THE REPRESENTATION OF THE PEOPLE ACT

ARRANGEMENT OF SECTIONS

PART I. *Preliminary*

1. Short title.
2. Interpretation.
3. Writs of election.
4. Polling divisions.

PART II. *Franchise and Registration of Electors*

5. Registration of electors and voting.
6. Persons in receipt of pay disqualified.
6A. Establishment of registration centres.
7. Official lists.
8. Manner of preparation of official list.
9. Identification cards.
10. Power of Chief Electoral Officer to require information.
11. Appointment of enumerators.
12. Appointment of scrutineers.
13. Duties of enumerators.
14. Duties of scrutineers.
15. Powers of entry and power to question persons by enumerators.
15A. Report by elector of loss of thumb, etc.
16. Penalty for obstructing enumerator, etc.
17. Official list of electors.
18. Official list to be supplied to candidates.

PART III. *Electoral Procedure*

19. Appointment of polling day.
20. Power to adjourn polling day in event of emergency.
21. Day and place for nomination.
21A. Day on which poll for taking of votes to be held.
22. Returning officer to give notice of election.

[The inclusion of this page is authorized by L.N. 146/1999]

23. Procedure at nomination.
24. Disposal of deposit.
25. Withdrawal of candidates.
26. Procedure on death of nominated candidate.
27. Return by acclamation.
28. Granting of a poll.
29. Establishment of polling stations.
30. Division of lists.
31. Ballot boxes.
32. Supplies of election material.

PART IV. *Procedure on Polling Day*

33. Taking of poll and the ballot.
34. Who may vote.
35. General mode of taking ballot.
36. Mode of taking ballot in special cases.
37. Ballot papers not to be delivered to electors unless no marks of electoral ink appear on electors.
38. Electors to immerse appropriate digit in electoral ink.
39. Penalty for failure of presiding officer to carry out provisions of sections 37 and 38.
40. Non-application of sections 37, 38 and 39 to electors with no hands.
41. Who may be present.
41A. Outdoor agents.
42. Proceedings before opening of poll.
43. Proceedings at poll.
44. Proceedings after poll.

PART IVA. *Halting of the Taking of the Poll on Polling Day*

44A. Power to halt the taking of the poll on polling day.
44B. Grounds for halting of the taking of the poll.
44C. Period within which poll to be retaken after being halted.

PART V. *Procedure Subsequent to Polling Day*

45. Final count of votes.
46. Provisions applicable where ballot box not returned.

[The inclusion of this page is authorized by L.N. 146/1999]

47. Recount by Resident Magistrate.

48. Manner of making recount.

49. Election return.

50. Penalty for delay, neglect or refusal of returning officer to return elected candidate.

51. Custody of ballot boxes.

52. Custody of election documents by Chief Electoral Officer.

PART VA. *Voiding of Taking of a Poll*

52A. Provisions relating to voiding of a poll.

52B. Period within which poll to be retaken after being declared void.

PART VI. *Financial Provisions*

53. Election agents and sub-agents.

54. Making of contracts and payment of expenses through election agents.

55. Total amount of expenditure that may be incurred.

56. Who may incur election expenditure.

57. Expenditure that may be incurred by candidate.

58. Who may incur expenditure.

59. Consequences of unauthorized expenditure.

60. Election agent to make a return.

61. Period for sending in claims and making payments for election expenses.

PART VII. *Administrative Provisions*

62. Chief Electoral Officer.

63. Powers and duties of Chief Electoral Officer.

64. Returning officer.

65. Assistant returning officer.

66. Substitute assistant returning officer.

67. Presiding officer.

68. Poll clerks.

69. Oaths to be taken before Justice, returning officer, presiding officer or poll clerk.

PART VIII. *Election Offences*

70. Providing of money for illegal practice or payment to be illegal payment.

71. [*Repealed by Act 23 of 2011.*]
72. [*Repealed by Act 23 of 2011.*]
73. [*Repealed by Act 23 of 2011.*]
74. [*Repealed by Act 23 of 2011.*]
75. Conveyance of non-voters.
76. Power to question passengers and detain vehicles.
77. Maintenance of order at polling stations.
77A. Failure of member to comply with lawful request of presiding officer.
78. Influencing of electors to vote for any candidate.
79. Corrupt withdrawal from a candidature.
80. [*Repealed by Act 18 of 1981.*]
81. Notice of election meetings.
82. Name and address of printer on placard.
83. [*Repealed by Act 31 of 1996.*]
84. Certain licensed premises to be closed.
85. Punishment of illegal payment, employment or hiring.
86. Making claim knowing it to be false.
87. Unlawfully obtaining or destroying identification documents.
88. Wilfully damaging certain articles and equipment.
88A. Obstruction of election officers, etc.
89. Mutilating or altering notices and lists.
90. False statements before returning officer and false objections by scrutineers.
91. Bribery and treating.
92. Undue influence.
93. Personation.
94. Penalty for bribery, treating, or undue influence.
95. Penalty for personation.
96. Disqualifying effect of conviction for bribery, treating, etc.
97. Illegal practices.
98. Specified misdemeanours under this Act.
98A. Failure of presiding officer to be present at polling stations, etc.
99. Duty of secrecy.

100. Offences by election officers.
101. Offences by election agents and candidates.
102. Penalty for participation in election campaign by returning officer or presiding officer.
103. Consequences of illegal practice.

