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HOUSE OF ASSEMBLY (ELECTIONS) ACT

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PART I
PRELIMINARY

Short title.

1. This Act may be cited as the -

HOUSE OF ASSEMBLY (ELECTIONS) ACT

2. Interpretation. [12 of 1990]. S.I. 1978 No. 1027 (U.K.) [Schedule I].

In this Act - "Chief Elections Officer" means the Chief Elections Officer appointed under section 87 of the Constitution;

"Commission" means the Electoral Commission established under section 56 of the Constitution;

"constituency" means a constituency as defined in the Registration of Electors Act;

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

"election documents" means the documents which the returning officer is required by section 44(1) to transmit to the Chief Elections Officer after an election;

"election officer" includes the Chief Elections Officer, every supervisor of enumerators, returning officer, election clerk, presiding officer, poll clerk, enumerator or other person having any duty to perform pursuant to this Act, to the faithful performance of which duty he may be sworn in;

"elector" means any person whose name is on any list of electors;

"finally revised list" means the list of electors for any polling district which has been revised by the registration officer in accordance with the provisions of the Registration of Electors Regulation, certified and forwarded to the Chief Elections Officer for printing;

"Form," identified by a number, means the Form of that number set out in the Schedule;

"list of electors" means either the preliminary list of electors, the finally revised list of electors or the official list of electors as herein defined, as the context requires;

"official list" means the finally revised list of electors for any polling station which has been printed for use at such polling station;

"poll book" means the book in Form 20 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 district" means any polling district constituted in accordance with the provisions of the Registration of Electors Act;

"polling station" means any room secured by the returning officer for the taking of votes of the electors on polling day and to which the official list of electors for a polling district is allotted;

"preliminary list of electors" means the list of electors prepared by the enumerators in accordance with the provisions of the Registration of Electors Regulations;

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

"register of electors" means the register of electors prepared under Part II of the Registration of Electors Act and described in section 17 of that Act;

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

"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 vote, and - 1. has been spoiled in marking by the elector; and 2. has been handed back to the presiding officer and exchanged for another;

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

"writ" means the writ for an election.

3. Constituencies. [9 of 1960, 12 of 1990]. S.I. 1978. No. 1027 (U.K.). 43/1973.

There shall, in pursuance of section 33 of the Constitution, be elected to the House of Assembly, in the manner prescribed by the provisions of this Act, representatives to the constituencies established in accordance with section 57 of the Constitution, subject to the transitional provisions of paragraph 3(1) of Schedule 2 to the Commonwealth of Dominica Constitution Order 1978 (transitionally adopting the twenty-one constituencies established by the Boundaries Commission Order).

PART II
REGISTRATION OF ELECTORS
QUALIFICATION OF ELECTORS

4. Powers and duties of the Chief Elections Officer [12 of 1990].

1. The Chief Elections Officer shall -

a. exercise general direction and supervision over the administrative conduct of elections and enforce on the part of all election officers fairness, impartiality and compliance with the provisions of this Act;

b. issue to election officers such instructions as from time to time he may consider necessary to ensure effective execution of the provisions of this Act;

c. execute and perform all other powers and duties which by this Act are conferred and imposed on him

2. The Chief Elections Officer shall receive such remuneration as may be approved by Parliament.

5. Appointment of supervisor of enumerators.

The Commission may from time to time, on the recommendation of the Chief Elections Officer, appoint supervisors of enumerators who shall receive such remuneration as may be prescribed. The supervisors of enumerators shall perform such duties as the Commission or the Chief Elections Officer shall assign to them.

6. Returning officers.

1. The Commission may from time to time, on the recommendation of the Chief Election Officer, appoint for each constituency a returning officer who shall receive such remuneration as may be prescribed.
2. Forthwith upon his appointment each returning officer shall take and subscribe an oath in Form 7 and shall transmit the oath to the Chief Elections Officer.
3. Forthwith upon taking the oath referred to in subsection (2), the returning officer shall establish an office in his constituency, or, where any person has been appointed returning officer for more than once constituency, in one of the constituencies or with the approval of the Chief Elections Officer at some convenient place outside of either of the constituencies, and shall cause and advertisement to be inserted in a local newspaper specifying the place at which he has established his office.

7. Elections clerks.

1. The Chief Elections Officer may appoint an election clerk to assist each returning officer. The clerk shall receive such remuneration as may be prescribed.
2. Forthwith upon his appointment, the election clerk shall take an oath in Form 8 and shall transmit the 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 duties as such, the election clerk shall forthwith report the fact to the Chief Elections Officer and shall discharge all the duties and exercise all the powers of the returning officer until some other returning officer is appointed or the former officer ceases to be incapable of performing his duties, as the case may be.

8. Substitute election clerks.

1. Forthwith upon commencing to discharge the duties of returning officer in accordance with section 7, the elections clerk shall appoint a substitute election clerk who, unless sooner removed by the Chief Elections Officer, 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. Forthwith upon commencing to discharge the duties of the election clerk, the substitute election clerk shall take the oath required by section 7 to be taken by the election clerk.
3. The substitute election clerk shall receive, in respect of his services as such, such sum as the Commission may in any particular case appoint.

9. Presiding officers.

1. The Chief Elections Officer shall, subject to the approval of the Commission, appoint a presiding officer for each polling station in the constituency who shall receive such remuneration as may be prescribe.
2. Forthwith upon his appointment each presiding officer shall take and subscribe an oath in Form 9 and shall transmit the oath to the returning officer.

10. Poll clerks.

1. The Chief Elections Officer shall appoint a poll clerk for each polling station in such district who shall receive such remuneration as may be prescribed.
2. Forthwith upon his appointment every poll clerk shall take and subscribe an oath in Form 10 and shall transmit the oath to the returning officer.
3. If any presiding officer dies or becomes incapable of performing his duties during the taking of the poll, the poll clerk shall forthwith assume the office of presiding officer and shall appoint some other person to act as poll clerk.
4. Ever person appointed to act as poll clerk under subsection (3) shall forthwith take and subscribe the oath of a poll clerk.

11. Oaths to be taken before justice of the peace, returning officers, presiding officers or poll clerks.

Every election officer and every person who is required by this Act to take an oath may take the 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 the provisions of this Act and every such registration officer, returning officer or presiding officer or 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.

PART III
ELECTIONS
ARRANGEMENTS FOR ELECTIONS

12. Issue of writs for holding elections. [12 of 1990].

1. 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 caused by death, resignation, or otherwise, the President shall issue writs under the Public Seal of the State, addressed to the returning officers of the respective constituencies for which members are to be returned. The writs shall be forwarded to the Chief Elections Officer for transmission to the several returning officers.

2. Every such writ shall be in Form 1 and shall specify the day and place of nomination of candidates, the day of which, if necessary, the poll shall be taken, being not less than fifteen and not more than twenty-one days after the day fixed for the nomination of candidates, and the day on which the writ is returnable to the President.

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

13. Notice of place and time of election. [2 of 1987, 12 of 1990].

Upon the issue by the President of a writ, the Chief Elections Officer shall giver notice thereof and of the day and place fixed for the nomination of candidates, by publication in the Gazette at least ten clear days before the day fixed for the nomination; and the returning officer shall give further notice of the issue of the write and of the time and place fixed for the nomination of candidates by causing notices in Form 11 to be posted of affixed in some conspicuous place near the principal door of every court house, police station, and revenue office of the relevant constituency and in any other place he may think necessary.

14. Copies of lists of electors to be obtained.

Before the day fixed for the nomination of candidates the returning officer shall obtain from the Chief Elections officer the prescribed number of copies of the lists of electors for the time being in force by virtue of this Act.

Procedure at Elections

15. Nomination of candidates

1. On the day and at the place fixed for the nomination of candidates, the returning officer shall attend at nine o'clock in the morning to receive the nomination of candidates for the seat to be filled.

2. Every candidate for election -

1. must be nominated in writing by not less than six registered electors of the constituency for which he seeks to be elected; and

2. must consent in writing to the nomination in Form 12; - but no candidate shall be deemed to have been validly nominated by reason only of the fact that subsequent to nomination day any person by whom his nomination paper was signed is struck off the list of electors for the relevant constituency.

3. The returning officer shall at the place aforesaid and at the time aforesaid and within seven hours thereafter receive the nomination papers as may be tendered to him.

4. Every candidate shall at the time of his nomination deliver or cause to be delivered to the returning officer a statutory declaration of his qualifications made and subscribed by the candidate or, if the candidate is absent from the State on nomination day, by his duly authorised agent, in Form 13 or Form 14, as the case may be. If the statutory declaration is not delivered as aforesaid the nomination of the candidate shall be deemed to be void.

5. Every candidate or someone on his behalf shall at the time of his nomination deposit, or cause to be deposited, with the returning officer, the sum of five hundred dollars in cash, and if he fails to do so, the nomination of the candidate shall be deemed to be void.

