CHAPTER 12

REPRESENTATION OF THE PEOPLE

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CHAPTER 12

REPRESENTATION OF THE PEOPLE

An Act to consolidate and revise the law relating to the representation of the people.

1971-15. 1971-25. 1978-20. 1980-67. 1980-71. 1981-9. 1989-9. 1989-17. 1990-9. 1997-17. 1998-48. 2007-18. 2007-19.

[1st June, 1971] Commencement.

PART I

Preliminary

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

2. For the purposes of this Act, Interpretation.

"candidate", in relation to an election, means a person who is

(a) elected at the election; or

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

"Chief Registering Officer" means the Chief Registering Officer appointed under section 12, or any person acting in that office;

"Commission" means the Electoral and Boundaries Commission established by section 41A of the *Constitution*; 1989-17.

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"committee room" does not include any house or room occupied by a candidate as a dwelling only because the candidate has transacted business there with his agents in relation to the election; and no room or building shall be deemed to be a committee room only because the candidate or any agent of the candidate addresses therein electors, committee men or others;

"constituency" means a constituency specified in the First Schedule to the *Constitution (Electoral and Boundaries Commission) (Review of Boundaries)Order, 2002* and described in the Second Schedule to that Order;

2002/79.

"Court" means the High Court;

"date of the allowance of an authorised excuse" has the meaning assigned to it by subsection (7) of section 57;

"disputed claim" has the meaning assigned to it by subsection (1) of section 50 and by section 51;

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

"Election Court" means the Election Court constituted under section 39 of the *Election Offences and Controversies Act*;

Cap. 3.

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

"election expenses", in relation to an election, means expenses incurred, whether before, during or after the election, on account of or in respect of the conduct or management of the election;

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

"election rules" means the election rules set out in the *Second Schedule*; Second Schedule.

"elector", in relation to an election, means any person whose name is for the time being on the appropriate register of electors to be used at that election, and includes a foreign service elector;

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"foreign service elector" means a person whose name appears on any list or register of foreign service electors;

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

"Mission" means any High Commission, Embassy or Consulate of Barbados and "head of Mission" means the person in charge of any such Mission;

"payment" includes any pecuniary or other reward and "pecuniary reward" and "money" includes any office, place or employment and any valuable consideration, and expressions referring to money shall be construed accordingly;

"personal expenses", as used with respect to the expenditure of any candidate in relation to any election, includes the reasonable travelling expenses of the candidate and the reasonable expenses of his living at hotels or elsewhere for the purposes of and in relation to the election;

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

"polling district" means a polling district constituted in accordance with section 29;

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

"qualifying date", in relation to the qualification of any person to be registered as an elector, means the date on which that person applies to be registered as an elector unless in respect of any particular year of election, the Commission by order appoints some other date; 1989-17.

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

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"registering officer" means a registering officer appointed under section 12 to be registering officer for a constituency or a person acting in that office;

"Registrar" means the Registrar of the Supreme Court;

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

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

1980-67. (3) In this Act, a reference to a period "at an election" or "during an election" is a reference to a period commencing with the issue of the writ for that election and ending on polling day.

3[1]. *Repealed by 1990/29.*

4. *Repealed by 1980-71.*

Date of casual vacancies and address for writ.

5. (1) For the purpose of filling a casual vacancy in the membership of the House of Assembly, the date on which the vacancy shall be deemed to have occurred shall, subject to section 45 of the *Constitution,* be

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

(b) in the case of an election being declared void on an election petition, upon the date of the certificate of the Election Court issued pursuant to the *Election Offences and Controversies Act;*

Cap. 3.

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

[1]The number of constituencies and the boundaries describing them are the function of the Electoral and Boundaries Commission under section 41D(5) of the Constitution. See the Electoral and Boundaries Commission (Review of Boundaries) Order, 1990. (S.I.1990 No. 29).

(2) Where a casual vacancy, whether caused by death, resignation, expulsion or otherwise, arises in the membership of the House of Assembly, an address shall forthwith be passed and forwarded to the Governor-General asking him to issue a writ for an election to fill the vacancy.

PART II

House of Assembly Franchise and Registration of Electors

QUALIFICATIONS OF ELECTORS

Electors.

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

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

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

(4) No person may

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

(b) at any election, vote as an elector more than once in the same constituency; or 1980-67.

(c) at any election, vote without first producing the identification card issued to him under section 25 of the *Statistics (Registration Census of Barbadian Residents) Regulations 1979* unless he proves to the satisfaction of the presiding officer that he has not been issued with an identification card or that he has been issued with an identification card and that such card has been lost or destroyed. 1979/47.

Qualifications for registration. 1980-67. 1989-17.

7. (1) Subject to this Act and any enactment imposing any disqualification for registration as an elector, a person is qualified to be

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registered as an elector for a constituency if, on the qualifying date, he

(a) is a citizen of Barbados; or

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

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

(d) has resided in that constituency for a period of at least 3 months before that qualifying date, or, but for the circumstances entitling him to vote at a Mission, would have been resident at the address at which he was ordinarily resident in that constituency immediately before leaving Barbados.

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

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

Disqualifications for registration.

8. A person is disqualified from being registered as an elector and shall not be so registered if he

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

(b) is undergoing any sentence of imprisonment in Barbados; or

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

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

9. (1) A person registered pursuant to this Part shall remain registered unless and until his name is deleted from the register because

Right to remain registered. 1997-17.

(a) he has died; or

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

(c) not being a foreign service elector, he has been absent from Barbados for a period exceeding 5 years; or

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

(2) For the purposes of deleting from the register the names of persons referred to in paragraph *(a)* or *(c)* of subsection (1), the Commission shall first publish once in the *Official Gazette* and twice at intervals of not less than 7 days apart in the local daily newspapers, a notice of its intention to consider the deletion of those names. 1997-17.

(3) The notice to which subsection (2) refers shall 1997-17.

(a) request information as to why any name listed in the notice shall not be deleted; and

(b) request that the information to which paragraph *(a)* refers be submitted to the Commission by the date specified in the notice.

(4) The date specified in the notice to which subsection (3) refers shall not be less than 4 weeks from the date of publication of the first notice. 1997-17.

(5) When the date for submission of the information requested pursuant to subsection (3) has expired, the Commission may, in the absence of evidence justifying the retention of any name listed in the notice, delete that name from the register. 1997-17.

(6) Where the Commission deletes from the register the name of a person pursuant to subsection (5), it shall forthwith publish the names that have been deleted in the *Official Gazette* and in the local daily 1997-17.

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newspapers and once thereafter within a week of the first publication of those names.

Requirement to register.

10. (1) Every person who is qualified to be registered as an elector for a constituency shall, unless registered in the register of electors for that constituency, within 30 days of the relevant date, apply to the registering officer for that constituency to have his name entered in the monthly list of electors prepared for that constituency under section 15.

(2) Without prejudice to subsection (1), every occupier of a house shall, within 30 days of the relevant date, furnish the registering officer of the constituency in which the house is situated with the names of every person living in that house who, to the best of his knowledge, is qualified to be registered as an elector for that constituency.

(3) Where a building is let in separate apartments, flats or lodgings, the person receiving the rent payable by the tenants or lodgers, whether on his own account or as the agent of another person, shall, if requested so to do by or on behalf of the registering officer for the constituency in which the building is situated, furnish the registering officer with the name of every tenant or lodger by whom the rent of an apartment, flat or lodging is payable.

(4) For the purposes of this section, the expression

"house" means a dwelling-house, and includes any building or part of a building occupied as a separate dwelling;

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

"relevant date" means

(a) in the case of a person who at 1st June, 1971 is not qualified to be registered as an elector, the date on which that person first becomes so qualified;

(b) in any other case, the date appointed by the Commission by order for the purposes of this section. 1989-17.

11. Notwithstanding section 7, a person shall not be qualified to be registered as an elector until he has complied with the provisions of this Act and the regulations relating to the registration of electors. Provision as to incomplete registration.

12. (1) The Chief Electoral Officer shall be the Chief Registering Officer for the purposes of this Act. Registering Officers.

(2) For the purposes of the registration of electors, there shall be

(a) subject to this section, a registering officer for each constituency who shall be appointed by the Commission after consultation with the Chief Registering Officer; and 1989-17.

(b) as many enumerators as may be deemed necessary who shall be appointed by the Commission after consultation with the Chief Registering Officer. 1989-17.

(3) The Chief Registering Officer shall supervise the performance by the registering officers of their functions under this Act and the registering officers shall comply with any general or specific directions which he may give them.

(4) A registering officer may act for more than one constituency.

(5) Each registering officer and enumerator shall, so long as he acts in that capacity, receive such remuneration from moneys voted for the purpose by Parliament as may be prescribed.

13. (1) The Commission shall cause to be prepared and shall publish not later than the 31st day of January in every year a register of electors for each constituency and a register of foreign service electors entitled to vote at any election. Registers of electors. 1989-17.

(2) The register of electors specified in subsection (1) shall contain 1980-67.

the name, address, electoral number or national registration number of the following persons who are ordinarily resident in the constituency to which the register relates and qualified under this Act as electors, namely:

(a) a person who was registered in the register of electors last published for the constituency to which the register relates;

(b) a person who was registered in the revised register of electors or the register for elections published by virtue of section 18, since the date on which the register referred to in paragraph *(a)* was published; and

(c) a person who was registered by virtue of any census under the *Statistics Act* for the purpose of the registration of Barbadian residents. Cap. 192.

(3) The registers referred to in subsection (2) shall not contain the name of any person who, in the opinion of the Commission, appears since the publication of the registers referred to in paragraphs *(a)* and *(b)* of that subsection 1989-17.

(a) to have died;

(b) to have left Barbados on the 31st December of the immediately preceding year to be no longer ordinarily resident in that constituency, not being a citizen of Barbados;

(c) to have been absent from Barbados for a period exceeding 5 years, being a citizen of Barbados and not being a foreign service elector; or

(d) to have become ordinarily resident in another constituency.

(4) The Commission may in the exercise of its functions under this section and section 14 give directions to the Chief Registering Officer who shall comply with those directions. 1989-17.

14. The Commission shall cause to be prepared and shall, in accordance with section 18, publish for each constituency Revised register and register for elections. 1978-20. 1989-17.

(a) a revised register and a register for elections; and

(b) a revised register of foreign service electors and register for

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elections for foreign service electors entitled to vote at any election.

15. *Repealed by 1978-20.*

Claims and objections. 1978-20.

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

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

Revised Register. 1978-20.

17. (1) The Chief Registering Officer shall make all additions to the register published under section 13 and shall make removals therefrom in consequence of any action taken under section 9 or 16.

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

(a) whose names appear on the register for another constituency who have notified the Chief Registering Officer of a change of address in accordance with the regulations and who appear to be ordinarily resident in the constituency;

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

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

(d) who have otherwise become qualified persons.

Special electoral registration period and publication of the preliminary list and the register for elections. 1978-20. 1989-17.

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

(a) he shall declare the period ending 19 days after the issuing of the writ to be a special electoral registration period; and

(b) the Commission shall, not later than 3 days after the issuing of the writ, publish a revised register of electors in accordance with section 17 (2) to be known as a preliminary list.

(2) The Commission shall, during the 16 days after publication of the preliminary list under subsection (1), make additions and changes to the list in accordance with section 17.

