which a person's application to be treated as an absent voter is allowed, he shall not be entitled to vote in person.

(5) Nothing in this section shall be taken as conferring a right to vote on a person not having the right apart from this section.

Employers to allow employees time to vote.

34. (1) Every employer shall, on polling day, allow every voter a period of four consecutive hours for voting and no employer shall make any deduction from the pay or other remuneration of any such voter or impose upon or exact from him any penalty by reason of his absence during such period.

(2) Any employer who, directly or indirectly refuses or by intimidation, undue influence or in any way, interferes with the granting to any voter in his employ of such period of voting, as this section provided, shall be guilty of an offence and on summary conviction liable to a fine not exceeding three thousand dollars or to imprisonment not exceeding twelve months.

Polling districts and polling places.

35. (1) Every constituency shall be divided into polling districts and, subject to the provisions of this section, there shall be a polling place designated for each district.

(2) It shall be the duty of the Commission to divide each constituency into polling districts and to designate the polling places, and to keep the polling districts and polling places under review, in accordance with the following rules —

(a) the Commission shall exercise the powers conferred by this section with a view to giving all electors in the constituency such reasonable facilities for voting as are practicable in the circumstances;

(b) each electoral division shall in the absence of special circumstances be a separate polling district;

(c) the polling place for any polling district shall be an area in that district, except where special circumstances make it desirable to designate an area wholly or partly outside the polling district, and shall be small enough to indicate to electors in different parts of the polling district how they will be able to reach the polling station at the polling place;

(d) a polling place need not be designated for any polling district, if the size and other circumstances of the district are such that the situation of the polling stations thereat does not materially affect the convenience of the electors or any body of them.

(3) If not less than thirty electors in a constituency make a representation to the Commission that the powers conferred by this section have not been exercised so as to meet the reasonable requirements of the electors in the constituency or any body of those electors, specifying in what manner the powers have not been properly exercised, the Commission shall consider the representation and may, if the Commission thinks fit, make the necessary alterations.

(4) On the exercise of any power given by this section the Commission shall publish in the constituency a notice showing the boundaries of any polling districts or polling places constituted as a result of the alteration.

(5) Regulations may provide for adapting the register in force for the time being to any alteration of polling districts, and may make special provisions for cases where any alteration of polling districts is made between the publication of any register of electors and the coming into force of the register prepared under section **23,** but except in cases for which provision is made by regulations an alteration of polling districts shall not be effective until the coming into force of the register of elections published under section **24 (1).**

(6) An election shall not be questioned by reason of any non-compliance with the provisions of this section or any informality relative to polling districts or polling places.

PART II

THE ELECTION CAMPAIGN

Broadcast and news paper publications.

36. (1) The Commission shall, upon the issuing of the writ for an election, consult with all electronic and print media operating in Antigua and Barbuda to draw up a timetable for —

(a) public education programmes for voters;

(b) political broadcast and access to the print media for political parties and candidates to promote their views through the electronic media and to have their messages printed in the newspapers circulating in Antigua and Barbuda.

(2) The Commission shall, by regulation, make rules —

(a) governing the procedure for the use of the electronic and print media during election;

(b) requiring owners of electronic and print media to provide equitable allocation of time and space, in a non-discriminatory manner to enable political parties and candidates to carry their messages in accordance with guidelines established by the Commission;

(c) prescribing penalties for failure to comply with the rules.

(3) The owners and all persons in control of the electronic and print media shall, during the election, comply with the regulations made under subsection (2).

Right to use public school rooms for election meetings.

37. (1) Subject to this section, a candidate at an election is entitled, for purposes of holding a public meeting for promoting or procuring the election of a candidate, to the use at all reasonable times during the period commencing on the day on which the notice of election is given, and ending on the day preceding the day of election, of any suitable room in any public school situated within the constituency for which he is a candidate.

(2) For the purpose of holding election meeting under this Act, no person shall hire or use any premises —

(a) which are licensed for the sale of any intoxicating liquor for consumption on or off the premises or on which refreshment of any kind (whether food or drink) is ordinarily sold for consumption on the premises; or

(b) where any intoxicating liquor is supplied to members of a club, society or association, other than a permanent political club.

Appointment of election agents.

38. (1) Not later than seven days after the issue of a writ by the Governor-General under this Act, a person shall be named by each candidate as the candidate's election agent and the name and address of the candidate's election agent shall be declared in writing by the candidate to the Supervisor of Elections.