16. Disposal of deposit.

1. The full amount of every such deposit made under section 15(5) shall forthwith after its receipt be transmitted by the returning officer to the Financial Secretary.

2. The full amount of every such deposit shall be returned by the Financial Secretary to the person who made the deposit or his personal representatives, as the case may be, upon the production by him or by them, within one month of the conclusion of the election in respect to which the deposit was made of a certificate from he Chief Election Officer that the candidate was elected or polled not less than one-eighth 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.

17. Uncontested elections.

If at the expiration of seven hours from the time appointed there is only one candidate duly nominated, the returning officer shall forthwith publicly declare that candidate to be elected, and shall immediately thereafter certify by endorsement on the writ of election in Form 15 the return of that candidate and shall return the writ so endorsed to the Chief Elections Officer for transmission to the President within the time for that purpose specified therein.

18. Contested election adjournment to take the poll. [2 of 1987].

1. If there is 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 at which the poll will be taken and of the names of the candidates nominated for election and of the place where and the day and time when the number of votes given to the several candidate will be finally counted, by publication thereof, in the Gazette and in at least one local newspaper or on national radio; and by causing notices 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 in the constituency as he may think necessary in Form 16.

19. Power to adjourn polling day in event of emergency. [12 of 1990].

1. Where at any time between the issue of a writ under section 12(1) and the day appointed by the writ for the holding of the poll at any election the President is satisfied that is expedient to do so by reason of -

1. the State having become engaged or being likely to become engaged in any war;

2. the proclamation of any state of emergency under the Emergency Powers Act or the Constitution;

3. the occurrence of any earthquake, hurricane, flood, fire, outbreak of pestilence or outbreak of infectious disease or other calamity whether similar to the forgoing or not; or

4. the likelihood that the final electoral list for all constituencies or for any particular constituency will not be printed before the day appointed under section 12 for the holding of the poll or that any essential electoral supplies or materials will not be available in adequate quantities upon such day.

- he may by Proclamation adjourn the holding of the poll for some other day specified in the Proclamation not being more than thirty days after the day specified in the writ issued under section 12.

2. Any Proclamation under subsection (1) made pursuant to subsection (1)(c) or (d) may be expressed to apply only to the constituencies as are specified in the Proclamation in which event the poll shall be taken in any constituency not so specified upon the day appointed for the taking of the poll under section 12.

3. Where any Proclamation is made under this section the writs for all constituencies to which the Proclamation applies shall be deemed to have been amended by the substitution for the day specified in the writs as being the day for the holding of the poll of the day so specified in the Proclamation.

4. Where any Proclamation under this section is made before the day which would have been nomination day if the Proclamation had not been made, nomination day

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 by the Proclamation; but if the twenty-third day is a public holiday nomination day shall be deemed to be adjourned to the first day not being a public holiday after the twenty-third day.

5. Where any Proclamation is made under this section after nomination day the adjournment by the 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.

20. Withdrawal of candidature. [12 of 1990].

1. Any candidate duly nominated may, not less than seven clear days before the day fixed for taking the poll, withdraw from his candidature by giving notice to the effect, signed by him, to the returning officer, provided that on the withdrawal there remains not less than one duly nominated candidate.

2. If any such candidate withdraws from his candidature in accordance with subsection (1), or dies, before the day fixed for taking the poll, the returning officer shall forthwith give public notice of the withdrawal or death in the prescribed manner; and if on the withdrawal or death there remains only one duly nominated candidate, the returning officer shall forthwith declare such candidate to have been elected, and shall immediately thereafter certify by endorsement on the writ of election the return of such candidate in Form 17, and shall return the writ so endorsed to the Chief Elections Officer for transmission to the President within the time for that purpose specified therein.

21. Taking of poll and the ballot.

1. The poll shall be taken in each polling station by secret ballot in accordance with the provisions of sections 34, 34 and 36.

2. The ballot of each voter shall be a printed paper, in this Act called a ballot 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 to the name of each candidature there shall be a prescribed symbol. The ballot papers shall have a counterfoil and a stub, and there shall be a line of perforations between the ballot and the counterfoil and between the counterfoil and the stub, the whole as in Form 18.

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 ten, twenty-five, fifty or one hundred ballots.

22. Establishment of polling stations.

The returning officer shall establish for each polling district 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 polling station is provided with proper doors, barriers, tables, chairs and other conveniences, and that the same are properly arranged for carrying out the provisions of this Act with respect to taking of the poll.

23. Supplies of election material.

1. The returning officer shall furnish to each presiding officer at least two clear days before polling day -

1. a sufficient number of ballot papers for at least the number of electors on the official list of electors of the presiding officer's polling station;

2. a statement showing the number of ballot papers so supplied, with their serial numbers;

3. the necessary materials for electors to mark their ballot papers;

4. at least three copies of printed directions in Form 19 for the guidance of electors in voting;

5. a copy of or excerpts from this Act;

6. three copies of the official list of electors for use at his polling station;

7. a ballot box;

8. a blank poll box;

9. the several forms of oath to be administered to electors printed together on a card; and

10. the necessary envelopes and such other forms and supplies as may be authorised or furnished by the Chief Elections Officer.

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 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.

3. 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 subsection (1)(d).

24. Inspection of polling station by presiding officer.

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

25. Hours for taking the poll.

The taking of the poll at each polling station shall be between seven o'clock in the morning and five o'clock in the afternoon of the same day.

26. 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 constituency.

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.

27. Electors to vote only in district upon list for which their names appear.

1. Subject to the provisions of sections 30 and 31, no person shall be entitled to vote in any polling district unless his name appears on the official list of electors for that polling district.

2. Ever person whose name appears upon the official list of electors for any polling district shall be entitled to vote in that polling station district notwithstanding that he is not resident of that polling district upon polling day. However, no person shall vote in more than one constituency or at more than one polling station in the same constituency or more than once in the same constituency on the same day.

28. Penalty. Any person contravening any of the provisions in section 27 is liable on summary conviction to imprisonment for six months.

29. Restriction on number of candidates for whose election vote may be cast.

No person shall vote for the election of more than one candidate.

30. Transfer of electors in special cases.

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

2. The returning officer shall give notice in writing to every candidate in his constituency of any transfer made during subsection (1) and to the presiding officer of the polling station at which the person whose name is so transferred would have been entitle to vote but for the provisions of section 31.

31. Where transferred elector to vote.

1. Every person whose name is transferred, in accordance with section 30, from any official list to any other list shall vote, if he votes at tall, in the polling station of which he is appointed presiding officer or poll clerk, as the case may be.

2. Every presiding officer who issues to any person whose name has been transferred from any official list to any other official list any ballot paper at any polling station other than the polling station of the polling district to which that person's name has been transferred, is liable on summary conviction to a fine of two hundred and fifty dollars or to imprisonment for one month.

32. Proceedings at poll.

1. At the hour fixed for the opening the poll the presiding officer and the poll clerk, shall in the presence of the candidates, their agents and such of the electors are present, open the ballot box and ascertain 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 thereof; 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 elector 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. Each elector, upon entering the polling station, shall declare his name, residence and occupation. The poll clerk shall then ascertain if the name of the elector appears on the official list of electors used at the polling station. When it has been ascertained that the applicant elector is qualified to vote at the polling station, his name, address and occupation shall be entered in the poll book to be kept by the poll clerk in Form 20, his electoral registration number in the appropriate column of the poll book, and the elector shall be immediately allowed to vote, unless an election officer or any agent of a candidate present at the polling station desired that he be first sworn.

5. The poll clerk shall -

1. make such entries in the poll book as the presiding officer pursuant to any provision of this Act directs;

2. 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";

3. 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

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

33. Who are to be admitted within the polling station.

1. The presiding officer shall keep order at his polling station and shall regulate the number of voters to be admitted at a time, and shall exclude all other persons except his assistants, the candidates, one agent for each candidate appointed by the candidate in writing in Form 21, and the constables on duty. Agents how to be place

2. The agents shall be posted in such a place that they can see each person who presents himself as an elector, and hears his name as given in by him, but so that they cannot see how any voter votes. They shall not interfere in the proceedings save in so far as may be allowed by this Act. Preservation of order

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 to be removed from the polling station.

34. General mode of taking ballot. [5 of 1977, 12 of 1990].

1. Each elector shall receive from the presiding officer a ballot paper on which such officer has previously put his initials so placed as indicated on Form 18 that when the ballot paper is folded they can be seen without opening it, and on the counterfoil of which he has placed the elector's electoral registration number entered in the poll book opposite the name of the elector.

2. The presiding officer shall instruct the elector how to make his mark, and shall properly fold the elector's ballot, directing him to return it, when marked, folded as shown, but without inquiring or seeing for whom the electors intends to vote, except when the elector is unable to vote in the manner prescribed by this Act on account of blindness or other physical incapacity.