(3) The Commission shall, not later than 21 days after the issuing of a writ for an election for a constituency, publish in respect of that constituency, a register of electors to be known as the register for elections.

(4) The register for elections must contain the name, address, occupation, if any, and electoral number of every person qualified under this Act to be registered as an elector or a foreign service elector, for the constituency.

Register for elections to be used for any election. 1978-20.

19. The register for elections published under section 18 (3) shall be used for any election held in a constituency to which that register relates until it is superseded by the register of electors prepared and published for that constituency in the next succeeding year in accordance with this Part.

Corrupt and illegal practices list. Cap. 3. 1989-17.

20. (1) The Commission shall in every year make out from information furnished to it under section 62 of the *Election Offences and Controversies Act* a corrupt and illegal practices list containing

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

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

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1989-17.

(2) the Commission shall, at least 14 days before publishing the register as is required by subsection (1) of section 13, publish the corrupt practices list by making a copy thereof available for inspection at the address as prescribed of each registering officer.

Foreign service electors.

21. A person is qualified to be treated as a foreign service elector at any election in any constituency who is a qualified person and is

(a) serving abroad as the head of a Mission or a member of the staff of a Mission;

(b) a member of the household of a person mentioned in paragraph *(a)*.

Registration of foreign service electors.

22. (1) A person who is qualified to be registered as a foreign service elector shall make application for such registration in the prescribed manner.

1989-17.

(2) The Commission shall cause to be registered only those persons whose applications are allowed in accordance with the regulations.

Names of foreign service electors to be kept separate from those of other electors. 1978-20.

23. (1) The names of those persons who are qualified to be registered as foreign service electors pursuant to this Part shall be entered in the appropriate register of foreign service electors, revised register of foreign service electors or register of elections for foreign service electors, as the case may be, and such names shall be kept separate and distinct from the names of other electors qualified to be registered pursuant to this Part.

1989-17.

(2) The Commission shall cause to be deleted from any register of electors, revised register of electors or register for elections the names of those persons who are registered as foreign service electors.

Voting by foreign service electors.

24. A person registered as a foreign service elector may only vote in accordance with the election rules.

Identification cards. 1989-17.

25. The Commission shall cause identification cards containing the prescribed matters to be issued in accordance with the regulations.

Effect of registers.

26. (1) The registers of electors prepared under this Act and the regulations shall for the purposes of this Part be conclusive on the

following questions, that is to say

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

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

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

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

(4) Where anything in connection with the preparation or publication of any register of electors, revised register of electors or register for elections under this Part is omitted to be done or cannot be done at the time required to or under this Part or is done before or after that time or is otherwise irregularly done in matter of form the Commission may by order, at any time before or after the time within which the thing is required to be done, extend that time or validate anything so done before or after the time required or so irregularly done in matter of form. 1971-25. 1978-20. 1989-17.

OFFENCES

27. (1) A person who Offences.

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

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

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

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and who wilfully makes any claim to be included in the register of electors is guilty of an offence and is liable on summary conviction to a fine of $ 100 or to imprisonment for 3 months.

(2) A person who objects under this Act or the regulations to the inclusion of any other person in any list or register relating to electors prepared under this Act or the regulations upon any ground which he knows or has reasonable cause to believe to be false is guilty of an offence and is liable on summary conviction to a fine of $ 100 or to imprisonment for 3 months.

(3) A person who knowingly makes a false statement for the purpose of being registered as an elector is guilty of an offence and is liable on summary conviction to a fine of $ 100 or to imprisonment for 3 months.

Offence to omit qualified person from register.

28. (1) A registering officer or an enumerator who wilfully or without reasonable excuse omits to register the name of any person qualified to be registered is guilty of an offence and is liable on summary conviction to a fine of $250 or to imprisonment for 6 months or both.

(2) A registering officer or an enumerator convicted of an offence under subsection (1) shall, in addition to any penalty prescribed by that subsection, forfeit his right to payment for his services as a registering officer or an enumerator, as the case may be, and, subject to subsection (3), shall be incapable during a period of 7 years from the date of his conviction

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

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

(3) Notwithstanding that an appeal is made against a conviction for an offence under subsection (1), the incapacity provided for by subsection (2) in the event of any such conviction shall continue until the appeal is determined and thereafter, unless the conviction is quashed, such incapacity shall remain in force for a period of 7 years from the determination of the appeal unless the court hearing the appeal directs that the period of 7 years shall run from the date of conviction.

Division of each constituency into polling districts.

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

(2) Each polling district shall, so far as practicable, contain approximately 1500 qualified persons. 2007-19.

(3) Where the Commission is satisfied that because of congestion or of the sparsity of the population or other special circumstances it is more convenient so to do, the Commission may, notwithstanding anything in subsection (2), constitute a polling district containing either more or less than 1500 qualified persons. 1989-17. 2007-19.

(4) In determining the boundaries of any polling district, the Commission shall have regard to geographical considerations and such other factors as may affect the facilities of communications between various places within the polling district. 1989-17.

(5) It is the duty of the Commission to keep polling districts of each constituency under review, and by notice to make such alterations in such districts, including the abolition or establishment of any polling district, as the Commission may consider proper having regard to subsections (2), (3) and (4).

PART III

Exercise of House of Assembly Franchise

ADMINISTRATION PROVISIONS

Appointment of, power and duties of Supervisor of Elections. 1989-17.

30. (1) For the purposes of an election, the Chief Electoral Officer shall be the Supervisor of Elections and shall

(a) issue to election officers such instructions as he considers necessary for ensuring effective execution of this Act;

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

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

Appointment of returning officer. 1989-17.

31. The Commission may, after consultation with the Supervisor of Elections, appoint for each constituency a returning officer, who shall receive such remuneration as may be prescribed.

Appointment of election clerk. 1989-17.

32. (1) The Commission may, after consultation with the Supervisor of Elections, appoint one or more election clerks for each constituency, who shall receive such remuneration as may be prescribed; and where more than one such clerk has been appointed for a constituency, the Supervisor of Elections shall assign an order of seniority among them.

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

Appointment of presiding officer and poll clerks. 1989-17.

33. (1) The Commission may, after consultation with the Supervisor of Elections, appoint a presiding officer for each polling station and for the purpose of foreign service voting for each Mission.

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

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

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

Saving of rights of election officers to vote. 1997-17.

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

(2) An election officer referred to in subsection (1) may vote in accordance with paragraph (4) of rule 30 of the election rules.

Oaths by Election officers. Third Schedule.

35. Every election officer shall take an oath in the Form 1 set out in the *Third Schedule* before a Justice of the Peace, a returning officer or a presiding officer; and every such officer is hereby authorised to administer any oath to be made by an election officer.

CONDUCT OF ELECTIONS

Issue of writ.

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

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Third Schedule.

(2) Every writ issued for the purposes of subsection (1) shall be in the Form 2 set out in the *Third Schedule* and shall specify the day of nomination of candidates, the day upon which, if necessary, the poll shall be taken, being not less than 14 and not more than 21 clear days thereafter, and the day the writ is returnable to the Governor-General.

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

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

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

Governor-General authorised to adjourn polling day in event of emergency.

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

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

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

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

he may by proclamation adjourn the holding of the poll to some other day specified in the proclamation, not being more than 30 days after the day specified in the writ.

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

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

(4) Where a proclamation is made under this section

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

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

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

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

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

(7) Where by virtue of any proclamation made under this section nomination 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, then, if such twenty-third day is a Sunday, public holiday or day appointed for public thanksgiving or mourning, nomination day shall be deemed to be adjourned to the first day after such twenty-third day that is not one of the days mentioned above.

38. (1) The proceedings at an election shall be conducted in accordance with the election rules. Rules for elections.

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

(3) No election shall be declared invalid because of any act or omission by the returning officer or any other person in breach of his official duty in connection with the election or otherwise of the election

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rules if it appears to the tribunal having jurisdiction to determine the question that the election was so conducted as to be substantially in accordance with the law as to elections, and that the act or omission did not affect its result.

Place and manner of voting.

39. Save as otherwise provided by Part II and the election rules, all persons voting as electors at an election shall do so in person at the polling station allotted to them under the election rules.

Voting at elections.

40. No person who is entitled to vote at an election shall be liable or compelled to serve as a special constable at or during the election unless he consents to act, and, notwithstanding any rule of law to the contrary, he shall not be liable to any penalty or punishment whatever for refusing so to act.

PART IV

Election Campaign

BROADCASTS

THE ELECTION AGENT

Broadcasts. 1989-17.

40A. (1) The operator of a broadcasting station on which time has been allocated pursuant to regulations made under section 68 may require as a condition of permitting any broadcast to take place within the allocated time that the text of the proposed broadcast be written or recorded in advance and that the text so written or recorded be submitted to the Commission not less than 3 days, or such shorter period as the Commission allows, in advance of the time fixed for the transmission of the broadcast.

(2) Where the text of any proposed broadcast is submitted to the Commission under subsection (1) and the Commission makes no order under subsection (3), the operator of a broadcasting station shall not incur any civil or criminal liability arising out of the contents of the broadcast.

(3) Where the text of the proposed broadcast is submitted to the Commission under subsection (1), and the Commission considers that an amendment of or deletion from the text is necessary to prevent the commission of an offence or the publication of any statement that would

incur liability, the Commission may make an order directing the amendment or deletion to be made, as the case may be; and the person submitting the text shall either act in accordance with the direction or withdraw the text of the proposed broadcast.

(4) No operator of a broadcasting station shall fail or refuse to transmit the text of a proposed broadcast that has been approved by the Commission or has been amended in accordance with a direction given under subsection (3).

(5) The operator of a broadcasting station shall not incur civil or criminal liability arising out of the contents of a broadcast the text of which has been amended in compliance with an order under subsection (3).

(6) Nothing in this section shall provide any defence to a writer of or speaker in any broadcast where any such defence would not otherwise have been available in civil or criminal proceedings arising out of the contents of the broadcast.

Appointment of election agents.

41. (1) Not later than the latest time specified for the delivery of notices of withdrawals for an election, a person shall be named by or on behalf of each candidate as the candidate's election agent and the name and address of the candidate's election agent shall be declared in writing by the candidate or some other person on his behalf to the returning officer not later than that time.

(2) A candidate may name himself as election agent and thereupon shall, so far as circumstances admit, be subject to this Act both as a candidate and as an election agent and, except where the context otherwise requires any reference in this Act to an election agent shall be construed to refer to the candidate acting in the capacity of election agent.

(3) One election agent only shall be appointed for each candidate, but the appointment, whether or not the election agent appointed is the candidate himself, may be revoked.

(4) Where, whether before, during or after the election, the appointment of an election agent is revoked or an election agent dies, another election agent shall be appointed immediately and his name and address

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declared in writing to the returning officer who shall give public notice of that name and address immediately after the making of the declaration.

1978-20. (5) Where a person is declared to be an election agent under subsection (1), he shall thereupon submit to the returning officer a declaration in writing that he has accepted the appointment as election agent.

Office of election agent.

42. (1) Every election agent shall have an office to which all claims, notices, writs, summonses and documents may be sent and the address of the office shall be declared to the returning officer at the same time as the appointment of the agent and shall be stated in the public notice of the name of the agent.