(2) Every election agent shall have an office to which all notices, claims, writs, summonses and documents may be sent and the address of the office shall be declared to the Commission who shall transmit it to the returning officer at the same time as the appointment of the agent and the name and the office address of the agent shall be published in the ***Gazette.***

(3) Any notice, claim, writ or summons delivered at the office of the election agent and addressed to him, shall be deemed to have been served on him and every election agent may in respect of any matter connected with the election in which he is acting be used in any court having jurisdiction at the place where his office is situate.

(4) Where no name and address is given pursuant to subsection (1) the candidate shall be deemed at the time to have named himself as election agent and to have revoked any appointment of another person as his election agent.

(5) Where a person is declared to be an election agent under subsection (1) he shall thereupon submit to the Commission a declaration in writing that he has accepted the appointment as election agent.

(6) Where a person whose name and address have been so given as those of the candidate's election agent (not being the candidate himself) dies or the appointment is revoked and a new appointment is not made on the day of the death or revocation or on the following day, the candidate is deemed to have appointed himself from the time of the death of the agent or the revocation.

(7) A candidate shall, not later than three days before the opening of a poll, submit to the Commission, the name of any person appointed as a polling agent for attending at a polling station for the purpose of detecting personation and as a counting agent to attend at the counting of votes.

(8) Where after the appointment of a polling agent but before the opening of the poll, a polling agent becomes incapable of

carrying out his duties, a new polling agent shall be appointed and the name of the new polling agent shall thereupon be submitted to the commission.

Other offences and penalties.

39. (1) Any person who —

(a) has ceased to be a Commonwealth citizen after attaining the age of 18 years and has not subsequently thereto become a Commonwealth citizen; or

(b) has not attained the age of 18 years; or

(c) does not have any requisite residential qualifications for inclusion in the register of electors,

and who willfully makes any claim to be included in the register of elector commits an offence and is liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment not exceeding three months.

(2) A person shall not —

(a) permit 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 specified in subsection **(2)** *(a);* or

(c) distribute or cause to be distributed any printed document for the said purpose, unless the bill, placard, poster or document bears upon the face thereof the name and address of the printer and publisher.

(3) A registration officer who willfully or without reasonable excuse omits to register the name of any person qualified to be registered or who willfully frustrates any such person from being so registered is guilty of an offence and, on conviction on indictment, liable to be imprisoned for a term not exceeding five years.

(4) A registration officer convicted of an offence under the foregoing provision shall, in addition to the penalty imposed thereunder, forfeit his right to payment for his services as a reg-

istration officer and shall be incapable during as period of five years from the date of his conviction —

(i) of being qualified as an elector or of voting at any election;

(ii) of being elected a member of the House of Representatives.

(5) Any person who being employed in connection with the preparation of any register —

(i) knowingly falsely certifies any register to be correct; or

(ii) willfully enters in any register the name of any person not qualified; or

(iii) willfully omits from any register the name of any person entitled to be entered therein,

commits an offence and, on conviction, on indictment, liable to imprisonment for a term of five years and shall forfeit his right to payment for his services and be incapable during a period of five years of being qualified as an elector or of voting at any election,. or of being elected a member of the House of Representatives.

(6) Every election officer who —

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

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

(c) refuses to permit any person whom he knows or has reasonable cause to believe to be a blind person or an incapacitated person to vote in the manner pro-

vided for blind persons or incapacitated persons, as the case may be; or

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

(e) willfully rejects or refuses to count any ballot paper which he knows or has reasonable cause to believe is validly cast for any candidate; or

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

(g) wilfully permits any person to vote at the polling station who he knows or has reasonable cause to believe is not entitled to vote.

commits an offence and on conviction on indictment, liable to be imprisoned for a term not exceeding five years.

(7) Any person who directly or indirectly, by himself or by any other person on his behalf makes use of or threatens to inflict, by himself or any other person, any temporal or spiritual injury, damage, harm or loss upon or against any person in order to induce or compel that person to vote or refrain from voting or on account of that person having voted or refrained from voting commits an offence.

(8) Where a person knowingly provides money for any payment which is contrary to the provisions of this Act, or for replacing any money expended in any such payment or expenses, except where the payment or the incurring of the expenses may have been previously allowed under this Act that person commits an offence.

(9) A candidate acting in contravention of this section commits an illegal practice, and any other person so acting commits an offence and on summary conviction is liable to a fine of three thousand dollars".

Personation.

40. (1) A person shall be guilty of a corrupt practice if he commits, or aids, abets, counsels or procures the commission of the offence of personation.

(2) A person shall be deemed to be guilty of personation at an election if he votes in person as some other person, and whether that other person is living or dead or is a fictitious person.