3. The elector on receiving the ballot papers shall forthwith enter one of the polling compartments and there mark his ballot paper by marking with a black lead pencil and not otherwise a cross within the space containing the name of the candidate for whom he intends to vote, and he shall then fold the ballot paper as directed so that the initials and the numbers on the counterfoil can be seen without opening it, and hand the paper to the presiding officer who shall, without unfolding it, ascertain by examination of the initials and numbers appearing thereon that is the same paper as that delivered to the elector and if the same he shall forthwith in full view of the voter and all the other present remove the counterfoil and deposit the ballot paper in the ballot box.

4. An elector who has inadvertently so dealt with the ballot paper delivered to him 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 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 since their arrival at the polling station, the poll shall be kept open a sufficient time to enable them to vote, but subject

to subsection (7) , no one not actually present within the polling station at the hour of closing shall be allowed to vote.

7. If the polling station is too small to accommodate all the people present, the presiding officer shall allow to vote any person who at the hour of closure of the poll were present at the station for the purpose of voting notwithstanding that such persons were not actually within the station.

35. Questions which may be put to an elector.

1. The presiding officer may, and if requested by a candidate or his agent shall, put to the elector the following questions:

1. are you the same person whose name appears as A.B. on the list of electors now in force for this polling station?

2. have you already voted at this election either here or elsewhere?

2. If any person refuses to answer any question put to him as in this section provided, the presiding officer shall refuse to give him a ballot paper.

3. If any person makes a false answer to any such question he is liable on summary conviction to imprisonment for six months.

36. Mode of taking ballot in special cases. [12 of 1990].

1. Subject to all other provisions of this Act as to proof of qualification as an elector and as to the administration of oaths, if a person representing himself to be a particular elector applies for a ballot paper after another person has voted as that person, he shall be entitled to receive a ballot paper and to vote after taking the oath of identity, in Form 22, and otherwise establishing his identity to the satisfaction of the presiding officer.

2. In such case, the presiding officer shall put on the ballot paper his initials together with the voter's electoral registration number entered in the poll book opposite the name of the voter, and the poll clerk shall enter in the poll book -

1. the name of the voter;

2. a note of his having voted on a second ballot paper issued under the same name;

3. 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

4. any objections made on behalf of any, and of which, of the candidates.

3. An elector who is incapacitated by any physical cause other than blindness from voting in the manner prescribed in this Act, may apply to the presiding officer to adopt one of the following modes of voting:

1. the elector may request the presiding officer to mark his ballot paper on his behalf, in which case the presiding officer shall require the elector to make oath in Form 23 of his incapacity to vote without assistance and shall thereafter assist the elector by marking his ballot paper in the manner directed by the elector and shall place the ballot paper in the ballot box: if so requested by the elector, the presiding officer shall mark the ballot paper in the presence of the poll clerk and of the sworn agents of the candidates or any of them but of no other person;

2. alternatively, the elector may apply to the presiding officer to be allowed to vote with the assistance of another person by whom he is accompanied (in this subsection referred to as "the companion"), in which case -

1. the presiding officer shall require the elector to make oath in Form 23;

2. on the elector making such oath the presiding officer shall require the companion to make a declaration in Form 25, that the companion is a qualified person within the meaning of subsection (4) and has not previously assisted more than one physically incapacitated person to vote at the election;

3. upon the applicant and the companion complying with subparagraphs (i) and (ii), and subject to the provisions of this Act, the presiding officer shall grant the application, and thereupon anything which by this Act required to be done to or by the elector in connection with the giving of his vote may be done to, or with the assistance of, the companion.

4. For the purpose of subsection (3)(b), a person is qualified to assist a physically incapacitated person if that person is either -

1. a person who is entitled to vote as an elector at the election; or

2. the father, mother, brother, sister, husband, wife, son or daughter of the physically incapacitated elector and has attained the age of eighteen years.

5. 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 Form 24, and is accompanied by a friend who is an elector in the polling district, shall permit the friend to accompany the blind elector into the voting compartment and mark the elector's ballot paper for him; and if the elector so requests, the presiding officer shall accompany them into the voting compartment and the friend shall mark the ballot paper in the presence of the presiding officer. No person shall at any election be allowed to act as the friend of more than one blind elector.

6. Any friend who is permitted to mark the ballot paper of a blind elector as aforesaid shall be first required to take an oath in Form 25A that he will keep secret the name of the candidate for whom the ballot of the blind elector is marked by him, and that he

has not already acted as the friend of a blind elector for the purpose of marking his ballot paper at the pending election.

7. Whenever any elector has had his ballot paper marked as provided in subsection (3) or (5), the poll clerk shall enter in the poll book opposite the elector's name, in addition to any other requisite entry, the reason why the ballot paper was so marked.

37. Who may vote.

1. Where there is contained in the official list of electors a name, address and occupation which correspond so closely with the name, address and occupation of a person by whom a ballot paper is demanded as to suggest that the entry in the official list of electors was intended to refer to him, that person shall, upon taking the oath in Form 26 and complying in all other respects with the provisions of this Act, be entitled to receive a ballot paper and to vote. In any such case the name, address and occupation 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, the poll clerk, one of the candidates or an agent of a candidate, or by an elector present, shall take and oath in Form 27, and if he refuses to take the oath, erasing lines shall be drawn through his name on the list of electors and in the poll book, if his name has been entered in the said book, and the words "refused to be sworn" shall be written thereafter.

38. Who may be present.

1. In addition to the presiding officer and the poll clerk, the candidate and one agent for each candidate in each polling station, the constables on duty, and no others, shall be permitted to remain in the polling station during the time the poll remains open; but no candidate and his agent shall be in the same polling station at the same time for more than five consecutive minutes.

2. The agent of each candidate, on being admitted to the polling station, shall take an oath in Form 28, to keep secret the name of the candidate for whom any of the voters has marked his ballot paper in his presence.

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.

39. Proceedings after poll. [5 of 1977, 12 of 1990].

1. Forthwith upon the close of the poll, in the presence and in full view of the poll clerk and the candidates or their agents, and if the candidates or any of them are absent, then in the presence of such as are present, and of at least two electors if none of the candidates is represented, the presiding officer shall, in the following order -

1. count the number of voters whose name 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 name thereto;

2. count the spoiled ballot papers, if any, place them in the special envelope supplied for that purpose and indicate thereon the number of the spoiled ballot papers and seal it up;

3. count the unused ballot papers, place them with all the stubs of all the used ballot papers in the special enveloped supplied for that purpose and indicate thereon the number of the unused ballot papers;

4. check the number of ballot papers supplied by the returning officer against the number of spoiled ballot papers, if any, 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;

5. open the ballot box and empty its contents upon the table;

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

2. In counting the votes, the presiding officer shall reject all ballot papers -

1. which have not been supplied by him;

2. which have not been marked for any candidate;

3. on which votes have been given for more than one candidate; or

4. 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 -

1. any writing, number or mark placed thereon by any presiding officer; or

2. the presence thereon of any mark, other than the voter's mark, or any smear or smudge from any cause whatsoever arising, unless the ballot paper fails to convey the intention of the voter to vote for any particular candidate.

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) remove the counterfoil. He shall not reject the ballot paper merely by reason of his former failure to remove the counterfoil.

4. If, in the course of counting the votes, the presiding officer discovers that he has omitted to affix his initials to any ballot paper, as provided by section 34(1), and as indicated in Form 18, he shall, in the presence of the poll clerk and the agents of the

candidates, affix his initials to the ballot paper and shall count the ballot paper as if it had been initialed by him in the first place, provided that he is satisfied that the ballot paper is one that has been supplied by him and that such an omission has really been made, and also that every ballot paper supplied to him by the returning officer has been accounted for, as provided by subsection (1)(d).

5. Nothing in subsections (2), (3) or (4) shall relieve the presiding officer from any penalty to which he may have become liable by reason of his having placed any writing, number or mark, other than his initials, on any ballot paper, or of his failure to remove the counterfoil at the time of the casting of the vote to which it relates or of his failure to affix his initials to any ballot paper before handing it to an 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 agent or any elector present, to any ballot paper found in the ballot box, and shall decide every question arising out of the objection. The decision of the presiding officer shall be final, subject to reversal on the final count by the returning officer or on petition questioning the election or return; and every such objection shall be numbered, and a corresponding number placed on the back of the ballot paper and initialed by the presiding officer.

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

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 Forms 29and 30 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 Form 31, 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 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 forthwith transmitted or delivered to the returning officer. The returning officer may specially appoint one or more persons for the purpose of collecting the ballot boxes from a given number of polling stations and such person or persons shall, on delivering the ballot boxes to the returning officer, take the oath in Form 32.

11. The presiding officer shall, with the ballot box, transmit or deliver to the returning officer, in the envelope provided for that purpose, the key of the ballot box, and the preliminary statement of the poll in Form 31.

12. The presiding officer shall transmit to the returning officer -

1. the ballot box;

2. the envelope containing the key thereof; and

3. the preliminary statement of the poll, in such manner as the Chief Elections Officer may direct.