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

Effect of default in appointment of election agent.

43. (1) Where no name and address is given pursuant to section 41 at the latest time for delivery of notices of withdrawals, the candidate shall be deemed at that time to have named himself as election agent and to have revoked any appointment of another person as his election agent.

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

(3) Where the appointment of a candidate's election agent is revoked without a new appointment being made, the candidate himself shall be deemed to have been appointed or reappointed, as the case may be, election agent.

(4) Where a candidate is by virtue of this section to be treated as his own election agent, he shall be deemed to have his office at his address

as given in the statement as to persons nominated.

(5) The returning officer on being satisfied that a candidate is by virtue of this section to be treated as his own election agent, shall forthwith publish the like notice as if the name and address of the candidate and the address of this office had been duly given to him under sections 41 and 42.

Polling agents. 1978-20.

43A. (1) A candidate or his election agent shall, not later than 72 hours before the opening of a poll, submit to the Returning Officer for the constituency in which the poll is to be held the name of any person appointed as a polling agent.

(2) Where, after the appointment of a polling agent but before the opening of a poll, a polling agent becomes incapable of carrying out his duties, a new polling agent shall be appointed and the name of the new polling agent shall thereupon be submitted to the Returning Officer for the constituency in which the poll is to be held.

ELECTION EXPENSES

Making of contracts through election agent.

44. (1) The election agent of a candidate shall appoint every polling agent, clerk and messenger employed for payment on behalf of the candidate at an election, and hire every committee room hired on behalf of the candidate.

(2) A contract whereby any election expenses are incurred shall not be enforceable against a candidate at the election unless made by the candidate himself or by his election agent.

Payment of expenses through election agent.

45. (1) Subject to sections 46, 49 or 50, no payment, advance or deposit may be made by a candidate or by any agent on behalf of the candidate or by any other person at any time in respect of election expenses otherwise than by or through the election agent of the candidate.

(2) Every payment made by an election agent in respect of any election expenses shall, if such payment exceeds $ 10, be vouched for

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by a bill stating the particulars and by a receipt.

(3) All money provided by any person other than the candidate for any election expenses, whether as a gift, loan, advance or deposit, shall be paid to the candidate or his election agent.

(4) Subsections (1), (2) and (3) shall not apply to any sum disbursed by any person out of his own money for any small expense legally incurred by him if the sum is not repaid to him.

(5) A person who makes any payment, advance or deposit in contravention of subsection (1) or makes a payment in contravention of subsection (3) is guilty of an illegal practice.

Personal expenses of candidate and petty expenses.

46. (1) The candidate at an election may pay any personal expenses incurred by him on account of or in connection with or incidental to the election up to an amount not exceeding $50; any personal expenses incurred by him in excess of that amount shall be paid by his election agent.

(2) The candidate shall send to his election agent within the stipulated period a written statement of the amount of personal expenses paid by the candidate.

(3) A person authorised in writing by the election agent may pay any necessary expenses for stationery, postage and other petty expenses, to a total amount not exceeding that named in the authority, but any expense incurred in excess of the total amount so named shall be paid to the election agent.

(4) A statement of the particulars of payments made by any person so authorised shall be sent to the election agent within the stipulated period and shall be vouched for by a bill containing the receipt of that person.

Prohibition of expenses not authorised by election agent.

47. (1) No expenses may, with a view to promoting or procuring the election of a candidate at an election, be incurred by any person other than the candidate, his election agent and persons authorised in writing by the election agent on account of—

(*a*) holding public meetings or organising any public display; or

(*b*) issuing advertisements, circulars or publications; or

(*c*) subject to subsection (2), otherwise presenting to the electors the candidate or his views or the extent or nature of his backing or disparaging another candidate.

(2) Paragraph (*c*) of subsection (1) shall not—

(*a*) restrict the publication of any matter relating to the election in a newspaper or other periodical;

(*b*) apply to any expenses not exceeding in the aggregate the sum of two dollars which may be incurred by an individual and are not incurred in pursuance of a plan suggested by or concerted with others or to expenses incurred by any person in travelling or similar personal expenses.

(3) Subject to subsection (4), where a person incurs any expenses required by this section to be authorised by the election agent, that person shall within twenty-one days after the date of publication of the result of the election send to the Supervisor of Elections a return of the amount of those expenses, stating the election at which and the candidate in whose support they were incurred, and the return shall be accompanied by a declaration made by the said person or in the case of an association or body of persons, by a director, general manager,

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secretary or other similar officer thereof, verifying the return and giving particulars of the matters for which the expenses were incurred.

(4) Subsection (3) shall not apply to any person engaged or employed for payment or promise of payment by the candidate or his election agent.

Third Schedule.

(5) The return and declaration made under this section shall be in the Forms 3 and 4 respectively set out in the Third Schedule and the authority received from the election agent shall be annexed to and shall form part of the return.

(6) Subject to subsection (7), a person who incurs, or aids, abets, counsels or procures any other person to incur, any expenses in contravention of this section or knowingly makes a false declaration under subsection (3) is guilty of a corrupt practice and a person who fails to send any declaration or return as required by this section is guilty of an illegal practice.

Cap. 3.

(7) The court before which a person is convicted pursuant to this section may, on consideration of any special circumstances advanced, mitigate or entirely remit any incapacity imposed by virtue of section 60 of the Election Offences and Controversies Act, and a candidate shall not be liable nor shall his election be avoided for a corrupt or illegal practice under this section committed by his election agent without his consent or connivance.

(8) Where any act or omission of an association or body of persons, corporate or unincorporate, is an offence declared by this section to be a corrupt or illegal practice, any person who at the time of the act or omission was director, general manager, secretary or other similar officer of the association or body, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence unless he proves that the act or omission took place without his consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

Limitation of election expenses.

48. (1) No sum may be paid and no expense may be incurred by a candidate or election agent at an election whether before,

during or after an election, in respect of the conduct or management of the election in excess of the amount specified in subsection (2) and a candidate or election agent who knowingly acts in contravention of this subsection is guilty of an illegal practice.

(2) The amount referred to in subsection (1) is the sum of money calculated at the rate of $10 in respect of each registered elector in the constituency. 1980-71. 1997-17.

(3) The said amount shall not be required to cover the candidate's personal expenses.

(4) In determining the said amount, regard shall not be had to any deposit required to be made by a candidate in accordance with the election rules.

(5) For the purposes of subsection (2), a registered elector is a person whose name is on the register of electors to be used at the election, but if the register to be used at the election is not published before the date of the publication of the notice of the election, then a registered elector shall be a person whose name is on the register of electors in force for the constituency for which the election is to be held.

Time for sending in and paying claims.

49. (1) Every claim against a candidate or an election agent in respect of election expenses which is not sent in to the election agent within twenty-one days after the day on which the result of the election is declared (which period is in this Part referred to as the stipulated period) shall be barred and not paid.

(2) All election expenses shall be paid within six weeks after the stipulated period.

(3) Subject to subsection (4), an election agent who pays a claim in contravention of subsection (1) or makes a payment in contravention of subsection (2) is guilty of an illegal practice.

(4) Notwithstanding subsection (3), where the candidate satisfies the Court that any such payment was made by an election agent without his sanction or connivance, the election of the candidate shall not be void nor shall he be subject to any incapacity under this Act or under the *Election Offences and Contraversies Act* only because that payment was made in contravention of this section. Cap. 3.

(5) The claimant, candidate or election agent may apply to the Court for leave to pay a claim for any election expenses, although sent in after the stipulated period or although sent in to the candidate and not to the election agent, and the Court may by order grant such leave.

(6) Any sum specified in the order of leave may be paid by the candidate or the election agent and when paid in pursuance of that order shall not be deemed to be in contravention of subsection (2).

Disputed claims.

50. (1) Where the election agent disputes any claim sent in to him within the stipulated period or refuses or fails to pay the claim within the period required by subsection (2) of section 49, the claim shall be deemed to be a disputed claim.

(2) The claimant may, if he thinks fit, institute proceedings in the Court in respect of the disputed claim, and any sum paid by the candidate or his agent in pursuance of the judgment or order of the Court shall not be deemed to be in contravention of subsection (1) of section 45 or subsection (2) of section 49.

(3) Subsections (5) and (6) of section 49 shall apply in relation to a disputed claim as they apply in relation to a claim for election expenses sent in after the stipulated period.

Claim by election agent.

51. This Act shall apply to a claim for remuneration by an election agent and to the payment thereof in like manner as if he were any other creditor, and if any difference arises respecting the amount of the claim, the claim shall be a disputed claim within the meaning of this Act and shall be dealt with accordingly.

Return as to election expenses. Third Schedule.

52. (1) Within seven weeks after the day on which the result of the election is declared, the election agent of every candidate at the election shall transmit to the Supervisor of Elections a true return in the Form 5 set out in the Third Schedule, or a form to the like effect, containing in relation to that candidate a statement of all payments made by the election agent together with all bills and receipts.

(2) The return shall deal under a separate heading or subheading with any expenses included therein

(*a*) in respect of which a return is required to be made under subsection (3) of section 47; or

(*b*) which are on account of the remuneration or expenses of speakers at public meetings.

(3) The return shall also contain in respect of that candidate—

(*a*) a statement of the amount of personal expenses, if any, paid by him;

(*b*) a statement of all disputed claims of which the election agent is aware;

(*c*) a statement of all the unpaid claims, if any, of which the election agent is aware, in respect of which the application has been or is about to be made to the Court;

(*d*) a statement of all moneys, securities and equivalent of money received by the election agent from the candidate or any other person for the purposes of election expenses incurred or to be incurred, with a statement of the name of every person from whom they are received.

(4) Where the candidate is his own election agent, a statement of all money, securities and equivalent of money paid by the candidate shall be substituted in the return as to election expenses for the statement of money, securities and equivalent of money received by the election agent from the candidate.

(5) Where after the date on which the return as to election expenses is transmitted, leave is granted by the Court under subsection (5) of section 49 for any claims to be paid, the candidate or his election agent shall, within seven days after the payment thereof, transmit to the Supervisor of Elections a return of the sums paid in pursuance of such order, accompanied by a copy of the order of the Court granting the leave, and in default thereof he shall be deemed to have failed to comply with the requirements of this section without authorised excuse.

Declarations as to election expenses. Third Schedule.

53. (1) The return transmitted under subsection (1) of section 52 shall be accompanied by a declaration made by the election agent before a Justice of the Peace in the Form 6 set out in the Third Schedule.

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(2) Subject to subsection (3), at the same time that the election agent transmits the said return or within seven days thereafter, the candidate shall cause to be transmitted to the Supervisor of Elections a declaration made by him before a Justice of the Peace in the Form 6 set out in the Third Schedule.

(3) Notwithstanding subsection (2), where the candidate is out of Barbados when the return is transmitted, the declaration required by that subsection may be made by him within fourteen days after his return and in that case shall be immediately transmitted to the Supervisor of Elections, but the delay hereby authorised in making the declaration shall not exonerate the election agent from complying with this Act in relation to the return and declaration as to election expenses.

(4) Where the candidate is his own election agent, a declaration under this section as to election expenses which he is required to make shall be modified in the manner specified in the Form 6 set out in the Third Schedule.

(5) A candidate or election agent who knowingly makes a false declaration under this section is guilty of a corrupt practice.