PART IX *Miscellaneous*

104. Regulations.
105. Transfer of electors in special cases.
106. Where transferred electors to vote.
107. Validation of certain acts.
108. Military voters list.
109. Special provision relating to Police Constables.
110. Special provision in relation to District Constables.
111. Voters to vote only in division upon list for which their names appear.
112. Military voters.
113. Police and Special Constable electors.
113A. Election workers voters list.
114. Fingerprints to be used for electoral purposes only.

SCHEDULES

[The inclusion of this page is authorized by L.N. 88/2003]

THE REPRESENTATION OF THE PEOPLE ACT*

Cap. 342. Laws 55 of 1953, 40 of 1954, 22 of 1957, 30 of 1957, 12 of 1962 S. 215. Acts 8 of 1963 S. 21, 54 of 1963, 36 of 1965, 3 of 1966, 24 of 1966, 2 of 1967, 37 of 1968, 42 of 1969 3rd Sch., 5 of 1970, 10 of 1972, 11 of 1972 S. 4, 30 of 1975, 40 of 1976, 21 of 1979, 13 of 1980, 18 of 1980, 25 of 1980, 5 of 1983, 14 of 1984 1 of 1989, 20 of 1991, 31 of 1996, 28 of 1997, 28 of 2002, 17 of 2003, 12 of 2005, 11 of 2007, 23 of 2011.

[*20th November, 1944.*]

PART I. *Preliminary*

Short title.

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

Interpretation.

2.—(1) In this Act—

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

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

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

"by-election" means an election other than a general election;

***This Act is to be modified consequent on the repeal of the Representation of the People (Interim Electoral Reform) Act.**

[The inclusion of this page is authorized by L.N. 92c/2012]

"candidate" or "candidate at an election" means any person who is nominated as a candidate for election to the House of Representatives;

21/1979 S. 2.

"Committee" means the Electoral Advisory Committee established under the Representation of the People (Interim Electoral Reform) Act;

54/1963 S. 12.

"constituency" has the meaning assigned to it by the Constitution of Jamaica;

"designated police officer", in relation to any constituency, means the officer of the Jamaica Constabulary Force designated by the Commissioner of Police for the purposes of this Act;

"digit" includes both fingers and thumb;

"during an election" or "at an election" or "throughout an election" includes the period after the issue of the writ for an election, or after the dissolution of the House of Representatives or the occurrence of a vacancy in consequence of which a writ for an election is eventually issued, until the elected candidate is returned as elected;

"election" means an election of a member to serve in the House of Representatives of Jamaica;

"election day" means the day upon which the poll is taken at any election or, if no poll is required to be taken, nomination day;

"election documents" or "election papers" means the papers which the returning officer is required by subsection (1) of section 49 to transmit to the Chief Electoral Officer after an election;

31/1996 S. 2. 54/1963 S. 12.

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

[The inclusion of this page is authorized by L.N. 92c/2012]

"election petition" means a petition presented in accordance with the provisions of any enactment for the time being in force in relation to election petitions;

"elector" means any person whose name is for the time being on any official list of electors for the House of Representatives; 22/1957 S. 4.

"electoral ink" means the ink whether composite or consisting of two or more separate solutions supplied by the Chief Electoral Officer for use in accordance with the provisions of section 38; 40/1954 S. 2.

"illegal payment" means any payment made in contravention of the provisions of this Act;

"member" means a member of the House of Representatives;

"nomination day" means the day appointed in accordance with the provisions of section 21 for the nomination of candidates;

"oath" includes affirmation and statutory declaration;

"official agent" means the agent appointed by a candidate and specially charged with the paying of all legal expenses on account of the management or conduct of the election, whose name and address have been declared in writing to the returning officer on or before nomination day or as by this Act required;

"official list" means the list of electors for any polling division prepared in accordance with sections 7 and 8 as modified by the Chief Electoral Officer in accordance with the Rules in the First Schedule or the appropriate portion of any such list which has been divided in accordance with the provisions of section 30; 22/1957 S. 4(b). First Schedule. 54/1963 S. 12.

"personal expenses" as used herein with respect to the expenditure of any candidate in relation to the

[The inclusion of this page is authorized by L.N. 87/2004]

election at which he is a candidate, includes the reasonable travelling expenses of such candidate and the reasonable expenses of his living at hotels or elsewhere for the purposes of and in relation to such election, and all other expenses which, except as restrained by this Act, he may in person lawfully incur and pay;

Second Schedule. Form 16.

"poll book" means the book in the form set out in the Second Schedule in which the name and other particulars of every person applying to vote are consecutively entered by the poll clerk as soon as the applicant's right to vote at the polling station has been ascertained and before any such applicant is allowed to vote;

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

"polling division" means any polling division constituted in accordance with the provisions of section 4;

17/2003 S. 3.

"polling station" means any premises secured by the returning officer for the taking of the vote of the electors on polling day and to which the whole or a portion of the official list of electors for a polling division is allotted;

22/1957 S. 4(b).

"print" with its grammatical variations and cognate expressions includes mimeograph;

"prospective candidate" means any person who within three months next before nomination day publicly announces or permits others publicly to announce his intention to stand as a candidate at the next ensuing election;

54/1953 S. 12.