13. If any presiding officer omits to enclosed within the ballot box, and in the proper envelopes provided for that purpose, any of the documents mentioned in this section, he shall, in addition to any other punishment to which he may be liable, forfeit all right to payment for his services as such officer.

40. Agents.

Each candidate may appoint one agent to attend the preliminary and final count of the votes by the presiding officer and the returning officer. The appointment shall be in writing in Form 21.

PART IV
PROCEDURE SUBSEQUENT TO POLLING DAY

41. Final counting of votes. [12 of 1990].

1. The returning officer upon receipt by him of each of the ballot boxes shall take every precaution for its safe keeping and for preventing any person other than himself and his election clerk form having access thereto, sealing it under his own seal so that it cannot be opened without the seal being broken, but without effacing or covering any other seals thereto affixed.

2. After the ballot boxes have been received, they shall be opened at the place, date and time specified in the noticed referred to in section 18(2) for the final count of the votes, and in the presence of such of the candidate or their representatives as are present, by the returning officer, or, where the same person is returning officer for more than one constituency, by him or the election clerk for the constituency concerned, and the returning officer or the election clerk, as the case may be, shall -

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

2. count the votes rejected by the presiding officer (allowing the candidates and their representatives to see the votes) and determine whether any of the votes

should be regarded as having been validly cast for any, and if so for which candidate;

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

4. make any sign any necessary amendments to the statement of the poll.

3. The provisions of subsection (2) of sections shall apply to the returning officer or election clerk, as the case may be, as they apply to the presiding officer except that paragraph (a) of that subsection shall take effect as if there were substituted for the word "him" the words "the presiding officer".

4. The provisions of subsection (6) of section 39 shall apply to the returning officer of 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" shall be deemed to be omitted from the subsection.

5. The provisions of subsection (7) of section 39 shall apply to the returning officer or election clerk, as the case may be, as they apply to the presiding officer except - 1. that the words "returning officer" shall be deemed to be substituted by the words "presiding officer"; and 2. that the documents referred to in that subsection shall be replaced in the envelopes from which they were removed by the returning officer and the 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 representatives are present, it shall be the duty of the returning officer or election clerk to secure the presence of at least two electors who shall remain in attendance until the final count of the votes has been completed.

7. The candidate who on the 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 the declaration shall be forthwith delivered to each candidate or his agent, if present at the final count of the votes, or if any candidate is neither present nor represented thereat, shall be forthwith transmitted to such candidate by registered post.

8. Whenever, on the final count of votes, and equality of votes is found to exist between any two or more candidates and an additional vote would entitle one of the candidates to be declared elected, the returning officer, or election clerk, as the case may be, if he is an elector of the constituency for which the election is held, may give that additional vote, but the returning officer shall not in any other case be entitled to vote at an election in a constituency for which he is the returning officer.

42. 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 18(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 for the several candidates cannot be ascertained, or if, for any other cause, the returning officer cannot, at the day and hour appointed by him for that purpose, ascertain the exact number of votes given for each candidate, he may thereupon adjourn to a further day and hour the final count of the votes given for each candidate, not being more than seventy-two hours after the time specified in the notice referred to in section 18(2).

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

4. For the 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 the provisions of section 12 of the said Act shall apply to all persons required by the returning officer to give evidence or to produce any documents before him as they apply to persons summoned to attend and give evidence or to produce documents before a commission of inquiry under the said Act.

43. Declaration of the poll. The returning officer shall, as soon as he has ascertained the result of the poll, forthwith publicly declare the result and announce the candidate to whom most votes have been given to be elected as the member for the constituency.

44. Election return. [36 of 1965]. [12 of 1990].

1. The returning officer within seven days next following that upon which he has made the final count of or ascertained the number of votes given for each candidate, shall deliver personally or transmit by registered post to the Chief Elections Officer -

1. the writ with his return in Form 33 endorsed thereon that the candidate having the majority of votes has been elected;

2. a report of his proceedings in the form prescribed by the Chief Elections Officer;

3. the recapitulation sheets in the form prescribed 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 presiding officers;

4. the statements of the polls;

5. the reserve supply of undistributed blank ballot papers;

6. the enumerators' record books;

7. the returns from the various polling stations enclosed in sealed envelopes as prescribed 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 lists of electors used at the poll, and the written appointments of candidates' agents; and

8. all other documentation used for the election.

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

3. A premature return shall be deemed not to have reached the Chief Elections Officer until the same should have reached him in due course, and he shall, if circumstances so require, send back the return and any or all election documents connected therewith to the returning officer for completion or correction.

4. The Chief Elections Officer shall, on receiving the return of any member elected to serve in the House of Assembly, transmit the writ with the return endorsed thereon to the President within the time for the purpose specified therein.

5. The Chief Elections Officer shall, on receiving the return of any member elected to serve in the House of Assembly, enter it, in the order in which the return is received by him, in a book to be kept by him for such purpose and thereupon immediately give notice in the Gazette of the name of the candidate so elected and in the order in which it was received.

6. The Chief Elections Officer shall, as soon as practicable after each general election, cause to be printed a report given by polling districts 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 may think 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.

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

46. Power of Assembly to elect in event of equality votes. If in the case mentioned in section 41(8) the returning officer is not an elector, or if, being an elector he declines to vote, he shall make a special return of the result of the election, and the House of Assembly shall have the right by resolution to choose one of the candidates to be the member for that constituency.

47. Custody of election documents by Chief Elections Officers

1. The Chief Elections Officer shall keep the election documents referred to in section 44(1) in safe custody and shall allow no person to have access to them; but if an election petition has been presented questioning the validity of any election or return, the Chief Elections Officer shall, on the order of a Judge of the High Court, deliver to the Registrar of the High Court the documents relating to the election that is in dispute. However, after the expiration of twelve months from the day of any election it shall be lawful for the Chief Elections Officers to cause the said documents used at the election to be burnt.

2. No such election documents in the custody of the Chief Elections Officers 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 being satisfied by evidence on oath that the inspection or production of the 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 and 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 thinks fit.

4. All other reports or statements received from election officers, all instructions issued by the Chief Elections Officer pursuant to the provisions of this Act, all decisions or rulings by him 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 the certified copies at the prescribed rate.

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

48. Custody of ballot boxes.

1. Forthwith upon making the return to the writ in accordance with the provisions of section 44, the returning officer shall cause the ballot boxes used thereat, with the locks and keys, to be deposited in the custody of the member of the police service in charge of a police station in the constituency.

2. Upon delivery to him of the ballot boxes, locks and keys, the custodian shall issue his receipt and shall at the next ensuing election, upon request, deliver the said boxes, locks and keys to the returning officer to whom the writ is directed, taking the returning officer's receipt.

PART V
ELECTION OFFENCES

49. Intoxicating liquor not to be sold or given on polling day (Ch. 70:03).

1. No intoxicating liquor shall be sold, offered for sale or given away, at any premises situated in any constituency in which an election is being held and to which a license issued under the Liquor Licenses Act applies, at any time between the opening and the closing of the poll on polling day.

2. No intoxicating liquor shall be supplied to any person at any premises situated in any constituency in which an election is being held and to which a license issued under the Registration of Clubs Act applies, at any time between the opening and the closing of the poll on polling day.

3. Any person who contravenes subsection (1) or (2) is liable on summary convictions to a fine of five thousand dollars or to imprisonment for six months.

4. In this section, "intoxicating liquor" has the same meaning as is assigned to the expression in the Registration of Clubs Act.

50. Employers to allow employees prescribed period for voting.

1. Every employer shall, on polling day, allow to every elector employed by him the prescribed period for voting, and no employer shall make any deduction form the pay or any other remuneration of any such elector 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 other way, interferes with the granting to any elector employed by him of the prescribed period for voting as in this section provided, is liable on summary conviction to a fine of five thousand dollars or to imprisonment for six months.

51. Offences by election officers. Every officer who -

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

2. 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 the blind persons or incapacitated persons, as the case may be;

3. 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 prescribed for blind persons or incapacitated persons, as the case may be;

4. 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;

5. willfully rejects or refuses to count any ballot paper which he knows or has reasonable cause to believe is validly cast for any candidate in accordance with the provisions of this Act; or

6. 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. is, on conviction of indictment, liable to imprisonment for two years.

52. Loudspeakers, ensigns, banners, etc., prohibited on polling day.

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

2. Flags, ribbons, favours not to be furnished or worn. No person shall furnish or supply any flag, ribbon, label or like favour to or for any person with intent that it should be worn or used by any person within any constituency on polling day, as a party badge to distinguish the wearer as the supporter of a candidate, or of the political or other opinions entertained or supposed to be entertained by such candidate; and no person shall use or wear any flag, ribbon, label or like favour as such badge, within any constituency on polling day.