Cases at elections where return and declarations are not needed.

54. Notwithstanding sections 52 and 53, no return or declaration as to election expenses may be required in the case of a person—

(*a*) who is a candidate at an election but is so only because he has been declared by others to be a candidate;

(*b*) who has not consented to the declaration or taken any part as a candidate in the election.

Penalty for failure as respects return or declarations.

55. Subject to section 56, a candidate or election agent who fails to comply with the requirements of section 52 or 53 is guilty of an illegal practice.

Investigation of returns. 1978-20.

55A. (1) Where the Supervisor of Elections is not satisfied that—

(*a*) a return submitted under section 47 or 52 is a true return; or

(*b*) that a return that should have been made under section 47 has been duly made,

he may make such investigations as are reasonably necessary for ascertaining the expenses of the candidate in respect of whom the return is submitted.

(2) Any person who, without reasonable excuse, fails to answer any question or produce any document reasonably required by the Supervisor of Elections for an investigation under this section is guilty of an offence and liable on summary conviction to a fine of five hundred dollars or imprisonment for six months or both.

(3) Any candidate or election agent who contravenes subsection (2) or knowingly makes any false statement in connection with an investigation carried out under this section is guilty of an illegal practice.

Penalty for sitting or voting after failure to transmit return and declarations.

56. Where, in the case of any candidate, the return and declarations as to election expenses are not transmitted before the expiration of the time limited for the purpose, that candidate shall not, after the expiration of that time, sit or vote in the House of Assembly as a member for the constituency for which the election was held until either the said return and declarations have been transmitted or until the date of allowance of

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an authorised excuse for the failure to transmit the said return and declarations, and if he sits or votes in contravention of this subsection he is guilty of an offence and is liable on summary conviction to a fine of one hundred dollars for every day or part thereof on which he sits or votes.

Authorised excuses.

57. (1) A candidate or his election agent may apply to the Court for relief and such relief may be granted to a candidate or his election agent in respect of any failure to transmit the return and declaration as to election expenses or in respect of any error or false statement therein.

(2) The application for relief may be made on the ground that the failure, error or false statement arose because of—

(*a*) the illness of the applicant; or

(*b*) the absence, death, illness or misconduct of the candidate's election agent or of any clerk or officer of such agent, where the applicant is the candidate; or

(*c*) the death or illness of any prior election agent of the candidate or the absence, death, illness or misconduct of any clerk or officer of any election agent of the candidate where the applicant is the election agent; or

(*d*) by reason of inadvertence or any reasonable cause of a like nature,

and not because of any want of good faith on the part of the applicant.

(3) The Court on being satisfied as to the truth of the matters stated in the application under subsection (2) may make such order for allowing an authorised excuse for the failure, error or false statement as it thinks fit.

(4) Where the candidate proves to the satisfaction of the Court that any act or omission of the election agent in relation to the return and declaration was without the sanction or connivance of the candidate and that the candidate took all reasonable means for preventing the act or omission, the Court shall relieve the candidate from the consequences of the act or omission of the election agent.

(5) An order under subsection (3) may be subject to such conditions as to the making of the return and declaration in a

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modified form or within an extended time or otherwise as in the opinion of the Court is best calculated for carrying into effect the provisions of this Part relating to the expenses of a candidate.

(6) An order under subsection (3) relieves the applicant from any liability or consequences under this Act in respect of the matter excused by the order.

(7) The date of the order or, if conditions are to be complied with, the date at which the applicant fully complies with them, is referred to in this Act as the date of the allowance of the excuse.

Power of Court to require information from election agent.

58. (1) Where on an application under section 57 it appears to the Court that any person who is or has been an election agent has refused or failed to make such return or to supply such particulars as will enable the candidate and his election agent respectively to comply with the provisions of this Part relating to the return or declaration as to election expenses, the Court, before making an order under the said section, may require the attendance of that person.

(2) The Court may, on the attendance of that person, order him—

(*a*) to make the return and declaration or to deliver a statement of the particulars required to be contained in the return as it thinks fit within such time, to such persons and in such manner as the Court directs; or

(*b*) to be examined with respect to such particulars.

(3) The Court may impose a fine of five hundred dollars on a person who fails to comply with any order issued by the Court under this section.

Publication of summary of return.

59. The Supervisor of Elections shall, within fourteen days after he receives from the election agent a return as to election expenses, publish a summary of the return in not less than two newspapers circulating in Barbados, accompanied by a notice stating the date on which the return and declaration were received by him and that the return, declaration and accompanying documents may be inspected at the Registration Office.

Inspection of returns and declarations.

60. (1) The Supervisor of Elections shall, before the publication of the notice under section 59, cause to be delivered to the Registrar all returns, declarations and accompanying documents which shall be kept by the Registrar and at all reasonable times during the next succeeding two years after the date on which they were received, be open to inspection on payment of a fee of one dollar and the Registrar shall furnish copies thereof at a fee of ten cents for each hundred words.

(2) At the end of the period of two years referred to in subsection (1), the Registrar shall cause the said returns, declarations and accompanying documents to be destroyed or, subject to subsection (3), returned to the candidate.

(3) Returns or declarations forwarded under section 47 may only be returned to the person from whom they were originally received.

ELECTION MEETINGS

Right to use of certain schools for meetings.

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

(2) Nothing in this section shall authorise the use of any room used as part of a private dwelling house or any interference with school hours of a primary school.

(3) A charge may be made to cover any actual and necessary expenses incurred by the Crown or by or on behalf of the managers of the school in respect of the insurance of the building and furniture and the preparation of the room for the purposes of the meeting and for lighting and cleaning of the room.

(4) Where because of the use of any room any damage is done to the school premises or to the furniture, fittings or apparatus, the damage shall be defrayed by the person by whom or on whose behalf the meeting is convened.

(5) For the purposes of this section, the expression "primary school" means any school owned or occupied by the Crown in which primary education is provided.

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PART V

Provisions relating to the House of Assembly

Members to make declaration of qualification and take oath of allegiance. Fourth Schedule.

62. Every person elected a member of the House of Assembly shall, before sitting or voting therein, make and sign the declaration of qualification according to the Form I set out in the Fourth Schedule before the Clerk of Parliament and shall take the oath of allegiance in the Form 2 set out in that Schedule.

Penalty for making false declaration of qualification. Cap. 142.

63. A person elected a member of the House of Assembly who wilfully and knowingly makes a false declaration of qualification is liable on conviction for an offence under section 7 of the Perjury Act, to disqualification from sitting as a member of the House of Assembly and from voting as an elector in any election for a period of five years.

Expulsion of members.

64. Where any member of the House of Assembly persistently refuses to conform with the Standing Orders of the House, the majority of members then present may in accordance with Standing Orders expel such member from the House and the seat of such member shall be declared vacant.

Penalty for acting as a member without having been elected and returned.

65. (1) A person who has not been elected and returned in accordance with this Act who presumes to come into the House of Assembly and act as a member of that House is guilty of an offence and is liable on summary conviction to a fine of five hundred dollars.

(2) Proceedings for an offence against this section may be brought in the name of the Clerk of Parliament.

House of Assembly not dissolved by demise of Crown.

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

Election of Speaker and Deputy Speaker.

67. The House of Assembly may, in accordance with Standing Orders, elect a Speaker and Deputy Speaker to preside at any sitting of the House.

PART VI

Miscellaneous

68. (1) The Commission may make regulations with respect to Power to make regulations. 1978-20. 1989-17.

(a) the form of any register that is by this Act or the regulations required to be prepared or published;

(b) the procedure to be followed in the preparation of any register referred to in paragraph *(a)*;

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

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

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

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

(g) the remuneration and travelling allowances to be paid to any election officer;

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

(i) the provision of such additional assistants as may be necessary for the counting of the votes and the remuneration to be paid to such assistants;

(j) the allocation of broadcasting time, and the restriction of that time, to any political party during a period beginning with the publication of the notice of election in any constituency and ending with the declaration of the result; 1989-17.

(k) the variation of the forms set out in this Act and the prescribing

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of additional forms, and generally for giving effect to this Act.

(2) The incidental matters referred to in paragraph *(f)* of subsection (1) shall be taken to include the time and manner of preparation and publication and the form and the making and determination of claims and objections.

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

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

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

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

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

(e) as to the cases in which a claim or objection may be determined by the registering officer without a hearing by the Chief Registering Officer and as to the right of a person in any such cases to make written representation to him;

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

1978-20. *(g)* requiring copies of the annual or revised list of electors or registers of electors and other documents or prescribed parts thereof to be available for inspection by the public at such places

as may be prescribed;

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

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

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

(4) Regulations made under paragraph *(j)* of subsection (1), may in addition to prescribing a punishment by way of fine or imprisonment for contravention of any of the provisions thereof, provide that a conviction of any specified breach of the regulations be a ground for disqualification for election to membership of the House of Assembly. 1989-17.

(5) All regulations made under this Act shall be subject to negative resolution.

69. The Judicial Advisory Council may make such rules dealing generally with all matters of court procedure and incidental matters in respect thereof arising out of this Act and for carrying all such matters into effect as it thinks fit. Rules of Court.

70. All expenses properly incurred by, and all remuneration and travelling allowances payable to, election officers shall be paid out of moneys voted for the purpose by Parliament. Expenses.

71. Any person who wilfully mutilates, tears down, destroys or obscures any list or notice published in accordance with this Act or who makes any alteration in any copy of a list or notice so published is guilty of an offence and is liable on summary conviction to a fine of $100 or to imprisonment for 3 months. Mutilating or altering notices, etc.

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FIRST SCHEDULE

The Electoral and Boundaries Commission (Review of Boundaries) Order, 2002 (2002/79) prescribes the number of constituencies and descriptions thereof.

SECOND SCHEDULE

(Section 2)

RULES FOR CONDUCT OF HOUSE OF ASSEMBLY ELECTIONS

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HOUSE OF ASSEMBLY ELECTION RULES

PART I

Provisions as to Time

Computation of time.

1. In computing any period of time for the purposes of these rules, a Sunday, Christmas Day, Good Friday, other public holiday or day appointed for public thanksgiving or mourning shall be disregarded, and any such day shall not be treated as a day for the purpose of any proceedings up to the completion of the poll nor shall the returning officer be obliged to proceed with the counting of the votes thereon.

PART II

Stages Common to Contested and Uncontested Elections

Notice of Election.

2. The returning officer shall within two days after the receipt of the writ and not less than five clear days before the day fixed by the writ as nomination day publish a notice of the election, in the Form 1 set out in the Appendix stating

(*a*) the place and times at which nomination papers are to be delivered on nomination day; and

(*b*) the date of the poll in the event of a contest,

and the notice shall state that forms of nomination paper may be obtained at the place and times specified therein.

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Nomination of candidates.

3. (1) Each candidate shall be nominated by a separate nomination paper, in the Form 2 set out in the Appendix, delivered by the candidate himself, his proposer or seconder to the returning officer at the place fixed for the purpose.

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

(3) The description shall not refer to the candidate's political activities and need not refer to his rank, profession or calling so long as, with the other particulars of the candidate, it is sufficient to identify him.

(4) If the description is unduly long, the returning officer after consultation (if possible) with the candidate or his election agent, proposer or seconder, may shorten it or substitute another.