"qualified person" means any person who is qualified in accordance with the provisions of section 37 of the Constitution of Jamaica to be registered as an elector;

[The inclusion of this page is authorized by L.N. 87/2004]

"recount" includes either or both—

(*a*) adding again the votes given for each candidate as recorded in the statements of the polls returned by the several presiding officers;

(*b*) examining and counting the used and counted, the unused, the rejected and the spoiled ballot papers in accordance with the provisions of section 48;

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

"spoiled ballot paper" means a ballot paper which, on polling day, has not been deposited in the ballot box but has been found by the presiding officer to be soiled or improperly printed, or which has been handed by the presiding officer to an elector to cast his vote, and—

(*a*) has been spoiled in marking by the elector; and

(*b*) has been handed back to the presiding officer and exchanged for another;

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

"writ" means the writ for an election.

(2) Rules 1 to 7 of the rules set out in the First Schedule shall apply to the interpretation of the words "ordinarily resident" and "ordinarily resided" in any section in which those words are used with respect to the right of an elector to be registered or of a voter to vote. 22/1957 S. 4(b). First Schedule.

Writs of election. Second Schedule Form 1.

3.—(1) Elections shall be instituted by writs of election, which shall be in the form set out in the Second Schedule.

(2) Writs of election shall be dated and shall be directed to the persons appointed to be returning officers for the several constituencies and shall be forwarded to them by the Chief Electoral Officer forthwith after their issue.

(3) Every returning officer to whom a WRIT IS directed shall forthwith upon its receipt, or upon notification by the Chief Electoral Officer of the issue thereof, whichever may be the sooner, cause to be promptly taken such of the proceedings directed by this Act as are necessary so that the election may be regularly held, and any returning officer who wilfully neglects so to do shall be liable on summary conviction before a Resident Magistrate to a fine of fifty dollars, or to imprisonment with hard labour for three months, or to both such fine and imprisonment.

Polling divisions. 22/1957 S. 4(b).

4.—(1) Subject to the provisions of subsections (2) and (3) there shall be constituted in each constituency so many polling divisions with such boundaries as the Chief Electoral Officer may by order appoint.

11/2007 S. 2.

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

(3) Where the Chief Electoral Officer is satisfied that by reason of the congestion or of the sparsity of population or other special circumstance, it is more convenient so to do, he may, notwithstanding anything in subsection (2), constitute a polling division including either more or less than four hundred qualified persons.

11/2007 S. 2.

(4) In determining the boundaries of any polling division the Chief Electoral Officer shall have regard to geographical considerations and such other factors as may

[The inclusion of this page is authorized by L.N. 11/2010]

affect the facility of communication between various places within the polling division.

(5) In order to give effect to the provisions of sub-sections (2), (3) and (4) the Chief Electoral Officer may, immediately before the commencement of the preparation of the official list, vary the boundaries of any polling division. 22/1957 S. 4 (b).

PART II

Franchise and Registration of Electors

5.—(1) Subject to the provisions of subsection (3) every qualified person shall be entitled to be registered in accordance with the rules contained in the First Schedule as an elector for the polling division in which he is ordinarily resident. Registration of electors and voting. 54/1963 S. 2. First Schedule. 10/1972 S. 4.

(2) Subject to the provisions of subsection (3) and of section 6 every person shall be entitled to vote at an election of a member of the House of Representatives for any constituency if his name appears upon the official list for a polling division comprised in such constituency unless—

(*a*) subsequent to his registration he ceases to be a Commonwealth citizen or to be ordinarily resident in Jamaica; or 10/1972 S. 4.

(*b*) on election day he is an inmate of any mental hospital or undergoing any sentence of imprisonment.

(3) The following persons are incapable of being registered as electors and disqualified from voting at an election and shall not be so registered or vote at an election, that is to say—

(*a*) the Chief Electoral Officer;

(*b*) any person who is, under any enactment for the time being in force in Jamaica, certified to be insane or otherwise adjudged to be of unsound mind or detained as a criminal lunatic; 10/1972 S. 4.

[The inclusion of this page is authorized by L.N. 96/1998]

(*c*) any person who is under sentence of death imposed on him by a court in any part of the Commonwealth or is serving a sentence of imprisonment (by whatever name called) of or exceeding six months imposed on him by such a court or substituted by competent authority for some other sentence imposed on him by such a court or is under such a sentence of imprisonment the execution of which is suspended;

(*d*) any person who is disqualified for registration by or under any enactment for the time being in force in Jamaica because he has been convicted of any offence connected with the election of members of the House of Representatives or of any local authority or body for local purposes; and

(*e*) any person who is disqualified from voting by reason of his employment for pay or reward in connection with the election in the constituency in which such person would otherwise be entitled to vote:

Provided that at an election the person who is performing the functions of a returning officer in a constituency shall, whether registered as an elector or not, vote only where there is in that constituency an equality of votes on the final count of votes or on a recount, as in this Act provided.

(4) Nothing in this Act shall be construed as making it obligatory for any person to be registered under this Act.

(5) Notwithstanding anything to the contrary no person shall be entitled to be registered as an elector for more than one polling division.

31/1996 S. 3.

(6) Any person who attempts to be registered as an elector in a polling division more than once or for more than one polling division shall be guilty of an offence and upon summary conviction before a Resident Magistrate

[The inclusion of this page is authorized by L.N. 96/1998]

shall be liable to a fine not exceeding twenty thousand dollars or to imprisonment for a term not exceeding two years.

Persons in receipt of pay disqualified. 22/1957 S. 2.

6.—(1) Subject to the provisions of subsection (2), every person employed by any person for pay or reward in reference to an election in the constituency in which such person would otherwise be entitled to vote shall be disqualified from voting and incompetent to vote in such constituency at such election.