(3) For the purposes of this section, a person who has applied for a ballot paper for the purposes of voting in person or as proxy for some other person, shall be deemed to have voted.

Tampering nomination papers, ballot papers, etc.

41. (1) A person shall be guilty of an offence if at an election he —

(a) unlawfully defaces or destroys a nomination paper;

(b) unlawfully defaces or fraudulently destroys any ballot paper, or the official mark on any ballot paper, or any declaration of identity;

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

(d) unlawfully puts into any ballot box any paper to any person;

(e) unlawfully takes out of the polling station any ballot paper;

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

(g) fraudulently or without due authority, as the case may be, attempts to do any of the foregoing acts.

(2) A person shall be guilty of an offence if at an election —

(a) he forges any nomination papers, delivers to the returning officer any nomination paper knowing it to be forged, or forges or counterfeits any ballot paper or the official mark on any ballot paper;

(b) he signs any nomination paper as candidate or proposer knowing any of the statements contained therein to be false; or

(c) he fraudulently or without due authority, as the case may be, attempts to do any of the foregoing acts.

(3) A person guilty of an offence under this section shall be liable, on summary conviction —

(a) every returning officer, a presiding officer or clerk in attendance at a polling station to imprisonment for two years;

(b) if he is any other person, to imprisonment for six months.

Requirement **secrecy.**

42. (1) The following persons, that is to say —

(a) every returning officer and every presiding officer or clerk attending at a polling station; and

(b) every candidate or polling agent so attending,

shall maintain and aid in maintaining the secrecy of voting and shall not, except for some purpose authorised by law, communicate to any person before the poll is closed any information as to —

(i) the name of an elector who has or has not applied for a ballot paper or voted at a polling station;

(ii) the number on the register of electors of any elector who has or has not applied for a ballot paper or voted at a polling station; or

(iii) the official mark.

(2) Every person attending at the counting of the votes shall maintain and aid in maintaining the secrecy of voting and shall not —

(a) ascertain or attempt to ascertain at the counting of the votes the number on the back of any ballot paper;

(b) communicate any information obtained at the counting of the votes as to the candidate for whom any vote is given on any particular ballot paper.

(3) No person whosoever shall —

(a) interfere with or attempt to interfere with a voter when recording his vote;

(b) obtain or attempt to obtain in a polling station information as to the candidate for whom a voter in that station is about to vote or has voted;

(c) communicate at any time to any person information obtained in a polling station as to the candidate for whom a voter in that station is about to vote or has voted, or as to the number on the back of the ballot paper given to a voter at that station;

(d) directly or indirectly induce a voter to display his ballot paper after he has marked it so as to make known to any person the name of the candidate for whom he has or has not voted.

(4) No person having undertaken to assist a blind voter to vote shall communicate any information as to the candidate for whom that voter intends to vote or has voted, or as to the number on the back of the ballot paper given for the use of that voter.

(5) If any person acts in contravention of this section he shall be guilty of an offence and liable on summary conviction to imprisonment for six months.

Sections 83 and 84 repealed and replaced.

43. Section 83 of the principal Act is repealed and the following substituted.

Campaign Financing.

83. (1) Every political party shall keep an account book into which shall be recorded

(a) all monetary and other forms of contributions received by him during an election.

(b) the name and address of any person or entity who contributes any money or other thing which exceeds twenty-five thousand dollars.

(2) No political party shall accept any monetary or other contribution exceeding five thousand dollars unless it can identify the source of the money or other contribution to the Commission.

(3) Every political party procuring the election of a candidate shall, within six weeks after the announcement of the results of the election, file a report of the contributions made by individuals and entities to the Commission.

(4) Every political party shall grant to any officer of the Commission authorised in writing, access to examine the records and audited accounts kept by the political party in accordance with this section and, on request, shall give all such information as may be requested in relation to all contributions received by or on behalf of the party.

(5) Every political party shall have its accounts audited within six months after an election that it contested.

(6) The Commission shall impose a penalty of two thousand dollars a day on any party or organization who fails to comply with this section.

Passed the House of Representatives this 27th day of November, 2001.

S. Bowen,
Deputy Speaker.

S. Walker,
Clerk to the House of Representatives.

Passed the Senate this 30th day of November, 2001.

M. Percival,
President.

S. Walker,
Clerk to the Senate.

Printed at the Government Printing Office, Antigua and Barbuda,
by Donovan Southwell, Government Printer
—By Authority, 2001.

1000—12.01 *[Price $14.50]*