Subscription of nomination paper.

4. (1) The nomination paper shall be subscribed by two electors as proposer and seconder, and by two other electors as assenting to the nomination.

(2) Where a nomination paper bears the signature of more than the required number of persons as proposing, seconding or assenting to the nomination of a candidate, the signature or signatures (up to the required number) appearing first on the paper in each category shall be taken into account to the exclusion of any other in that category.

(3) The nomination paper shall give the electoral number of each person subscribing to it.

(4) The returning officer shall supply an elector with a form of nomination paper at the place and during the time for delivery of nomination papers and shall at the request of any elector prepare a nomination paper for signature, but it shall not be necessary for a nomination to be on a form supplied by the returning officer.

(5) Subject to paragraph (6), no person shall subscribe more than one nomination paper at the same election and, if he does, his signature shall be inoperative on any paper other than the one first delivered.

(6) Notwithstanding paragraph (5), a person shall not be prevented from subscribing a nomination paper only because he has subscribed that of a candidate who has died or withdrawn before delivery of the first-mentioned paper.

(7) For the purposes of this rule, the expression "elector" means a person who is registered as an elector in the constituency in a register to be used at the election, or who, pending the publication of that register, appears from the register of electors or revised register of electors prepared pursuant to the provisions of the Act to be entitled to be registered, and the expression "electoral number" means a person's number in the said register or, pending the publication of the register, his number (if any) in the electors' list or special lists therefor.

1978-20.

Consent to nomination.

5. (1) Subject to paragraph (2), a person shall not be validly nominated unless his consent to nomination, given in writing on or within one month before the day fixed as the day for the delivery of nomination papers and attested by one witness, is delivered at the place and within the time for the delivery of nomination papers.

(2) Notwithstanding paragraph (1), if the returning officer is satisfied that owing to the absence of a person from Barbados it has not been reasonably practicable for his consent in writing to be given, a telegram consenting to his nomination and purporting to have been sent by him shall be deemed, for the purpose of this rule, to be consent in writing given by him on the day on which it purports to have been sent and attestation of his consent shall not be required.

Deposit.

6. (1) A person shall not be validly nominated unless the sum of two hundred and fifty dollars is deposited by him or on his behalf with the Accountant-General and the receipt therefor produced to the returning officer at the place and within the time for the delivery of nomination papers.

(2) The deposit may be made either by the deposit of any legal tender, by means of a banker's draft or, with the consent of the Accountant-General, in any other manner:

Provided that the Accountant-General may refuse to accept a deposit sought to be made by means of a banker's draft, if he does not know that the drawer carries on business as a banker in Barbados.

Place for delivery of nomination papers and for making objection thereto.

7. (1) The returning officer shall fix the place in the constituency at which nomination papers are to be delivered to him and shall attend there during the time for the delivery thereof and for the making of objections.

(2) On the day of nomination, the returning officer shall attend at the place fixed therefor between the hours of 10 a.m. and 4 p.m.

(3) No nomination paper shall be accepted after 3 p.m. on the day of nomination and no objection to a nomination paper shall be made after 4 p.m. that day.

Decision as to validity of nomination papers.

8. (1) Where a nomination paper and the candidate's consent thereto are delivered and a deposit is made in accordance with these rules, the candidate shall be deemed to stand nominated unless and until the returning officer decides that the nomination paper is invalid or proof is given to the satisfaction of the returning officer of the candidate's death, or the candidate withdraws.

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

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

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

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

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

(5) The decision of the returning officer that a nomination paper is valid shall be final and shall not be questioned in any proceeding whatsoever.

(6) Subject to paragraph (5), nothing in this rule shall prevent the validity of a nomination being questioned on an election petition lodged pursuant to the Election Offences and Controversies Act.

Cap. 3.

Withdrawal of candidate.

9. (1) A candidate may withdraw his candidature by notice of withdrawal signed by him and attested by one witness and delivered to the returning officer at the place and within the time for delivery of nomination papers.

(2) In the case of a candidate who is outside Barbados, a notice of withdrawal signed by his proposer and accompanied by a written declaration also so signed, of the candidate's absence from Barbados shall be of the same effect as a notice of withdrawal signed by the candidate.

(3) Where the candidate stands nominated by more than one nomination paper, a notice of withdrawal under this paragraph shall not be effective unless—

(*a*) in addition to the accompanying declaration it is signed by all the proposers except any who is, and is stated in the said declaration to be, outside Barbados; or

(*b*) it is accompanied in addition to the said declaration, by a written statement signed by the candidate that the proposer giving the notice is authorised to do so on the candidate's behalf during his absence from Barbados.

Publication of nominations.

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

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

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

(4) In the case of a person nominated by more than one nomination paper, the returning officer shall take the particulars required by paragraphs (1), (2) and (3) from such one of the papers as the candidate or the returning officer, in default of the candidate, may select, but if the election is contested a candidate standing nominated may require the returning officer to include in the statement the names of the persons subscribing a second and third nomination paper.

Method of elections.

11. (1) Where the number of persons shown by the statement of persons nominated exceeds the number of vacancies, a poll shall be taken in accordance with Part III.

(2) Where the said number is the same as or less than the number of vacancies, those persons shown by the statement of persons nominated shall be declared to be selected in accordance with Part IV.

PART III

Contested Elections

GENERAL

Poll to be taken by ballot.

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

(2) The poll shall commence at 6.00 a.m. and be kept open until 6.00 p.m. and no longer.

The ballot papers.

13. (1) The ballot of every voter shall consist of a ballot paper and the persons shown in the statement of persons nominated as standing nominated, and no others shall be entitled to have their names inserted in the ballot paper.

(2) A ballot paper shall be in the Form 3 set out in the Appendix, and shall be printed in accordance with the directions therein and shall—

(*a*) contain the names and other particulars of the candidates as shown in the statement of the persons nominated;

(*b*) be capable of being folded;

(*c*) have a number printed on the back; and

(*d*) have attached a counterfoil with the same number printed on the face.

(3) The order of the names in the ballot paper shall be the same as in the statement of persons nominated.

The official mark.

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

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

Prohibition of disclosure of vote.

15. No person who has voted at the election shall, in any legal proceedings to question the election or return, be required to state for whom he voted.

Use of schools and public rooms.

16. (1) The returning officer may use, free of charge for the purpose of taking the poll—

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

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

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

Notice of poll.

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

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

Death of candidate.

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

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

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

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

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

Provision of polling stations.

19. (1) The returning officer shall provide a sufficient number of polling stations and shall allot the electors to the polling stations in such manner as he thinks most convenient.

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

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

Returning officer may preside at polling stations.

20. (1) The returning officer may, if he thinks fit, preside at a polling station and the provisions of these rules relating to a presiding officer shall apply to a returning officer so presiding with the necessary modifications as to things to be done by the returning officer to the presiding officer or by the presiding officer to the returning officer.

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

Equipment of polling stations.

21. (1) The returning officer shall provide each presiding officer with such number of ballot boxes and ballot papers as in the opinion of the returning officer may be necessary.

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

(3) The returning officer shall provide each polling station with

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

(b) instruments for stamping thereon the official mark; and

(c) copies of the registers of electors or such part thereof as contains the names of the electors allotted to the station.

(4) A notice in the Form 4 set out in the Appendix, giving directions for the guidance of the voters in voting, shall be printed in conspicuous characters and exhibited outside every polling station and in every compartment of every polling station.

1978-20.

(5) For the purposes of these rules, the expression "register" includes a register of electors, revised register of electors or register for elections.

Appointment of polling and counting agents.

22. (1) Subject to paragraph (2), each candidate may, before the commencement of the poll, appoint one polling agent to attend at each polling station for the purpose of detecting personation, and counting agents to attend at the counting of the votes.

(2) The returning officer may limit the number of counting agents, so that the number shall be the same in the case of each candidate and the number allowed to a candidate shall not (except in special circumstances) be less than the number obtained by dividing the number of clerks employed on the counting by the number of candidates.

(3) Notice in writing of the appointment, stating the names and addresses of the persons appointed, shall be given by the candidate to the returning officer, and, in the case of counting agents, shall be so given not later than the second day before the day of the poll.

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

(5) This rule shall be without prejudice to the requirements of subsection (1) of section 44 of the Act as to the appointment of paid polling agents, and counting agents may be appointed and the notice of appointment given to the returning officer by the candidate's election agent instead of by the candidate.

(6) For the purposes of these rules, references to polling and counting agents shall be taken as references to agents whose appointments have been duly made and notified and, where the number of agents is restricted, to those who are within the permitted number.

(7) Any notice required to be given to a counting agent by the returning officer may be delivered at or sent by post to the address stated in the notice of appointment.

(8) A candidate may himself do any act or thing which any polling or counting agent of his, if appointed, would have been authorised to do, or may assist his agent in doing any such act or thing.

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

Declaration of secrecy.

23. (1) Before the opening of the poll, a declaration of secrecy in the form set out in paragraph (4) or in a form to the like effect, shall be made by

(a) the Supervisor of Elections and the Deputy Supervisor of Elections;

(b) the returning officer;

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

(d) every candidate attending at a polling station or at the counting of the votes, and every election agent so attending;

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

2007-18.

(f) every polling agent and counting agent;

(g) every person permitted by the returning officer to attend at the counting of the votes; and 2007-18.

(h) the members of the Electoral and Boundaries Commission. 2007-18.

(2) Notwithstanding paragraph (1), the following persons, that is to say:

(a) a candidate;

(b) an election agent, or a candidate's wife or husband attending by virtue of the rule authorising election agents and candidates' wives or husbands to attend as such; and

(c) a person permitted by the returning officer to attend though not entitled to do so,

need not make the declaration before the opening of the poll but shall make it before he or she is permitted to attend the counting, and an election officer or a polling or counting agent appointed after the opening of the poll shall make the declaration before acting as an election officer or such agent.

(3) The returning officer shall make the declaration in the presence of a Justice of the Peace and any other person shall make the declaration in the presence either of a Justice of the Peace or of the returning officer, and subsections (l), (2), (3) and (5) of section 5 of the *Election Offences and Controversies Act* shall be read to the declarant by the person taking the declaration. Cap. 3.

(4) The declaration shall be as follows:

"I solemnly promise and declare that I will not do anything forbidden by subsections (1), (2), (3) and (5) of section 5 of the *Election Offences and Controversies Act*, which have been read to me". Cap. 3.

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

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

(a) the candidates and their election agents;

(b) the polling agents appointed to attend at the polling station;

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

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(d) the constables on duty;

2007-18. *(e)* the companions of blind or incapacitated voters;

(f) the Supervisor of Elections, Deputy Supervisor of Elections, the returning
2007-18. officer and election clerk; and

2007-18. *(g)* the members of the Electoral and Boundaries Commission:

Provided that all such excepted persons shall have duly made a declaration of secrecy pursuant to rule 23.

Keeping order in station.

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

(2) A person who misconducts himself in a polling station or fails to obey the lawful orders of the presiding officer may immediately, by order of the presiding officer, be removed from the polling station by a constable in or near that station or by any other person authorised in writing by the returning officer to remove him; and the person so removed shall not, without the permission of the presiding officer, enter the polling station again that day.