3. Nothing contained in subsection (1) or (2) shall be deemed to extend to the furnishing or supplying of any banner bearing only the name of any candidate or only such name preceded by the words "Vote for". or of any rosette or of any favour bearing the symbol allotted to any candidate or to the use of any such banner on any vehicle or of any such rosette or favour.

4. Penalty. Any person who contravenes any of the provisions of this section is liable on summary conviction to a fine of ten thousand dollars or to imprisonment for one year.

53. Maintenance of order at polling station.

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

2. This section shall not apply -

1. to any electors who are awaiting to poll their votes at the 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 waiting; or

2. to any person who may under the provisions of this Act lawfully enter or remain in the polling station.

3. Every person who contravenes or fails to comply with any of the provisions of this section is liable on summary conviction to a fine of four hundred dollars and to imprisonment for six months.

54. Influencing elector to vote for any candidate.

1. During the hours that the poll is open upon election day no person shall upon any public road or in any public place within one hundred yards of any building in which a polling station is situated 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. Every person who contravenes any of the provisions of subsection (1) is liable on summary conviction to a fine of three thousand dollars and to imprisonment for six months. Definition of bribery.

55. The following persons shall be deemed guilty of bribery within the meaning of this Act -

1. every person who, directly or indirectly, by himself or by any other person on his 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 person on behalf of 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 as mentioned above on account of any elector having voted or refrained from voting at any election;

2. every person who, directly or indirectly, by himself or by any other person on his behalf, gives or procures, or agrees to give or procure, or offers, promises, or promises to procure or to endeavour to procure, any office, place or employment to or for any 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 mentioned above on account of any elector having voted or refrained from voting at any election;

3. every person who, directly or indirectly, by himself or by any other person on his behalf, makes such a gift, loan, offer, promise, procurement, or agreement as mentioned above to or for any person, in order to induce such person to procure, or endeavour to procure, the return of any person as an elected member of the House of Assembly, or the vote of any elector at any election;

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

5. 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 the 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;

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

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

56. Definition of treating. The following persons shall be deemed guilty of treating within the meaning of this Act:

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

2. every voter who corruptly accepts or takes any such food, drink, entertainment, or provision.

57. Definition of undue influence. Every person who, directly or indirectly, by himself or by any other person on his behalf, makes use of or threatens to make use of any force, violence, or restraint, or inflicts or threatens to inflict, by himself or by any other person, any temporal or spiritual injury, damage, harm, or loss upon or against any person, in order to induce or compel that person to vote or refrain from voting or on account of that 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 vote at any election, is guilty of undue influence within the meaning of this Act.

58. Definition of personation. Every person who at an election applies for a ballot paper in the name of another person, whether the name is the name of a person living or dead, or of a fictitious person, or who, having once voted at any election, applies at the same election for a ballot paper in his own name, is guilty of personation within the meaning of this Act.

59. Penalty for bribery, treating or undue influence. Every person who is guilty of bribery, treating or undue influence under the provisions of this Act is liable on summary conviction to a fine of five thousand dollars or to imprisonment for six months.

60. Penalty for personation. Every person who is guilty of personation or aiding, abetting, counselling, or procuring the commission of the offence of personation is liable, on conviction or indictment, to a fine of twenty-four thousand dollars or to imprisonment for two years.

61. Disqualification for bribery, etc. Every person who is convicted of bribery, treating, or undue influence, or personation, or of aiding, counselling or procuring the commission of the

offence of personation shall (in addition to any other punishment) be incapable during a period of seven years from the date of conviction -

1. of being registered as an elector, or voting at any election of a member of the House of Assembly;

2. of being elected a member of the House of Assembly or if elected before his conviction, of retaining his seat as such member.

62. Penalty for certain illegal practices at elections.

1. Every person who -

1. votes, or induces or procures any person to vote, at any election, knowing that he or such other person is prohibited by this Act or by any law, from voting at such an election;

2. 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;

3. between the date of notification by the Chief Elections Officer of the issue by the President of a writ for purposes of an election and the day after 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 as a member to serve in the House of Assembly, is guilty of an illegal practice, and is liable on summary conviction to a fine of five thousand dollars and is incapable, during a period of five years from the date of conviction, of being registered as an elector or voting at any election.

2. Every person who between the date of notification by the Chief Elections Officer of the issue by the President of a writ for purposes of an election and the day after polling at such election, whether in a general election or in a by-election, incites, combines or inspires with others to act in a disorderly manner with intent to prevent the transaction of business of a public meeting called for the purpose of promoting the election of a candidate as a member to serve in the House of Assembly, is guilty of an illegal practice and is liable, on conviction or indictment, to imprisonment for two years, and is incapable, during a period of five years from the date of conviction, of being registered as an elector or voting at any election.

3. Any person who, before or during any election, for the purpose of effecting the return of any candidate at the election, makes or publishes any false statement of fact in relation to the personal character or conduct of any candidate is guilty of an illegal practice and is liable on summary conviction to a fine of five thousand dollars.

63. Offences in respect of ballot paper. Every person who -

1. forges or counterfeits, or fraudulently defaces or destroys, any ballot paper;

2. without due authority supplies a ballot paper to any person;

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

4. fraudulently takes out of the polling station any ballot paper;

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

6. not being duly registered as an elector, votes at an election. is liable on summary conviction, if he is a returning officer, presiding officer or clerk employed at a polling station, to a fine of five thousand dollars or to imprisonment for one year and, if he is any other person, to a fine of three thousand dollars or to imprisonment for six months. If any information or prosecution for any offence in relation to the ballot boxes, ballot papers, and other things in use at an election, the property in the ballot boxes, ballot papers, or things may be stated to be in the returning officer at the election.

64. Infringement of secrecy.

1. Every officer, clerk and agent in attendance at a polling station shall maintain and aid in maintaining the secrecy of the voting in the station, and shall not communicate, except for some purpose authorised by law before the poll is closed, to any person any information as to the name or number on the list of 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 vote or otherwise attempt to obtain in the polling station any information as to the candidate for whom any elector in the station is about to vote or has voted.

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

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

4. Every person who acts in contravention of any of the provisions of this section is liable, on summary conviction, to a fine of three thousand dollars.

PART VI
ELECTION PETITIONS

65. Petitions against disputed elections. A petition complaining of an undue return or undue election of a member of the House of Assembly, in this Act called an election petition, may be presented to the High Court by any one or more of the following persons:

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

2. some person claiming to have had a right to be returned at the election;

3. some person alleging himself to have been a candidate at the election.

66. Trial of election petitions. Decision of Judge final. Every 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 of Assembly 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 the determination to the President, and, upon the certificate being given, the determination shall 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 the determination.

67. Powers of Judge. Summoning witnesses. At the trial of an election petition the Judge shall, subject to the provisions of this Act or of any Proclamation to be made by the President, 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.

68. Presentation of election petition and security costs.

1. The following provisions shall apply with respect to the presentation of an election petition:

1. a petition shall be presented within twenty-one 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 account, or with his privity, since the time of the return, in pursuance or in furtherance of the corrupt practices, in which case the petition may be presented at any time within twenty-eight days after the date of the payment;

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

1. to any person summoned as a witness on his behalf; or

2. 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;

3. the security shall be an amount not exceeding twelve hundred dollars and shall be given by recognizance to be entered into any number of sureities not exceeding four 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, not inconsistent with the provision of this Act or any law, as to the deposit of security and the practice and procedure for the service and the hearing of election petitions and matters incidental thereto, may be made by the Chief Justice.

PART VII
MISCELLANEOUS PROVISIONS

69. No obligation on voter to disclose vote. No person who has voted at an election shall, in any legal proceedings to question the election or return, be required to state for whom he voted.

70. Conclusiveness of list of electors. At any election a person shall not be entitled to vote unless his name is on the list of electors for the time being in force by virtue of this Act, and every person whose name is on the list of electors shall, subject to the provisions of this Act, be entitled to demand and receive a ballot paper and to vote; but nothing in this section shall entitle any person to vote who is prohibited from voting by any Act, or relieve that person from any penalties to which he may be liable for voting.

71. Candidate may act in person. A candidate may himself undertake the duties which any agent of his if appointed might have undertaken, or may assist his agent in the performance of such duties and may, subject to the provisions of this Act, be present at any place at which his agent may, in pursuance of this Act, attend, except when an open vote is being cast.

72. Name and address of agent. The name and address of the agent of a candidate appointed to attend the final counting of the votes shall be transmitted to the returning officer one day at least 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 has not been so transmitted, notwithstanding that his appointment may be otherwise valid.

73. Absence of agents. 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 the agents of the candidates as may be authorised to attend, and as have in fact attended, at the time and place where the act or thing is being done, and the non-attendance of any agents or agent at such time and place shall not, if the act or thing is otherwise duly done, in anywise invalidate the act or thing done.