(2) A person shall not be disqualified from voting at an election of a member to serve in the House of Representatives by reason that he is employed for pay or reward in reference to an election in the constituency in which such person would otherwise be entitled to vote, so long as the employment is legal.

54/1963 S. 12.

(3) Persons who may be legally employed are—

(*a*) returning officers, election clerks, presiding officers, poll clerks, enumerators, scrutineers, messengers, constables and persons otherwise necessarily and properly employed by an election officer for the conduct of the election;

(*b*) official agents or sub-agents of candidates;

(*c*) persons engaged in printing election material on behalf of a candidate;

(*d*) persons employed, whether casually or for the period of the election or part thereof, in advertising of any kind, or as clerks or stenographers or as messengers on behalf of a candidate or prospective candidate, so, however, that the total number of persons so employed does not exceed one for each three hundred electors in the constituency, and that the name, address and occupation of every person so employed is communicated, in writing, to the returning officer.

[The inclusion of this page is authorized by L.N. 96/1998]

Establishment of registration centres. 31/1996 S. 4.

6A. The Chief Electoral Officer shall establish in each constituency a centre (in this Act referred to as a registration centre) for the purpose of the registration of voters so, however, that he may from time to time, establish such other registration centres in a constituency as he considers necessary.

Official lists. 54/1963 S. 3. 36/1965 S. 2 (a) (b). 10/1972 S. 4. 31/1996 S. 5(a). First Schedule.

7.—(1) The Chief Electoral Officer shall every six months or at such other intervals as the Minister may, on the advice of the Committee, from time to time, prescribe and in accordance with the rules set out in the First Schedule prepare an official list of electors in respect of every polling division and forthwith publish such list in the prescribed manner.

31/1996 S. 5(b).

(2) Without prejudice to the provisions of subsection (1), the Minister, acting on the advice of the Committee, may from time to time prescribe an enumeration period for the purposes of section 5.

31/1996 S. 5(b).

(3) Where an enumeration period has been prescribed under subsection (2), the Chief Electoral Officer may, on the recommendation of the Committee, prescribe in respect of each constituency, a date during that period, on which registration of persons as electors is to commence.

31/1996 S. 5(b).

(4) In this Act "enumeration period" means a period of twelve months commencing on such date as the Minister, acting on the advice of the Committee, may from time to time prescribe.

Manner of preparation of official list. 54/1963 S. 4. 31/1996 S. 6(a).

8.—(1) With a view to the preparation of the official list of electors in a polling division the Chief Electoral Officer shall—

(*a*) have a house-to-house enquiry made in such polling division as to the persons entitled to be registered as electors in accordance with subsection (1) of

[The inclusion of this page is authorized by L.N. 96/1998]

section 5 and those who have been so registered pursuant to that subsection; and

(*b*) take account of the electors who have died in such polling division, whose names appear on the list referred to in subsection (3).

(2) The enquiry referred to in subsection (1) shall be made by an enumerator accompanied by scrutineers and shall be conducted in accordance with the rules in the First Schedule. 22.1957 S. 2. First Schedule. 31/1996 S. 6(b).

(3) The Registrar-General shall, at intervals of three months, transmit to the Chief Electoral Officer a list specifying the names, addresses and occupations, of all adults, who have died during that three months.

9. Subject to the provisions of this Act and of regulations made thereunder the Chief Electoral Officer shall in the prescribed manner and circumstances cause to be issued to every person registered as an elector an identification card or other prescribed document establishing his identity. Identification cards. 54/1963 S. 5.

10. Subject to subsection (4) of section 5 the Chief Electoral Officer may by notice in the prescribed form require any person, within such time and in such form as may be specified in such notice, to furnish him with such information as it is within the power of that person to give and as may be relevant to the registration, transfer of registration or the cancellation of registration of a person under this Act. Power of Chief Electoral Officer to require information. 54/1963 S. 5.

11.—(1) The Committee shall appoint for each constituency so many enumerators as it may think fit. Appointment of enumerators. 22/1957 S. 2. 54/1963 S. 12. 31/1996 S. 7(a)(i)(ii).

(2) Every person appointed in accordance with subsection (1) as enumerator shall receive such remuneration as may be prescribed.

[The inclusion of this page is authorized by L.N. 11/2010]

54/1963
S. 12.
31/1996
S. 7(b)(i)(ii).

(3) The Committee may replace any enumerator appointed by it by appointing another enumerator to act in the place and stead of the person already appointed, and any enumerator so replaced shall, upon request in writing signed by the returning officer, deliver or give up to the subsequent appointee or to any other authorized person any election document, papers and written information which he has obtained for the purpose of the performance of his duties; and in default he shall be guilty of an offence and upon summary conviction before a Resident Magistrate shall be liable to a fine not exceeding ten thousand dollars or to a term of imprisonment for a period not exceeding twelve months.

1/1989
Schedule.
31/1996
S. 7(b)(iii).

Appointment of scrutineers.
11/2007
S. 3.

12.—(1) Each political party having—

(*a*) five or more members in the House of Representative; or

(*b*) not less than five percent of the total vote at the last national election,

shall be entitled to appoint one person as scrutineer in respect of each polling division, and shall, as soon as is practicable after the appointment of a scrutineer, supply the scrutineer's name and address in writing to the Chief Electoral Officer.

22/1957
S. 2.