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

(4) The powers conferred by this rule shall not be exercised so as to prevent a voter who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

Sealing of ballot boxes.

26. Immediately before the commencement of the poll, the presiding officer shall show the ballot box empty to such persons, if any, as are present in the polling station, so that they may see that it is empty, and shall then lock it and place his seal on it in such a manner as to prevent its being opened without breaking the seal, and shall place it in his view for the receipt of ballot papers and keep it so locked and sealed.

Identification cards and questions to be put to voters.

27. (1) The presiding officer at the time any person applies for a ballot paper but not afterwards

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

(i) Are you the person registered in the register of electors for this election (reading the whole entry from the register)?

(ii) Have you already voted here or elsewhere at this bye-election (general election)? and

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

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

(a) does not satisfactorily answer the questions asked him under paragraph (1)*(a)* or any of them; or

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

(3) A ballot paper shall be issued to any person whose name appears on the register in use for that election and who is unable to produce an identification card, if he satisfies the presiding officer 1978-20.

(a) that he has not been issued with an identification card; or

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

(4) Save as by this rule authorised, no enquiry shall be permitted as to the right of any person to vote.

(5) For the purposes of this rule, the expression "identification card" means an identification card issued under section 25 of the Act or the *Statistics (Registration Census of Barbadian Residents) Regulations, 1979*. 1980-67. 1979/47.

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

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

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

Voting procedure.

29. (1) A ballot paper shall be delivered to a voter who applies therefor, and immediately before delivery

(a) the ballot paper shall be marked with the official mark, either stamped or perforated;

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

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

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

(2) The voter, on receiving the ballot paper, shall forthwith proceed into one of the compartments in the polling station and there secretly mark his paper and fold it so as to conceal his vote, and shall then show to the presiding officer the back of the paper so as to disclose the official mark, and put the ballot paper so folded into the ballot box in the presence of the presiding officer.

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

Votes marked by presiding officer.

30. (1) The presiding officer shall, on the application of

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

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

cause the vote of the voter to be marked on a ballot paper in the manner directed by the voter and the ballot paper to be placed in the ballot box.

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

(2A) Polling day for election officers shall be held on such day as the Governor-General shall by order appoint. 1998-48. 1997-17.

(3) The Supervisor of Elections shall in the *Official Gazette* and in both daily newspapers circulated in Barbados give notice of the day on which and the hours during which the poll will be taken. 1998-48.

(4) The voting of election officers shall be supervised by Special Presiding Officers, who shall be appointed by the Commission after consultation with the Supervisor of Elections to represent each constituency. 1997-17.

(5) The Supervisor of Elections shall provide each Special Presiding Officer with a list of the election officers, the national identification numbers of the election officers and the constituencies in which they are registered to vote. 1997-17.

(6) The Supervisor of Elections shall provide each Special Presiding Officer with 1997-17.

(a) a sufficient number of ballot papers for the number of electors in the list of election officers;

(b) a statement showing the numbers of the ballot papers so supplied with their serial numbers; and 1997-17.

(c) the requisite number of envelopes.

(7) Every ballot box shall be marked "special ballot box" and the name of the constituency shall be conspicuously written on the box. 1997-17. 1998-48.

(8) The Supervisor of Elections shall make provision for the safe custody of every ballot box.

(9) The provisions of rules 21(4), 26, 29 and 45(4) shall apply to voting by election officers in so far as they are applicable.

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

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

1997-17. (3) For the purposes of this rule, a person shall be qualified to be a "companion" if that person has attained the age of 18 years and is selected by any blind or incapacitated voter to assist that voter in casting his or her vote.

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

(5) The declaration made by the companion

(a) shall be in the Form 5 set out in the Appendix;

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

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

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

Tendered ballot papers.

32. (1) Where a person, representing himself to be a particular elector named on the register, applies for a ballot paper after another person has voted as the elector, the applicant shall, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled, subject to this rule, to mark a ballot paper (in these rules referred to as "a tendered ballot paper") in the same manner as any other voter.

(2) A tendered ballot paper shall

(a) be of a colour differing form the other ballot papers;

(b) instead of being put into the ballot box, be given to the presiding officer and endorsed by him with the name of the voter and his number in the register of electors, and set aside in a separate packet.

(3) The name of the voter and his number on the register of electors shall be entered on a list (in these rules referred to as the "tendered votes list").

Spoilt ballot paper.

33. A voter who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper may on delivering it to the presiding officer and proving to his satisfaction the fact of the inadvertence, obtain another ballot paper in the place of the ballot paper so delivered (in these rules referred to as "a spoilt ballot paper") and the spoilt ballot paper shall be immediately cancelled.

Adjournment of poll in case of riot.

34. (1) Where the proceedings at any polling station are interrupted or obstructed by riot or open violence, the presiding officer shall adjourn the proceedings until the following day and shall immediately give notice to the returning officer.

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

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

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

Procedure on close of poll.

35. (1) As soon as practicable after the close of the poll, the presiding officer shall, in the presence of the polling agents, make up into separate packets, sealed with his own seal and the seals of such polling agents as desire to affix their seals,

(a) each ballot box in use at the station sealed so as to prevent the introduction of additional ballot papers and unopened, but with the key attached;

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

(c) the tendered ballot papers;

(d) the marked copies of the registers of electors;

(e) the counterfoils of the used ballot papers;

(f) the contents of the receptacle for votes rejected;

(g) foreign service ballot paper envelopes and foreign service ballot counterfoils;

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(h) the tendered votes list, the list of blind or incapacitated voters assisted by the companions, the list of votes marked by the presiding officer, a statement of the number of voters whose votes are so marked by the presiding officer under the heads "physical incapacity", "election officers or candidates" and "unable to read", and the declarations made by the companions of blind or incapacitated voters; and

(i) the letters addressed to him as presiding officer by election officers or candidates containing the request mentioned in rule 30(3),

and shall deliver the packets to the returning officer to be taken charge of by him.

(2) The packets shall be accompanied by a statement (in these rules referred to as " the ballot paper account ") made by the presiding officer showing the number of ballot papers entrusted to him and accounting for them under the heads of ballot papers in the ballot box, unused, spoilt and tendered ballot papers.

Attendance at counting of votes.

36. (1) The returning officer shall make arrangements for counting the votes in the presence of the counting agents as soon as practicable after the close of the poll, and shall give to the counting agents notice in writing of the time and place at which he will begin to count the votes.

(2) No person other than

(a) the Supervisor of Elections and Deputy Supervisor of Elections;

(b) the returning officer and his clerks;

(c) the candidates and their wives or husbands;

2007-18. *(d)* the election agents;

2007-18. *(e)* the counting agents; and

2007-18. *(f)* the members of the Electoral and Boundaries Commission

may be present at the counting of the votes, unless permitted by the returning officer to attend.

(3) The returning officer shall give the counting agents such facilities for overseeing the proceedings, and such information with respect thereto, as he can reasonably give them having regard to the discharge of his duties in connection with the orderly conduct of the proceedings at the polling station.

(4) In particular, where the votes are counted by sorting the ballot papers according to the candidate for whom the vote is given and then counting the number of ballot papers for each candidate, the counting agents shall be entitled to satisfy themselves that the ballot papers are correctly sorted.

The count.

37. (1) Before the returning officer proceeds to count the votes, he shall in the presence of the counting agents open each ballot box and, taking out the ballot papers therein, count and record the number thereof.

(2) The returning officer shall not count any tendered ballot paper.

(3) The returning officer, while counting and recording the number of ballot papers and counting the votes, shall keep the ballot papers with their faces upwards and take all proper precautions for preventing any person from seeing the numbers printed on the back thereof.

(4) Subject to paragraph (5), the returning officer shall, so far as practicable, proceed continuously with counting the votes, allowing only time for refreshment.

(5) He may, in so far as he and the agents agree, exclude the hours between 7.00 p.m. and 9.00 a.m. on the following morning.

(6) For the purposes of paragraph (1), the agreement of a candidate or his election agent shall be as effective as the agreement of his counting agents.

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(7) During the excluded time the returning officers shall place the ballot papers and other documents relating to the election under his own seal and the seals of such of the counting agents not exceeding one for each candidate as desire to affix their seals and shall otherwise take proper precautions for the security of the papers and documents.

Recount.

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

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

Rejected ballot papers.

39. (1) Any ballot paper—

(*a*) which does not bear the official mark; or

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

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

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

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

(2) A ballot paper on which the vote is marked—

(*a*) elsewhere than in the proper place; or

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

(*c*) by more than one mark,

shall not because of this be deemed to be void if an intention that the vote be for one or other of the candidates clearly appears, and the way the paper is marked does not of itself identify the voter and it is not shown that he can be identified thereby.

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

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

(*a*) want of official mark;

(*b*) voting for more than one candidate;

(*c*) writing or mark by which voter could be identified; and

(*d*) unmarked or wholly void for uncertainty,

and any counting agent may copy the statement.

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Laws of Barbados—Vol. I—Sig. 14

Decisions on ballot papers. Cap. 3.

40. The decision of the returning officer on any question arising in respect of a ballot paper shall be final, but shall be subject to review on an election petition lodged pursuant to the Election Offences and Controversies Act.

Equality of votes.

41. Where, after the count of the votes (including any re-count) is completed, an equality of votes is found to exist between any candidates and the addition of a vote would entitle any of those candidates to be declared elected, a new writ shall be issued in respect of that constituency and all proceedings for an election of a member for that constituency shall commence afresh.

FOREIGN SERVICE VOTING

Presiding officer of Mission to be furnished with certain documents.

42. (1) The Supervisor of Elections shall furnish to the presiding officer of each Mission the documents and materials referred to in paragraphs (3) and (4) of rule 21 and in addition—

(*a*) a sufficient number of foreign service ballot papers for at least the number of electors in the register of foreign service electors entitled to vote at that Mission;

(*b*) a statement showing the number of foreign service ballot papers supplied together with their serial numbers; and

(*c*) ballot paper envelopes showing on the outside thereof the polling district of each foreign service elector and envelopes for the return of foreign service ballot papers addressed to the appropriate returning officer and hereinafter referred to as " covering envelopes ".

(2) For the purposes of these rules, the expression—

" appropriate returning officer " means the returning officer for the constituency in which a foreign service elector was ordinarily resident immediately before leaving Barbados to take up duties with a Mission or to become a member of the household of a member of a Mission, as the case may be; and

" foreign service ballot paper " means a ballot paper issued to a foreign service elector under these rules.

(2) The foreign service ballot paper shall be in the same form as and indistinguishable from, the ballot papers delivered to other voters.

Notice of poll.

43. (1) The Supervisor of Elections shall issue to the presiding officer of each Mission a notice stating the date of the poll to be held in Barbados and requiring foreign service ballot papers to be returned before 6.00 p.m. on the day so specified as polling day in Barbados.

(2) He shall also notify each presiding officer of any adjournment of the date of the poll.

Polling day at the Mission.

44. (1) For the purposes of foreign service voting, polling day shall be held on such date as the Governor-General may by order appoint.

(2) The presiding officer of the Mission shall notify each foreign service elector entitled to vote at that Mission in the Form 6 set out in the Appendix of the day on which and the hours during which the poll will be taken.

Voting procedure.