74. Regulations. The Commission may make Regulations generally for giving effect to the provisions of this Act and without prejudice to such general power may make Regulations -

1. prescribing the remunerations and travelling allowances to be paid to election officers;

2. prescribing the duties of the returning officers and the procedure to be followed in the performance of those duties;

3. prescribing the symbols to be used on every ballot paper and the mode of allocation of such symbols to candidates;

4. adding to, rescinding, varying of amending any of the forms contained in the Schedule;

5. prescribing the number of copies of the lists of electors to be printed and the persons to whom and the terms upon which such lists shall be distributed;

6. prescribing the period during which every employer shall permit his employees to be absent from work for the purpose of recording their votes;

7. prescribing the charges for certified copies of any documents referred to in this Act;

8. prescribing penalties for the breach of any of the regulations made hereunder.

75. Expenses of election. All expenses properly incurred by, and all remuneration and travelling allowances payable to, election officers shall be defrayed out of general revenue.

76. Computation of time.

1. In reckoning time for the purposes of this Act, Sunday shall be included but any other public holiday shall be excluded.

2. Where anything required by this Act or any Rules thereunder to be done on any day falls to be done on a Sunday or any such excluded day, that thing may be done on the next day not being one of such excluded days. Refusal of elector to take oath of affirmation or answer questions.

77. Interpreters.

1. No elector who has refused to take any oath or affirmation or to answer any question, as required by this Act, shall receive a ballot paper or be admitted to vote or be again admitted to the polling station.

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

SCHEDULE (forms)

FORM 1

HOUSE OF ASSEMBLY (ELECTIONS) ACT (CH. 2:01)
(Section 12)

WRIT OF ELECTION

by His Excellency the President of Dominica.

TO THE RETURNING OFFICER OF THE CONSTITUENCY.

WHEREAS by section 12 of the House of Assembly (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 caused by death, resignation, or otherwise, the President shall issue writs under the public seal of the State, addressed to the returning officers of the respective constituencies for which members are to be returned:

* AND WHEREAS I think it is 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 constituency has become vacant in consequence of

NOW, THEREFORE, I, President 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 constituency, cause election to be made according to law of a member to serve in the House of Assembly of the State for the _____ day of _____ 19__ and that you do cause the name of the member when so elected to be certified to me not later than the _____.
Given under my hand and the seal of the State this ____ day of _____, 19__.

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

FORM 2

REGISTRATION OF ELECTORS REGULATIONS (SUB. LEG. CH. 2:03)
(Rules 8, 13 and 48)

CERTIFICATE OF ENUMERATOR

I, enumerator for polling district No. ____ of the _____ constituency, certify that the above is a true copy of the preliminary list for the said polling district. Dated this _____ day of _____ 19____. _____
Enumerator.

FORM 3

REGISTRATION OF ELECTORS REGULATIONS (SUB. LEG. CH. 2:03)
(Rules 8, 13 and 48)

OATH OF ENUMARATOR UPON COMPLETION OF HIS WORK

I, _____ the undersigned enumerator appointed to prepare the preliminary list of electors for polling district No. ____ of the

_____ constituency, do solemnly swear that it contains as complete and as correct a list of the qualified electors as I have been able to prepare for the above-mentioned polling district, and that I have performed all my duties according to all instructions, rules and regulations. SO HELP ME GOD.

Sworn before me at _____ this _____ day of _____ 19____.
_____ Registration Officer. _____ Enumerator.

FORM 4

REGISTRATION OF ELECTORS REGULATIONS (SUB. LEG. CH. 2:03)
(Rules 27 and 48)

REVISION NOTICE TAKE NOTICE that --

1. the boundaries of the polling district No. _____ of the _____ constituency are as follows:

_____
_____;

2. the preliminary list of qualified persons for the above polling district will be revised on the _____ day of _____ at _____ at _____ o'clock;

3. any qualified person whose name, address or occupation has been omitted from or incorrectly stated in the preliminary list may give notice in writing in Form 3 in the Schedule to the Registration of Electors Regulations (Sub. Leg. Ch. 2:03) to the registration officer at _____ claiming that his name, address or occupation be inserted in the list or that the entry relating hereto be corrected, as the case may be;

4. any qualified person whose name appears in more than one preliminary list is hereby required to give notice in writing in Form 5 in the Schedule to the Registration of Electors Regulations (Sub. Leg. Ch. 2:03) to the registration officer at
_____

1. electing for which polling station district he desires to be registered; and

2. specifying the other polling districts in the preliminary lists for which his name appears; and

3. requiring the registration officer to cause his name to be deleted from such other preliminary lists;

5. any qualified person whose name appears in the preliminary list may give notice in writing in Form 4 in the Schedule to the Registration of Electors Regulations (Sub. Leg. Ch. 2:03) to the registration officer at _____ objecting to the inclusion in the list of any other person on the ground that that other person is not a qualified person;

6. the last day for giving the notices referred to in paragraphs (c), (d) or (e) will be the _____ day of _____, 19__;

7. copies of the Forms mentioned above may be obtained from any head teacher or at any police station.

_____ Date _____ Registration Officer.

FORM 5

REGISTRATION OF ELECTORS REGULATIONS (SUB. LEG. CH. 2:03)
(Rule 48)

NOTICE OF RESIDENCE TAKE NOTICE that

I, _____(Name) of _____(Address) _____ (Occupation) whose name appears on two preliminary lists, namely for polling districts No. _____ of the _____ constituency, and for polling district No. _____ of the _____ constituency do hereby elect to be registered for polling district No. _____ of the _____ constituency. Dated at _____ this _____ day of _____, 19___. _____ Signature of Elector.

FORM 6

REGISTRATION OF ELECTORS REGULATIONS (SUB. LEG. CH. 2:03)
(Rule 48)

CERTIFICATE OF REGISTRATION OFFICER

I, _____, registration officer for the _____ constituency, certify that the above is a true copy of the finally revised list for the said constituency. Dated this _____ day of _____, 19___. _____ Registration Officer.

FORM 7

HOUSE OF ASSEMBLY (ELECTIONS) ACT (CH. 2:01)
(Section 6)

OATH OF RETURNING OFFICER

I, _____, having been appointed returning officer for the _____ constituency, do swear that I will faithfully perform all

the duties of such returning officer in accordance with the provisions of the House of Assembly (Elections) Act, and of any rules made thereunder to the best of my ability. Sworn before me _____ Returning Officer. _____ Justice of the Peace (as the case may be.) Date _____.

FORM 8

HOUSE OF ASSEMBLY (ELECTIONS) ACT (CH. 2:01)
(Section 7)

APPOINTMENT AND OATH OF ELECTION CLERK APPONTMENT

To (_____) whose occupation is (_____) and whose address is (_____) Take notice that I hereby appoint you to be election clerk for the _____ constituency. Given under my hand at _____ this _____ day of _____ in the year 19___.
_____ Chief Elections Officer.

OATH OF ELECTION CLERK

I, _____, the undersigned, having been appointed election clerk for the _____ constituency, 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 provisions of the House of Assembly (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 _____ , 19___. _____ Justice of Peace (as the case may be.)

FORM 9

HOUSE OF ASSEMBLY (ELECTIONS) ACT (CH. 2:01)
(Section 9)

OATH OF PRESIDING OFFICER

I, _____, the undersigned, appointed presiding officer for polling station No. _____ of the _____ constituency, swear that I will act faithfully in the 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 above-mentioned polling station marks his ballot paper in my presence at this election. SO HELP ME GOD.

_____ Presiding Officer. Sworn before me at _____ this _____ day of _____, 19___. _____ Returning Officer (as the case may be.)

FORM 10

HOUSE OF ASSEMBLY (ELECTIONS) ACT (CH. 2:01)
(Section 10)

OATH OF POLL CLERK I, _____, the undersigned, appointed as poll clerk for the polling station No. _____ of the _____ constituency, 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 of the voters in the above-mentioned polling station marks his ballot paper in my presence at this election. SO HELP ME GOD. _____ Poll Clerk. Sworn before me at _____ this _____ day of _____, 19___. _____ Presiding Officer (as the case may be.)

FORM 11

HOUSE OF ASSEMBLY (ELECTIONS) ACT (CH. 2:01)
(Section 13)

NOTICE OF ELECTION OF A MEMBER OF THE _____ CONSTITUENCY His Excellency the President having used his writ for the election of a member of the House of Assembly for the _____ constituency, the returning officer of the said constituency will on the _____ day of _____, 19___ now next ensuing between the hours of nine a.m. and four p.m. at _____ proceed to the nomination, and if there is no opposition, to the election of a member of the _____ constituency. Forms of nomination papers may be obtained at the office of _____ at _____ between the hours of _____ and _____ daily (Sunday excepted). Every nomination paper must be signed by any six or more electors qualified to vote in the _____ constituency and be handed to the returning officer between the said hours of nine a.m. and four p.m. No nomination paper shall be valid or acted upon by the returning officer unless it is accompanied by- 1. the consent in writing of the person therein nominated; and 2. a deposit of five hundred dollars in cash. In the event of an election being contested the poll will take place between the hours of seven a.m. and five p.m. on _____ and the preliminary count of votes will take place upon the close of the poll in accordance with section 39 of the Act and the final count will take place at _____ on _____ at the hour of _____ and at such places as may thereafter be appointed. The house or office of the returning officer for the _____ constituency is situated at _____. _____ Returning Officer for the _____ constituency. Date _____.