(2) Every person appointed in accordance with subsection (1) as scrutineer shall receive such remuneration as may be prescribed.

14/1984
S. 2.

(3) Where at any time only one political party satisfies the requirements of subsection (1) for entitlement to appoint scrutineers those requirements shall be deemed to be satisfied by any political party that, immediately before the then last preceding dissolution of Parliament, had five or more

[The inclusion of this page is authorized by L.N. 11/2010]

members in the House of Representatives and subsection (1) shall apply accordingly.

(4) Notwithstanding that a political party fails to satisfy the requirements of subsection (1), that political party shall be entitled to appoint scrutineers pursuant thereto if— 31/1996 S. 8.

(*a*) it satisfies the Committee that one of its principal objectives as stated in its written constitution is the contesting of elections for membership to the House of Representatives;

(*b*) its officers are elected at an annual meeting called for that purpose;

(*c*) it satisfies the Committee that it has a membership of at least five thousand persons; and

(*d*) it submits to the Committee a petition regarding the right of the political party to have scrutineers, signed by at least fifty thousand persons aged eighteen years or over who support the entitlement and whose ages and addresses are stated in the petition.

SH 20 VOL XXIII

13.—(1) Forthwith upon his appointment each enumerator shall take and subscribe an oath in the form set out in the Second Schedule and shall transmit such oath to the Chief Electoral Officer. **Duties of enumerators.** 22/1957 S. 2. **Second Schedule. Form 2.**

(2) Each enumerator shall, in the polling division or polling divisions assigned to him by the returning officer— 31/1996 S. 9(a).

(*a*) carry out a house-to-house enquiry of persons who have not been registered at a registration centre; and

[The inclusion of this page is authorized by L.N. 96/1998]

(*b*) verify the addresses of persons who have been registered at a registration centre.

31/1996 S. 9(b)(i).

(3) When making a house-to-house enquiry or when verifying an address every enumerator shall wear and prominently display an enumerator's badge provided by the Chief Electoral Officer as evidence of his authority to enter the premises for the purposes of a house-to-house enquiry or for the purpose of verifying an address, as the case may be.

31/1996 S. 9(b)(ii).

(4) Any enumerator wearing such badge at any other time or any person wearing an enumerator's badge without authority or wearing any other badge purporting to be an enumerator's badge shall be guilty of an offence and on summary conviction before a Resident Magistrate shall be liable to a fine not exceeding ten thousand dollars or to a term of imprisonment for a period not exceeding three years.

54/1963 S. 12. 1/1989 Schedule. 31/1996 S. 9(c)(i)(ii).

21/1979 S. 4. (a).

(5) Every enumerator shall—

(*a*) notify the scrutineers in the prescribed manner whenever he proposes to conduct a house-to-house enquiry; and

(*b*) keep the scrutineers informed of the notices issued by him during the course of any such enquiry.

(6) No enumerator shall, when actually performing the duties of an enumerator, ask any question or make any remark to any person in a registration centre or upon any premises entered by him under this Act, with a view to ascertaining or to influencing the political views of such person or of any other person in that registration centre or upon those premises.

31/1996 S. 9(d)(i).

31/1996 S. 9(d)(ii).

[The inclusion of this page is authorized by L.N. 96/1998]

(7) Every enumerator who acts in contravention of subsection (5) or subsection (6) shall be guilty of an offence and on summary conviction before a Resident Magistrate shall be liable to a fine not exceeding twenty thousand dollars. 21/1979 S. 4(b). 1/1989 Schedule. 31/1996 S. 9(e).

(8) Where an enumerator is convicted of an offence under subsection (4) or (7) or a person is convicted of an offence under subsection (4), the Resident Magistrate may, in addition to imposing a penalty thereunder, order that such enumerator or person, as the case may be, be disqualified from holding any post as an election officer for a period of seven years from the date of conviction. 31/1996 S. 9(f).

14.—(1) Subject to the provisions of subsection (2) every scrutineer appointed under section 12 may be present at a registration centre at any time when enumeration is being carried out and may also accompany the enumerator for the polling division for which he is appointed as a scrutineer at all times when such enumerator is verifying an address or making a house-to-house enquiry. **Duties of scrutineers.** 22/1957 S. 2. 31/1996 S. 10(a)(i)(ii).

(2) Every scrutineer shall at all times when acting as such wear a badge supplied by the Chief Electoral Officer indicating that he is a scrutineer.

(3) No scrutineer shall, at a registration centre or when accompanying any enumerator, ask any question of or make any remark to any person at the registration centre or upon any premises entered by him under this section with a view to ascertaining or to influencing the political views of such person or of any other person at the registration centre or upon those premises. 31/1996 S. 10(b)(i)(ii). 31/1996 S. 10(b)(iii).

[The inclusion of this page is authorized by L.N. 96/1998]

31/1996 S. 10(c)(i).

1/1989 Schedule. 31/1996 S. 10(c)(ii).

(4) Every scrutineer who acts in contravention of subsection (2) or subsection (3) shall be guilty of an offence and on summary conviction before a Resident Magistrate shall be liable to a fine not exceeding ten thousand dollars; and where a scrutineer is convicted of an offence under subsection (3) the Resident Magistrate may, in addition to imposing a fine, order that the scrutineer be disqualified from carrying out duties as a scrutineer for a period of seven years from the date of conviction.

Powers of entry and power to question persons by enumerators. 22/1957 S. 2. 54/1963 S. 12. 1/1989 S. 3.