45. (1) Subject to rule 29 (1), a foreign service elector who satisfactorily answers the questions asked under rule 27 (1) shall, on application therefor, be delivered a foreign service ballot paper, provided that, upon the production of his identification card, the presiding officer is satisfied—

(*a*) that the signature on the identification card resembles that on the polling station card; or

(*b*) that the photograph on the identification card is a true likeness of the applicant.

(2) Where the applicant proves to the satisfaction of the presiding officer that his identification card is lost or destroyed, the presiding officer shall, on being satisfied that the photograph on the polling station card is a true likeness of the applicant, deliver to him a foreign service ballot paper.

(3) The voter on receiving the foreign service ballot paper shall proceed to the place in the Mission provided for the purpose and there secretly mark his paper, fold it so as to conceal his vote and show the presiding officer the back of the said ballot paper so as to disclose the official mark.

(4) The presiding officer shall then deliver to the voter the appropriate ballot paper envelope showing on the outside thereof the voter's polling district and the covering envelope addressed to the appropriate returning officer.

(5) The voter shall then, in the presence of the presiding officer—

(*a*) place such ballot paper in the ballot paper envelope which he shall seal;

(*b*) place the ballot paper envelope in the covering envelope which he shall seal; and

(*c*) place the covering envelope in the receptacle provided for the purpose.

Spoilt ballot paper.

46. A fresh foreign service ballot paper shall be delivered in place of a spoilt ballot paper in accordance with rule 33, to a voter who applies therefor.

Official stamp of Mission.

47. The covering envelope and the packet of documents referred to in rule 48 shall be stamped by the presiding officer of the Mission with the official stamp of the Mission.

Return of documents to Supervisor of Elections.

48. As soon as practicable after the close of the poll at the Mission, the presiding officer shall transmit in a packet addressed to the Supervisor of Elections—

(*a*) the ballot paper account prepared in accordance with rule 35 (2);

(*b*) the covering envelopes;

(*c*) the marked copies of the register of electors; and

(*d*) the unused and spoilt ballot papers.

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Forwarding of covering envelopes to returning officer.

49. The Supervisor of Elections shall on the day specified as polling day in Barbados open the packet containing the documents transmitted in accordance with rule 48 and shall forward to the appropriate returning officer the covering envelopes and documents relating to his constituency.

Opening of covering envelopes.

50. (1) At the place provided for the count of the votes and before the commencement of the count, the returning officer shall, in the presence of such of the persons referred to in rule 36 (1) as may be present, separately open each covering envelope and the foreign service ballot paper envelope, if any, contained therein.

(2) Where such envelopes do not contain a foreign service ballot paper, the returning officer shall mark the covering envelope " no ballot paper " and also " rejected ", attach thereto the contents, if any, of the said envelopes and place them in a receptacle provided for the purpose.

(3) On opening a covering envelope or a foreign service ballot paper envelope, if a foreign service ballot paper therein is unfolded, the returning officer shall immediately fold the same taking all proper precautions for preventing any person from seeing the face of the ballot paper.

(4) The returning officer shall then place the foreign service ballot paper in the ballot box for the appropriate polling district.

(5) No foreign service ballot paper received after the close of the poll on the day specified as polling day in Barbados shall be placed in the ballot box.

PART IV

Final Proceedings in Contested and Uncontested Elections

Declaration of result.

51. (1) In a contested election, when the result of the poll has been ascertained, the returning officer shall immediately—

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

(*b*) return the name to the Governor-General; and

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

(2) In an uncontested election, the statement of the person nominated, in addition to showing the person standing nominated, shall also declare the person elected, and the returning officer shall immediately return the names of the person elected to the Governor-General.

Return of the writ.

52. (1) The returning officer shall return the name of the member elected by endorsing on the writ a certificate in the Form 7 set out in the Appendix and by delivering himself or forwarding by his agents the writ duly endorsed to the Supervisor of Elections for transmission to the Governor-General.

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

Record of returns to be made by the Supervisor of Elections.

53. (1) The Supervisor of Elections shall from the return made through him enter the name of the member returned in a book to be kept at the Registration Office.

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

Return or forfeiture of candidate's deposit.

54. (1) The deposit made under rule 6 shall either be returned to the person making it or his personal representatives or be forfeited to the Crown.

(2) Subject to this rule, the deposit shall be returned as soon as practicable after the result of the election is declared.

(3) Where the candidate is not shown as standing nominated in the statement of persons nominated or where the poll is countermanded because of his death, the deposit shall be returned as sooon as practicable after the publication of the statement or after his death, as the case may be.

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

(5) Notwithstanding this rule, where at a general election a candidate is shown as standing nominated in more than one constituency in the statements of persons nominated, not more than one of the deposits shall be returned and, if necessary, the Accountant-General shall direct which it is to be.

PART V

Disposal of Documents

Verification of ballot paper account.

55. (1) On the completion of the count at a contested election, the returning officer shall seal in separate packets the counted ballot papers and the ballot papers rejected in whole or in part.

(2) The returning officer shall then in the presence of the counting agents verify each ballot paper account by comparing it with the number of ballot papers recorded by him or by the Supervisor of Elections, as the case may be, and the unused and spoilt ballot papers in his possession and the tendered votes list (opening and resealing the packets containing the unused and spoilt ballot papers and the tendered votes list) and shall draw up a statement as to the result of the verification, which any counting agent may copy.

(3) The returning officer shall not open the sealed packets of tendered ballot papers or of counterfoils, the sealed packet of the letters received by presiding officers from election officers or candidates containing the request mentioned in paragraph (3) of rule 30 or of marked copies of the registers of electors.

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Delivery of documents to Supervisor of Elections.

56. (1) The returning officer shall then himself or by his agent deliver to the Supervisor of Elections the following documents, namely—

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

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

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

(*d*) the packets of counterfoils;

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

(*f*) the packets containing letters received by presiding officers from election officers and candidates containing the request mentioned in paragraph (3) of rule 30,

endorsing on each packet a description of its contents, the date of the election to which they relate and the name of the constituency for which the election was held.

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

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

Orders for production of documents.

57. (1) An order—

(*a*) for the inspection or production of any rejected ballot papers including ballot papers rejected in part in the custody of the Registrar; or

(*b*) for the opening of a sealed packet of counterfoils or for the opening of letters received by presiding officers from election officers or candidates and containing the request referred to in paragraph (3) of rule 30 or for the inspection of any counted ballot papers in his custody,

may be made by the Court if satisfied by evidence on oath that the order is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers, or for the purpose of an election petition lodged or to be lodged under the Election Offences and Controversies Act.

Cap. 3.

(2) An order under this rule may be made subject to such conditions as to time, place and mode of inspection, production or opening of such documents as the Court thinks fit, and the Court may direct the Registrar to retain intact for such period as may be specified in the order any of the documents referred to in paragraph (1):

Provided that in making and carrying into effect an order for the opening of a packet of counterfoils or letters or for the inspection of counted ballot papers, care shall be taken that the way in which the vote of any particular

elector has been given shall not be disclosed until it has been proved that his vote was given and that the vote has been declared by the Court to be invalid.

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

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

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

(6) Subject to this rule, no person shall be allowed to inspect any rejected or counted ballot paper in the possession of the Registrar or to open any sealed packets of counterfoils or of letters received by presiding officers from election officers or candidates and containing the request mentioned in paragraph (3) of rule 30.

Retention and public inspection of documents.

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

(2) The said documents, except ballot papers, counterfoils and letters addressed to presiding officers by election officers or candidates and containing the request mentioned in paragraph (3) of rule 30 shall be open to public inspection at such time and subject to such conditions as the Registrar may direct.

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

PART VI
Miscellaneous

Exemption from postage. 1980—67

59. (1) A letter or communication from a person who is nominated as a candidate for an election addressed to each elector for the constituency and weighing not more than 60 grams is exempt on one occasion only, from payment of inland postage.

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(2) The letter or communication must be marked "Election Circular" and must bear legibly inscribed on the bottom left hand corner the name and address of the sender.

APPENDIX
FORMS
FORM I

r.2 *Notice of Election*

ELECTION FOR THE CONSTITUENCY OF.....

1. An election is to be held of a member to serve in the House of Assembly for the said constituency.

2. Nomination papers may be delivered by the candidate or his proposer or seconder to the returning officer at between the hours of 10 a.m. and 3.00 p.m. on the day 19

3. Forms of nomination paper may be obtained at the place and times aforesaid. The returning officer will at the request of any elector prepare for signature a nomination paper.

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

(Signed)

Returning Officer.

day of 19 .

NOTE

1. The attention of candidates and electors is drawn to the rules for filling up nomination papers and other provisions relating to nomination contained in the election rules in the Second Schedule to the *Representation of the People Act*, Chapter 12 of the Laws of Barbados.

2. Every person guilty of a corrupt or illegal practice will, on conviction, be liable to the penalties imposed by the *Election Offences and Controversies Act*, Chapter 3 of the Laws of Barbados.

FORM 2

Nomination Paper r. 3 (1).

ELECTION OF A MEMBER to serve in the House of Assembly for the Constituency of .....

We, the undersigned, being electors for the said Constituency, do hereby nominate the under-mentioned person as a candidate at the said election.

Candidate's Surname	Other names in full	Place of residence	Description
BROWN	John Edward	George Street	Merchant

Signature

Proposer .....

Seconder.....

We the undersigned, being electors for the said constituency do hereby assent to the foregoing nomination.

1. .....

2. .....

Electoral Number (See Note 4)

NOTE

1. The attention of candidates and electors is drawn to the rules for filling up nomination papers and other provisions relating to nomination contained in the election rules in the Second Schedule to the Representation of the People Act, Chapter 12 of the Laws of Barbados.

2. Where a candidate is commonly known by some title he may be described by his title as if it were his surname.

3. An elector may not subscribe more than one nomination paper for the same election.

4. A person's electoral number is his number in the register to be used at the election (including the distinctive letter or letters (if any) of the polling district in which he is registered) except that before publication of the registers his number (if any) in the annual or revised lists shall be used instead.

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FORM 3

r. 13 (2). *Ballot Paper*

FORM OF FRONT OF BALLOT PAPER

1	BROWN John Edward Brown (merchant) of	
2	BROWN Thomas William Brown (salesman) of	
3	JEEVES Hon. George Jeeves of Speightstown.	
4	JONES William David Jones (gentleman) of	
5	SMITH Mary Smith (married woman) of	

Counterfoil No. The Counterfoil is to have a number to correspond with that on the back of the Ballot paper.

FORM ON BACK OF BALLOT PAPER

No. Election for the Constituency

NOTE: The number on the ballot paper is to correspond with that on the counterfoil.

Directions as to Printing the Ballot Paper

1. Nothing is to be printed on the ballot paper except in accordance with these directions.

2. So far as practicable, the following arrangements shall be observed in the printing of the ballot paper—

(*a*) no word shall be printed on the face except the particulars of the candidates;

(*b*) no rule shall be printed on the face except the horizontal rules separating the particulars of the candidates from one another and the vertical rules separating those particulars from the numbers on the left-hand side and the spaces on the right where the vote is to be marked;

(*c*) the whole space between the top and bottom of the paper shall be equally divided between the candidates by the lines separating their particulars.