FORM 12

HOUSE OF ASSEMBLY (ELECTIONS) ACT (CH. 2:01)
(Section 15)

NOMINATION PAPER We, the undersigned, electors for the _____ constituency do hereby nominate the following person as a proper person to serve as a member of the House of Assembly for the said _____ constituency and we certify that to the best of our belief he is qualified for election as a member of the House of Assembly under the conditions prescribed by section 31 of the Constitution. Surname Other Names Address Occupation Signature _____ _____ _____ _____ _____ _____ _____ _____ _____ _____ _____ _____ _____ _____ _____ _____

I, _____, nominated in the foregoing nomination paper hereby consent to such nomination as candidate for election as a member of the House of Assembly for the _____ constituency and name as my address for serving of process and papers under the House of Assembly (Elections) Act - Address _____.

Witness my hands this _____ day of _____, 19___. Signed by the said nominee in the presence of _____. _____ Signature of Witness. _____ Signature of Candidate.

FORM 13

HOUSE OF ASSEMBLY (ELECTIONS) ACT (CH. 2:01)
(Section 15)

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 the election as a member of the House of Assembly for the _____ constituency. I, _____ of _____ in the _____ of do solemnly and sincerely declare as follows: That I am duly qualified to be elected as a member of the House of Assembly for this constituency and that-

1. I am a citizen of Dominica of the age of eighteen years* over the age of eighteen years.*

2. I have resided in the State for a period of twelve months immediately before the date of my nomination for election.
* I am domiciled in the State and was resident therein at the date of my nomination for election.

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

to take an active part in the proceedings of the House of Assembly, but am incapable on account of _____ of reading it.

4. I am not, by virtue of my own act, under any acknowledgement of allegiance, obedience or adherence to a foreign Power or State.

5. I do not hold nor am I acting in any office or emolument in the service of the State.

6. I am not a minister of religion.

7. I am not an undischarged bankrupt under any law in force in any part of the Commonwealth.

8. I am not a party to or a partner in any firm or a director or manager of any company which is a part to any contract with the State for or on account of the public service. * I am a party to */a partner in a firm */a director of a company */a manager of a company */which is party to a contract with the State for or on account of the public service and have published in the English language in the Gazette and in a newspaper circulating in the constituency a notice setting out the nature of such a contract and *my interest, *the interest of my firm *company therein.

9. I am not a person adjudged to be of unsound mind nor detained as a person found guilty but insane of a criminal offence under any law in force in the State.

10. I have not been sentenced by a Court in any part of the Commonwealth to death or to imprisonment (by whatever name called) for a term exceeding twelve months.
* I have been sentenced by a Court in _____ a part of the Commonwealth, to imprisonment for a term exceeding twelve months and have suffered the punishment to which I was sentenced.
* I have been sentenced by a Court in _____ a part of the Commonwealth, to death, and have suffered the punishment substituted therefore by competent authority.
* I have been sentenced by a Court in _____ a part of the Commonwealth, to imprisonment for a term exceeding twelve months and did not suffer the punishment to which I was sentenced, but have suffered the punishment substituted therefore by competent authority.
* I have been sentenced by a Court in _____ a part of the Commonwealth, to death
*to imprisonment for a term exceeding twelve months
*but was granted a free pardon.

11. I am not disqualified for membership of the House of Assembly by any law in force in the State relating to offences connected with elections.

I make this declaration conscientiously, believing the same to be true and according to the Statutory Declarations Act, Ch. 5:53 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 fine and imprisonment. Declared before me this ____ day of _____, 19___. (Signed) _____.

FORM 14

HOUSE OF ASSEMBLY (ELECTIONS) ACT (CH. 2:01)
(Section 15)

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 the election as a member of the House of Assembly for the _____ constituency. I, _____ of _____ in the _____ of do solemnly and sincerely declare as follows: That _____ is duly qualified to be elected as a member of the House of Assembly for this constituency and that-

1. He is a citizen of Dominica of the age of eighteen years* over the age of eighteen years.*

2. He has resided in the State for a period of twelve months immediately before the date of his nomination for election. * He is domiciled in the State and was resident therein at the date of his nomination for election.

3. He is able to speak and read the English language with a degree of proficiency sufficient to enable him to take an active part in the proceedings of the House of Assembly.
* He is able to speak the English language with a degree of proficiency sufficient to enable him to take an active part in the proceedings of the House of Assembly, but am incapable on account of _____ of reading it.

4. He is not, by virtue of his own act, under any acknowledgement of allegiance, obedience or adherence to a foreign Power or State.

5. He does not hold nor is he acting in any office or emolument in the service of the State.

6. He is not a minister of religion.

7. He is not an undischarged bankrupt under any law in force in any part of the Commonwealth.

8. He is not a party to or a partner in any firm or a director or manager of any company which is a part to any contract with the State for or on account of the public service. * He is a party to */a partner in a firm */a director of a company */a manager of a company */which is party to a contract with the State for or on account of the public service and has published in the English language in the Gazette and in a newspaper circulating in the constituency a notice setting out the nature of such a contract and */his interest, *the interest of his firm */company therein.

9. He is not a person adjudged to be of unsound mind nor detained as a person found guilty but insane of a criminal offence under any law in force in the State.

10. He has not been sentenced by a Court in any part of the Commonwealth to death or to imprisonment (by whatever name called) for a term exceeding twelve months.

* He has been sentenced by a Court in _____ a part of the Commonwealth, to imprisonment for a term exceeding twelve months and has suffered the punishment to which I was sentenced.
* He has been sentenced by a Court in _____ a part of the Commonwealth, to death, and has suffered the punishment substituted therefore by competent authority.
* He has been sentenced by a Court in _____ a part of the Commonwealth, to imprisonment for a term exceeding twelve months and did not suffer the punishment to which he was sentenced, but has suffered the punishment substituted therefore by competent authority.
* He has been sentenced by a Court in _____ a part of the Commonwealth, to death */to imprisonment for a term exceeding twelve months */but was granted a free pardon.

11. He is not disqualified for membership of the House of Assembly by any law in force in the State relating to offences connected with elections. I make this declaration conscientiously, believing the same to be true and according to the Statutory Declarations Act, Ch. 5:53 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 fine and imprisonment. (Signed) _____ Declared before me this ____ day of _____, 19___. (Signed) _____ * Delete if inapplicable.

FORM 15

HOUSE OF ASSEMBLY (ELECTIONS) ACT (CH. 2:01)
(Section 17)

RETURN OF UNCONTESTED ELECTION To: Chief Elections Officer. I hereby certify that the member elected for the _____ constituency in pursuance of the within writ is _____ _____ (Insert name, address and occupation of member) no other candidate having been nominated. Dated at _____ this _____ day of _____, 19___. _____ Returning Officer.

FORM 16

HOUSE OF ASSEMBLY (ELECTIONS) ACT (CH. 2:01)
(Section 18)

NOTICE OF GRANT OF A POLL The _____ constituency. NOTICE is hereby given to the electors of the constituency aforesaid that a poll has been granted for the election now pending for the said constituency and that such poll will be open on the _____ day of _____, 19 ___ at the hour of seven in the forenoon and kept open till the hour of five in the afternoon in the following polling stations established in the various polling districts comprised in the said constituency: Polling stations: _____ _____ _____ _____

_____ _____ And that the candidates in the above constituency are as follows: Candidates: _____
_____ _____ _____
_____ _____ and that the number of votes given to the several candidates will be counted at _____ commencing at _____ o'clock on the _____ day of _____ of which all persons are hereby required to take notice and govern themselves accordingly. Given under my hand at _____ this _____ day of _____, 19___. _____ Returning Officer.

FORM 17

HOUSE OF ASSEMBLY (ELECTIONS) ACT (CH. 2:01)
(Section 20)

RETURN WHERE CANDIDATES WITHDRAW OR DIE To: Chief Elections Officer. I hereby certify that the member elected for the _____ constituency 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 _____, 19___.
_____ Returning Officer.