15.—(1) Every enumerator may enter upon any premises in the polling division in respect of which he is appointed and there make such enquiries as in his opinion may be necessary for the purpose of obtaining information as to the persons registered or qualified to be registered as electors:

Provided that where a person indicates to the enumerator that he is not desirous of being registered as an elector the enumerator shall not make further enquiries in relation to that person.

(2) No enumerator shall enter upon any premises—

54/1963 S. 12.

(*a*) except between the hours of 5 a.m. and 9 p.m., unless the occupier of such premises consents to his entering thereon otherwise than during such hours; and

(*b*) at any time when he is not wearing an enumerator's badge supplied to him by the Chief Electoral Officer.

(3) Where any enumerator enters upon any premises under this section, he may ask such questions of any person upon such premises who appears to him to be of the age of sixteen years or over, as in his opinion may be necessary to enable him to obtain the information referred to in subsection (1).

[The inclusion of this page is authorized by L.N. 96/1998]

Report by elector of loss of thumb, etc. 31/1996 S.11.

15A.—(1) If a person is enumerated as an elector and he loses a thumb, other finger or hand, he shall report the fact of the loss, in such manner as may be authorized by the Chief Electoral Officer, at a registration centre either in his polling division or nearest to his place of residence.

(2) Where an elector makes a report pursuant to subsection (1) at a registration centre, the returning officer for the constituency in which the elector is registered shall forward a copy of the report to the Chief Electoral Officer who shall appropriately record the information contained in the report.

Penalty for obstructing enumerator, etc. 22/1957 S. 2.

16.—(1) Every person who—

(*a*) obstructs any enumerator or any scrutineer in the lawful exercise of his duties; or

(*b*) refuses to permit any enumerator or any scrutineer to enter upon any premises under section 15; or

(*c*) refuses to answer any question lawfully put to him by any enumerator,

shall be guilty of an offence and on summary conviction before a Resident Magistrate shall be liable to a fine not exceeding five thousand dollars or to be imprisoned with hard labour for a term not exceeding twelve months or to both such fine and such imprisonment. 1/1989 Schedule. 31/1996 S. 12(a).

(2) Every person who, in answer to any question lawfully put to him by an enumerator in accordance with his powers under section 15, makes any statement which he knows or has reasonable cause to believe to be false, or does not believe to be true, shall be guilty of an offence and on summary conviction before a Resident Magistrate shall be liable to a fine not exceeding twenty thousand dollars or to be imprisoned with hard labour for a term not exceeding three years or to both such fine and imprisonment. 54/1963 S. 12. 1/1989 Schedule. 31/1996. S. (b)(i)(ii).

Official list of electors. 31/1996 S. 13.

17. The current official list of electors in respect of any polling division in any constituency prepared and published by the Chief Electoral Officer in accordance with the provisions of section 7 shall be the official list of electors for that polling division in respect of elections to the House of Representatives:

[The inclusion of this page is authorized by L.N. 92c/2012]

17/2003 S. 3.

Provided that a new list shall not be published less than five clear days before nomination day.

Official list to be supplied to candidates. 23/2011. S.2.

18. As soon as may be after the writ for an election has been issued under this Act, and not later than eight days after the date designated as nomination day, every returning officer shall furnish to each candidate who has been duly nominated to contest the election in the constituency over which the returning officer has authority, four copies of the official lists of electors in force for such elections, disaggregated into four parts, as follows—

(*a*) the Military Voters' List;

(*b*) the Police Voters' List;

(*c*) the Election Officers Voters' List; and

(*d*) the Civil Voters' List.

PART III. *Electoral Procedure*

Appointment of polling day.

19.—(1) Subject to the provisions of subsection (2) and of section 20 the Governor-General shall by proclamation appoint the day upon which the poll shall be held at any election, and such day shall be specified in the writ of election. At a general election the writs for all the constituencies shall be dated on the same day, and shall name the same day for the poll.

(2) In any case to which the provisions of section 20 or of section 26 apply, the day to which any election is adjourned shall be deemed to be the day appointed by the Governor-General and specified in the writ.

Power to adjourn polling day in event of emergency.

20.—(1) Where at any time between the making of any proclamation under subsection (1) of section 19 and the day appointed by such proclamation for the holding of the poll at any election the Governor-General in Council is satisfied that it is expedient so to do by reason of—

(*a*) Her Majesty's Government having become engaged or being likely to become engaged in any war; or

(*b*) the proclamation of any state of emergency under the Emergency Powers Act; or

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

(*d*) the likelihood that the official lists for all constituencies or for any particular constituency will not be printed before the day appointed under section 19 for the holding of the poll or that any essential electoral supplies or materials will not be available in adequate quantities upon such day; or

22/1957 S. 4 (b).

18/1980 S. 3 (a).

(*e*) riot, open violence or other civil disturbance resulting in such interruption, obstruction or abandonment of the electoral process as to prejudice the holding of a fair election,

18/1980 S. 3 (a).

he may by proclamation adjourn the holding of the poll to some other day specified in such proclamation not being more than thirty days after the day specified in the proclamation under section 19.

(2) Any proclamation under subsection (1) made pursuant to the provisions of paragraph (*c*), (*d*) or (*e*) of subsection (1) may be expressed to apply only to such constituencies as are specified in such proclamation in which event the poll shall be taken in any constituencies not so specified upon the day appointed for the taking of the poll under section 19.