3. The surname of each candidate shall in all cases be printed by itself in large capitals, and his full particulars shall be set out below it and shall be printed in ordinary type except that small capitals shall be used—

(*a*) if his surname is the same as another candidate's, for his other names; and

(*b*) if his other names are also the same as the other candidate's, either for his residence or for his description unless each of them is the same as that of another candidate with the same surname and other names.

4. The number on the back of the ballot paper shall be printed in small characters.

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FORM 4

s. 21 (4). *Directions for the Guidance of the Voters in Voting*

1. The voter may vote for not more than one candidate.

2. The voter should see that the ballot paper, before it is handed to him, is stamped with the official mark.

3. The voter will go into one of the compartments or, in the case of a foreign service voting, to the place provided for the purpose, and with the pencil provided place a cross on the right-hand side of the ballot paper, opposite the name of the candidate for whom he votes, thus X.

4. The voter will then fold the ballot paper so as to show the official mark on the back, and leaving the compartment will, without showing the front of the paper to any person, show the official mark on the back to the presiding officer and then, in the presence of the presiding officer, put the paper into the ballot box, and forthwith leave the polling station.

5. In the case of a foreign service voter he shall after showing the official mark on the back of the ballot paper in the presence of the presiding officer place the ballot paper in the foreign service ballot paper envelope which he shall seal, and then in the covering envelope which he shall seal and place in the receptable provided for the purpose.

6. If the voter inadvertently spoils a ballot paper he can return it to the officer who will, if satisfied of such inadvertence, give him another paper.

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

8. If the voter fraudently takes a ballot paper out of a polling station or fraudulently puts into the ballot box any paper, other than the one given to him by the officer, he will be liable on summary conviction to imprisonment for a term not exceeding 6 months.

NOTE: These directions when used for an election shall be illustrated by examples on the ballot paper.

FORM 5

Declaration to be made by the Companion of a Blind or Incapacitated Voter at an Election r. 31 (5).

I, A.B. of having been requested to assist C.D. to record his vote at the election now being held in this constituency, hereby declare that (I am entitled to vote as an elector at the said election) (I am the* of the said voter and have attained the age of 21 years), and that I have not previously assisted any blind or incapacitated person (except) E.F., of to vote at the said election.

*State the relationship of the companion.

(Signed) A.B.,

day of 19 .

I, the undersigned, being the presiding officer for the polling station for the Constituency, hereby certify that the above declaration, having been first read to the above-named declarant, was signed by the declarant in my presence.

(Signed) G.H.

day of 19 .

minutes past o'clock (a.m.) (p.m.)

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

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FORM 6

r. 44 (2). *Notice of taking a Poll*

The Constituency of .....

To: .....

of.....

Notice is hereby given that a poll will be taken for the election now pending for the said constituency and that such poll will be opened on .....day of..... 19..... at the hour of six in the forenoon and kept open until the hour of six in the afternoon in the polling station established at.....
(State Mission/Embassy Consulate)

The Candidates in the above constituency are as follows:—

Names	Address	Occupation
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....

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

.....
Presiding Officer.

FORM 7

(Section 52(1))

Form of Certificate to be Endorsed on Writ

I hereby certify that the member elected for the constituency of in pursuance of the writ issued therefor is

.....
Returning Officer.

THIRD SCHEDULE

FORMS

FORM 1

(Section 35)

Oath of Election Officers

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

SO HELP ME GOD

.....
Justice of the Peace

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

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FORM 2

(Section 36(2))

Form of Writ of Election

By His Excellency .....
Governor-General of Barbados.

To the Returning Officer
for the constituency of .....

GREETINGS:

WHEREAS by section 36 of the Representation of the People Act, Chapter 12 of the Laws of Barbados, it is provided that for the purposes of every election, the Governor-General shall issue a writ under the Public Seal, addressed to the Returning Officer of the constituency for which the election is to be held.

*AND WHEREAS it appears expedient that writs should be issued for a general election of members to serve in the House of Assembly;

*AND WHEREAS the seat of the undermentioned member for the constituency of has become vacant for the reason(s) stated below

NOW THEREFORE, I Governor-General as aforesaid, do hereby require that notice of the time and place fixed for the nomination of candidates having been first duly given by you as required by law, you do on the day of 20 which said day shall be nomination day in the said constituency of cause election to be made according to law of a member to serve in the House of Assembly for the said constituency and that, if necessary you do cause a poll to be taken on the day of 20 and that you do cause the name of such member when so elected to be certified to me not later than the .

Given under my hand and the Public Seal of the Island this day of two thousand .

.....
Governor-General

*Delete whichever is inapplicable.

Received the within Writ this day of
20 .

.....
Returning Officer,

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FORM 3

Return of Expenses required to be authorised by an Election Agent s. 47 (5).

Election in the.....constituency.

Date of publication of notice of election.....

The expenses incurred at the above election in support of..... ....., a candidate thereat by.....(insert name of person or association or body of persons incurring the expenses) being expenses required by section 47 of the Representation of the People Act, Chapter 12 of the Laws of Barbados, to be authorised by the election agent, amounted to $.....

The written authority of the election agent is annexed hereto.

Signature..... Date.....

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FORM 4

s. 47 (5). *Declaration to accompany Return as to Expenses required to be authorised by an Election Agent*

Election in the.....constituency.

Date of publication of notice of election.....

I hereby declare that—

1. I am the person or a director, general manager, secretary or similar officer of the association or body of persons named as incurring expenses in the accompanying return marked.....of expenses required by section 47 of the Representation of the People Act, Chapter 12 of the Laws of Barbados, to be authorised by an election agent.

2. To the best of my knowledge and belief the said return is complete and correct.

3. The matters for which the expenses referred to in the said return were incurred as follows.....

.....

.....

.....

.....

Signature of declarant.....

Office held by declarant.....
(In the case of an association or body of persons).

Date.....

FORM 5

1978-20.
S.52(1).

Return and Declarations as to Election Expenses

Election in the Constituency of.....

Date of publication of notice of election .....

Date of publication of result of election.....

Name of Candidate.....

1. I am the election agent of the person named above as a candidate at this election/I am the person named as a candidate at this election and was my own election agent*.

(*Where there has been a change of election agent suitable variations may be introduced here and elsewhere in the return.*)

2. I hereby make the following return of the candidate's/my election* expenses at this election.

RECEIPTS

Received of the above-named candidate/Paid by me*

$.....

(Include all money, securities or equivalent of money received in respect of expenses incurred whether before, during or after the election, on account of or in respect of the conduct or management of the election.)

Date	Amount or value $ ¢	Nature of article received	Source from which received
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....

EXPENDITURE

NOTE: The return shall deal under a separate heading or sub-heading with any expenses included therein on account of any purposes referred to in section 47 of this Act.

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Candidate's personal expenses—

Paid by him/by me as candidate $ .....

Paid be me/by me as my election agent $ .....

Received by me for my services as election agent (*Omit if candidate is his own election agent*) $ .....

Paid to Polling Agents

Name of Agents	Amount paid $ ¢	
.....	.....	
.....	.....	
.....	.....	
.....	.....	$ .....

Paid to Counting Agents

Name of Agents	Amount paid $ ¢	
.....	.....	
.....	.....	
.....	.....	
.....	.....	$ .....

Paid to Clerks and Messengers

Name	No. of days service	Rate $ ¢	Total	
.....	.....	.....	.....	
.....	.....	.....	.....	
.....	.....	.....	.....	
.....	.....	.....	.....	$ .....

Paid to Speaker

Date	Name of Speaker	Meetings addressed by Speaker (Location)	Amount paid to Speaker $ ¢	
.....	.....	.....	.....	
.....	.....	.....	.....	
.....	.....	.....	.....	
.....	.....	.....	.....	
.....	.....	.....	.....	
.....	.....	.....	.....	$ .....

Paid to the following persons for goods supplied or work and labour done (such as printing, advertising, publishing, stationery)

Date	Name	Nature of articles supplied/services provided	Amount paid $ ¢	
.....	.....	.....	.....	
.....	.....	.....	.....	
.....	.....	.....	.....	
.....	.....	.....	.....	
.....	.....	.....	.....	$ .....

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Paid for the hire of premises for
(*a*) *Committee rooms, or*
(*b*) *the holding of public meetings*

Name	Particulars of premises	Period for which hired	Amount paid $ ¢	
.....	.....	.....	.....	
.....	.....	.....	.....	
.....	.....	.....	.....	
.....	.....	.....	.....	$ .....

Paid for Postage $ .....

Paid for telegrams $ .....

Paid to the following for transporting electors to the polls

Name	Address	Registration No. of vehicle	Amount paid $ ¢	
.....	.....	.....	.....	
.....	.....	.....	.....	
.....	.....	.....	.....	
.....	.....	.....	.....	
.....	.....	.....	.....	
.....	.....	.....	.....	
.....	.....	.....	.....	$ .....

In addition to the above, I am aware (*unless the candidate is his own election agent add as election agent for the above named candidate*) of the following disputed and unpaid claims—

Date	Name	Nature of articles supplied/ service provided	Grounds on which claim is based	Amount paid $ ¢	
.....	.....	.....	.....	.....	
.....	.....	.....	.....	.....	
.....	.....	.....	.....	.....	
.....	.....	.....	.....	.....	
.....	.....	.....	.....	.....	
.....	.....	.....	.....	.....	
.....	.....	.....	.....	.....	$ .....

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Unpaid claims allowed by the High Court to be paid after the proper time or in respect of which application has been or is about to be made to the High Court by—

Date	Name	Nature of goods supplied/ service provided	Grounds on which claim is due	Amount paid $ ¢	
.....	.....	.....	.....	.....	
.....	.....	.....	.....	.....	
.....	.....	.....	.....	.....	
.....	.....	.....	.....	.....	
.....	.....	.....	.....	.....	
.....	.....	.....	.....	.....	
.....	.....	.....	.....	.....	
.....	.....	.....	.....	.....	$ .....

Signature of person making return.....

*Delete if inapplicable.

FORM 6

Declarations

s. 53 (1) and (2).

Election in the.....constituency.

Date of publication of notice of election.....

Name of Candidate.....

I solemnly and sincerely declare as follows—

1. I am the person named above as a candidate at this election (and was my own election agent) or was at this election the election agent of the person named above as a candidate.

2. I have examined the return of election expenses (about to be) transmitted by my election agent (by me) to the Supervisor of Elections of which a copy is now shown to me and marked and to the best of my knowledge and belief it is a complete and correct return as required by law.

3. To the best of my knowledge and belief, all expenses shown in the return as paid were paid by my election agent (by me), except as otherwise stated in relation to my (the candidate's) personal expenses.

4. I understand that the law does not allow any election expenses not mentioned in this return to be defrayed except in pursuance of an order of the Court.

Signature of declarant.....

Signed and declared by the above named declarant on the

day of 19 before me,

(Signed).....

(Justice of the Peace).....

NOTE: Where there has been a change in election agent, suitable variations may be introduced into the declaration as to expenses.

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FOURTH SCHEDULE

FORMS

FORM 1

s. 62. *Declaration of Qualification*

I do solemnly declare that I am truly and *bona fide* qualified to be elected a member of the House of Assembly of Barbados according to the true intent and meaning of the Representation of the People Act, Chapter 12 of the Laws of Barbados.

FORM 2

s. 62. *Oath of Allegiance*

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

SO HELP ME GOD.