FORM 18

HOUSE OF ASSEMBLY (ELECTIONS) ACT (CH. 2:01)
(Section 21)

BALLOT PAPER

No. 6700	GENERAL ELECTION..... No. 6700 .....constituency Voter's number on roll.....
	Polling Day ..... SPACE FOR INITIAL OF P.O.
	DO NOT FOLD BEYOND THIS LINE
	1. BISHOP, CONRAD D. Queen Mary Street, Planter. — **Symbol** (Hammer)

2.O'NEALE, FRANCES. Pottersville, Mechanic.	**Symbol** (Ship)
3. ROBINSON, GEORGE. New Town, Merchant.	**Symbol** (Hand)

FORM 19

HOUSE OF ASSEMBLY (ELECTIONS) ACT (CH. 2:01)
(Section 23)

DIRECTIONS TO ELECTORS

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

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

The elector shall then fold the ballot paper so that the initials of the presiding officer and the number of the counterfoil can be seen and the counterfoil detached without opening the ballot paper; he shall return the ballot paper so folded to the presiding officer shall in full view of those present, including the elector, remove the counterfoil and place the ballot paper in the ballot box. The elector shall then forthwith quit the polling station.

If an elector inadvertently spoils a ballot paper he may return it to the presiding officer who on being satisfied of the fact will give him another.

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

In the following form of ballot paper given for illustration the candidates are Conrad D. Bishop, Frances O'Neale, and George Robinson, and the elector has marked his ballot paper in favour of Frances O'Neale.

GENERAL ELECTION.....

No. 6700 .....constituency

Voter's number on roll.....

Polling Day .....

SPACE FOR INITIAL OF P.O.

DO NOT FOLD BEYOND THIS LINE	
1. BISHOP, CONRAD D. Queen Mary Street, Planter.	**Symbol**
2.O'NEALE, FRANCES. Pottersville, Mechanic.	**Symbol** X
3. ROBINSON, GEORGE. New Town, Merchant.	**Symbol**

FORM 20

HOUSE OF ASSEMBLY (ELECTIONS) ACT (CH. 2:01)
(Section 23)

POLL BOOK

Consecutive number given each elector as he applies for ballot	Particulars of elector							Particulars of persons applying for ballot papers after another person has voted as such person			Objections if any made on behalf of any candidates	Remark
	Name of elector	Occupation	Postal address	Consecutive No. of elector on List of Electors	Form numbers of oaths if any elector is required to swear	(a) Record that that oath sworn or refused	(b) Record that elector has voted	Name	Consecutive number given each elector as he applies for ballot	Record that oath sworn		

FORM 21

HOUSE OF ASSEMBLY (ELECTIONS) ACT (CH. 2:01)
(Section 33 and 40)

I, _____ nominated to serve as a member of the House of Assembly for the _____ constituency, do hereby appoint _____ whose address is _____ and whose occupation is _____ as my agent* for the purposes of the proceedings at polling station No. _____** (to attend the preliminary and final count of the votes by the returning officer.) _____ Candidate

* For agent at polling station.
** For agent at the preliminary and final count.

FORM 22

HOUSE OF ASSEMBLY (ELECTIONS) ACT (CH. 2:01)

(Section 36)

OATH OF IDENTITY OF AN ELECTOR RECEIVING A BALLOT PAPER AFTER ANOTHER HAS VOTED IN NAME

You swear that you are _____ (Name as on list of electors) of _____ (Address as on list of electors) whose name is entered on the list of electors now shown you. SO HELP YOU GOD.

FORM 23

HOUSE OF ASSEMBLY (ELECTIONS) ACT (CH. 2:01)
(Section 36)

OATH OF INCAPACITATED ELECTOR

You swear that you are incapable of voting without assistance by reason of physical incapacity. SO HELP YOU GOD.

FORM 24

HOUSE OF ASSEMBLY (ELECTIONS) ACT (CH. 2:01)
(Section 36)

OATH OF BLIND ELECTOR

You _____ of _____ swear that you are incapable of voting without assistance by reason of your inability to see. SO HELP YOU GOD.

FORM 25

HOUSE OF ASSEMBLY (ELECTIONS) ACT (CH. 2:01)
(Section 36)

OATH OF FRIEND OF INCAPACITATED ELECTOR

1. You swear that you will keep secret the name of the candidate for whom you mark the ballot paper of the physically incapacitated elector on whose behalf you act.

2. That you are a qualified person under section 36(4) of the Act to assist a physically incapacitated elector.

3. That you have not already acted as companion of the physically incapacitated elector for the purpose of marking his ballot paper at this election. SO HELP YOU GOD.

FORM 25A

HOUSE OF ASSEMBLY (ELECTIONS) ACT (CH. 2:01)
(Section 36)

OATH OF FRIEND OF BLIND ELECTOR

1. You swear that you will keep secret the name of the candidate for whom you mark the ballot paper of the physically incapacitated elector on whose behalf you act.

2. That you have not already acted as companion of the physically incapacitated elector for the purpose of marking his ballot paper at this election. SO HELP YOU GOD.

FORM 26

HOUSE OF ASSEMBLY (ELECTIONS) ACT (CH. 2:01)
(Section 37)

OATH THAT THE ELECTOR IS THE PERSON INTENDED TO BE REFERRED TO IN THE LIST OF ELECTORS

You swear that you are qualified to vote at this election of a member to serve in the House of Assembly and are not disqualified from voting thereat and that you verily believe that you are 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 YOU GOD.

FORM 27

HOUSE OF ASSEMBLY (ELECTIONS) ACT (CH. 2:01)
(Section 37)

OATH OF QUALIFICATION

You swear

1. That you are a citizen of the Dominica of the full age of eighteen years.

2. That you have resided in the State for a period of at least twelve months immediately prior to the date of your registration as an elector.

3. That you are domiciled in the State and were resident in the State at the date of your registration as an elector.

4. That you have resided in the _____ constituency for a period of at least six months prior to the date of your registration as an elector.

5. That you are not within any of the classes of persons who lack qualification or are disqualified by reason of crime or mental incapacity.

6. That you are not disqualified by any law in force in the State relating to offences connected with elections.

7. That you are not the returning officer for this constituency. SO HELP YOU GOD.

Note - Paragraph 3 is alternative to paragraph 2.

FORM 28

HOUSE OF ASSEMBLY (ELECTIONS) ACT (CH. 2:01)
(Section 38)

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 _____ constituency, do swear that I will keep secret the names of the candidates for whom any elector voting at this polling station marks his ballot paper in my presence at this election. SO HELP ME GOD. _____ Signature of Agent Sworn before me at _____ this _____ day of _____, 19 ___. _____ Returning Officer for the _____ constituency or Justice of Peace or of the _____ constituency.

FORM 29

HOUSE OF ASSEMBLY (ELECTIONS) ACT (CH. 2:01)
(Section 39)

OATH OF PRESIDING OFFICER AFTER CLOSING OF THE POLL I, _____ the undersigned, presiding officer for polling station No. _____ of the _____ constituency, 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 therein is _____ and that it contains a true and exact record of the votes given at the said polling station as the said votes were taken thereat; and that I have faithfully performed all duties required of me by law. _____ Presiding Officer Sworn before me at _____ this _____ day of _____, 19 ___. _____ Poll Clerk (or as the case may be.)

FORM 30

HOUSE OF ASSEMBLY (ELECTIONS) ACT (CH. 2:01)
(Section 39)

OATH OF THE POLL CLERK AFTER CLOSING OF THE POLL

I, _____ the undersigned, poll clerk for polling station No. _____ of the _____ constituency, do swear that this poll book kept for the said polling station under the direction of _____ who has acted as presiding officer has been so kept by me under his direction as aforesaid correctly and 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 a poll clerk according to law. _____ Poll Clerk Sworn before me at _____ this _____ day of _____, 19 ___. _____ Presiding Officer (or as the case may be.)

FORM 31

HOUSE OF ASSEMBLY (ELECTIONS) ACT (CH. 2:01)
(Section 39)

STATEMENT OF THE POLL AFTER COUNTING THE BALLOTS

.....Constituency.				Polling Station No.....	
Number of ballot papers received from the returning officer				.....	.....
Number of ballot papers cast for				.....	
do.	do.	do.	.....	.....	
do.	do.	do.	.....	.....	
do.	do.	do.	.....	.....	
do.	do.	do.	.....	.....	

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

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

FORM 32

HOUSE OF ASSEMBLY (ELECTIONS) ACT (CH. 2:01)
(Section 39)

OATH OF MESSENGER SENT TO COLLECT BALLOT BOXES

I, _____ messenger appointed by _____ returning officer for the _____ constituency do swear that the several boxes to the number of _____ which were used at the polling stations Nos. _____ were handed to me by _____ that they have not been opened by me or any other person and that they are in the same state as they were in when they came into my possession. _____ Signature Sworn before me at _____ this _____ day of _____, 19 ___. _____ Returning Officer (as the case may be.)

FORM 33

HOUSE OF ASSEMBLY (ELECTIONS) ACT (CH. 2:01)
(Section 44)

RETURN AFTER POLL HAS BEEN TAKEN

I hereby certify that the member elected for the _____ constituency 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 _____, 19 ___. _____ Returning Officer.

Return to Electoral Systems
Regresar a Sistemas Electorales

Return to Dominica Electoral Laws
Regresar a Leyes Electorales de Dominica