[The inclusion of this page is authorized by L.N. 88/2003]

(3) Where any proclamation is made under this section the writs for all 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 so specified in such proclamation.

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

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

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

54/1963 S. 12. 28/2002 S. 2.

(6) Where any proclamation is made under this section subsequent to the day on which members of the regular Force in the Jamaica Defence Force or members of the Jamaica Constabulary Force or Special Constables or election workers vote in accordance with any provisions of this Act which provides for the voting by such persons upon some day other than an election day, the votes cast by such members of the regular Force in the Jamaica Defence Force or the Jamaica Constabulary Force or Special Constables or election workers, as the case may be, shall be preserved by such person and in such manner as may be prescribed until the day next but two before the day on which the poll is taken in accordance with the

28/2002 S. 2.

[The inclusion of this page is authorized by L.N. 88/2003]

provisions of this section, and upon such day shall be dealt with as if such day had been the day next but two before the day originally appointed under section 19 for the holding of the poll.

Day and place for nomination. 40/1976 S. 2. 31/1996 S. 14.

21.—(1) Subject to the provisions of section 26, nomination day shall be such day, other than a Sunday or public holiday, as may be appointed by the Minister, by notice in the *Gazette*, not being more than seven days after publication of the notice.

28/2002 S. 3.

(1A) The day appointed as nomination day pursuant to subsection (1) shall be at least five clear days after the announcement of an election.

(2) The place for the nomination of candidates shall be such public building situated in his constituency as the returning officer deems most convenient for the majority of the electors of that constituency.

18/1980 S. 4.

(3) Subject to subsections (4) and (5) where the proceedings in any constituency for or in connection with nomination are on nomination day interrupted or obstructed by riot, open violence or other civil disturbance and the returning officer is of opinion that the nomination proceedings should be abandoned for that day, he may cause the proceedings to be adjourned to the day next following which is not a Sunday or a public holiday and, without prejudice to anything validly done prior to such adjournment, the nomination proceedings in that constituency shall continue between the hours of ten o'clock in the morning and noon on the day next following aforesaid as if it were nomination day and any reference in this Act— 1/1989 S. 5.

(*a*) to the time fixed for nomination, shall include any time allowed for nomination pursuant to such adjournment; and

[The inclusion of this page is authorized by L.N. 88/2003]

(*b*) to the period after nomination day, shall, except in section 20 (5), be construed as a period commencing after the day of adjournment pursuant to this subsection.

(4) Where, consequent on the interruption or obstruction referred to in subsection (3), the Governor-General in Council by proclamation adjourns the holding of a poll in any constituency pursuant to section 20, the proclamation, in relation to that poll, shall for the purposes of section 20 (4) be deemed to have been made before nomination day and accordingly—

(*a*) notwithstanding the completion of any nomination proceedings in that constituency prior to the proclamation aforesaid, those proceedings shall be null and void; and

(*b*) a new nomination day shall be deemed to have been appointed being the twenty-third day next before the day to which the holding of the poll in that constituency is adjourned by such proclamation:

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

(5) Where the returning officer causes the nomination proceedings to be adjourned pursuant to subsection (3)—

(*a*) he shall take all appropriate steps to bring to the attention of the public the fact of such adjournment and the day and place at which the nomination proceedings will continue; and

[The inclusion of this page is authorized by L.N. 88/2003]

(*b*) if there is any such further riot, open violence or civil disturbance as aforesaid at the subsequent nomination proceedings he shall cause the subsequent nomination proceedings to be abandoned and report the matter to the Chief Electoral Officer for reference to the Governor-General in Council.

Day on which poll for taking of votes to be held. 28/1997 S. 2.

21A. The day on which the poll for taking the votes of the electors is to be held, in case a poll is necessary, shall not be less than sixteen days nor more than twenty-three days after the day appointed as nomination day pursuant to subsection (1) of section 21.

Returning officer to give notice of election.

Second Schedule. Form 3.

22.—(1) Within two days after the receipt of the writ of election or within two days after he has been notified by the Chief Electoral Officer of the issue of such writ, whichever shall be the sooner, the returning officer shall issue an election notice in the form set out in the Second Schedule under his hand and shall mail one copy at least to the various postmasters of the post offices within his constituency.

(2) Every election notice shall specify—

(*a*) the day and place fixed for the nomination of candidates;

(*b*) the day on which the poll for taking the votes of the electors is to be held, in case a poll is necessary;

(*c*) the place where and day and time when the number of votes given to the several candidates will be finally counted;

(*d*) an exact description of the place in the constituency where the returning officer has established his office.

The returning officer shall at the same time notify in writing each postmaster within his constituency of the provisions of subsection (3).

[The inclusion of this page is authorized by L.N. 146/1999]

(3) Every postmaster shall, forthwith after receipt of the notice referred to in subsection (1), post it up in some conspicuous place within his office to which the public has access and maintain it posted there until the time fixed for the nomination of candidates has passed, and for the purposes of this provision such postmaster shall be deemed an election officer and liable as such.

(4) Every election notice shall be published in at least one issue of a daily newspaper and in at least one issue of the *Gazette*.

Procedure at nomination.
1/1989
S. 6.

23.—(1) At ten o'clock in the morning on nomination day the returning officer and the election clerk shall both attend at the place specified in the election notice under section 22 as the place for the nomination of candidates and shall there remain until two o'clock in the afternoon of the same day for the purpose of receiving the nominations of such candidates as the electors desire to nominate. After two o'clock in the afternoon on nomination day no further nominations shall be received.

31/1996
S. 15(a).

31/1996
S. 15(a).

(2) Any ten or more electors qualified to vote in a constituency for which an election is to be held may nominate any person qualified to be a member of the House of Representatives as a candidate by signing a nomination paper in the form set out in the Second Schedule and causing such nomination paper to be handed to the returning officer between the hours referred to in subsection (1).

Second Schedule
Form 4.

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

22/1957
S. 4 (b).

(3) Every nomination paper shall specify—

(*a*) such particulars of the name, address and occupation of the candidate as are sufficient to identify him; and

(*b*) his address for service of process and papers under this Act; and

(*c*) the name, address and occupation of his official agent (if any).

(4) Each candidate shall be nominated by a separate nomination paper.

(5) No nomination paper shall be valid or acted upon by the returning officer unless it is accompanied by—

(*a*) the consent in writing of the person therein nominated, except where such person is absent from the constituency in which the election is to be held, when such absence shall be stated in the nomination paper; and

(*b*) a deposit of three thousand dollars in legal tender. 31/1996 S. 15(b).

(6) The returning officer shall not accept any deposit until after all the other steps necessary to complete the nomination of the candidate have been taken, and upon his accepting any deposit he shall give to the person by whom it is paid to him a receipt therefor which shall be conclusive evidence that the candidate has been duly and regularly nominated.

(7) At the close of the time for nominating the candidates the returning officer shall deliver to every

candidate or the agent of a candidate applying therefor a duly certified list of the names of the several candidates who have been nominated.

Disposal of deposit.

24.—(1) The full amount of every deposit made under subsection (5) of section 23 shall forthwith after its receipt be transmitted by the returning officer to the Accountant-General.

(2) The full amount of every deposit shall be returned by the Accountant-General to the person who made such deposit or his personal representatives, upon the production by him or his personal representatives, as the case may be, of a certificate from the Chief Electoral Officer that the candidate was elected or polled not less than one-eighth of the total number of votes cast at the election, or died before the close of the poll on polling day.

(3) Where any candidate withdraws from the election in accordance with the provisions of subsection (1) of section 25, and the Chief Electoral Officer is satisfied that such withdrawal was consequent upon circumstances over which the candidate had no control and which he had no cause on or before nomination day to anticipate, the Chief Electoral Officer may certify accordingly to the Accountant-General.

(4) Where the Chief Electoral Officer certifies in accordance with the provisions of subsection (3), the Accountant-General shall refund to the candidate or to his personal representative one moiety of the deposit.

[The inclusion of this page is authorized by L.N. 96/1998]

(5) Except as otherwise provided in this section, every deposit under subsection (5) of section 23 shall at the expiration of one month from the conclusion of the election in respect of which it was made, be paid into the Consolidated Fund.

Withdrawal of candidates.

25.—(1) Any candidate may withdraw at any time not less than one hundred and sixty-eight hours before the opening of the poll on polling day, by filing with the returning officer a declaration in writing to that effect signed by himself, and attested by the signatures of two qualified electors in the constituency, and any votes cast for the candidate who has so withdrawn shall be null and void.

(2) When a candidate has withdrawn after the ballots are printed, the returning officer shall advise, by letter or telegraph, each presiding officer of his constituency of such withdrawal, and, when time permits, shall distribute to each presiding officer a printed notice of the withdrawal. On polling day each presiding officer shall post up a copy of the printed notice of withdrawal in a conspicuous place in his polling station. If time does not permit of the printing and the distribution of such notice, the presiding officer, upon being advised by letter or telegram by the returning officer of the withdrawal of any candidate, shall himself prepare by hand a notice to that effect and post it up in a conspicuous place in his polling station. In either case the presiding officer shall, when delivering a ballot to each elector, inform such elector of the withdrawal of the candidate.

(3) If, after the withdrawal, there remains only one candidate, the returning officer shall return as duly elected the candidate so remaining without waiting for the day fixed for holding the poll.

[The inclusion of this page is authorized by L.N. 57/1981]

Procedure on death of nominated candidate.

26.—(1) Whenever, before the closing of the poll, the returning officer becomes aware that any candidate has died since the close of the nominations, he shall, after communicating with the Chief Electoral Officer, adjourn the election to some day being not more than one month from the day originally fixed for the election.

(2) Whenever any election is adjourned in accordance with the provisions of subsection (1), the provisions of subsection (1) of section 22 shall apply as if the day upon which the election is adjourned were the day referred to in such subsection, and the day to which the election is adjourned were the day specified in the writ.

(3) Full particulars of any action taken under this section shall be reported by the returning officer to the Chief Electoral Officer with the return to the writ.

Return by acclamation.

27.—(1) Whenever only one candidate has been nominated within the time fixed for that purpose the returning officer shall forthwith make his return to the Chief Electoral Officer, in the form set out in the Second Schedule, that such candidate is duly elected for the said constituency and shall send within forty-eight hours a duplicate or certified copy of such return to the person elected.

Second Schedule. Form 5.

(2) The returning officer shall include in his return to the Chief Electoral Officer a report of his proceedings and of any nomination proposed and rejected for non-compliance with the requirements of this Act.

(3) Nothing in this Act shall be construed to impose any liability upon any person nominated as a candidate by others without his consent, unless he has afterwards given his assent to such nomination or has been elected.

Granting of a poll.

28.—(1) If more than one candidate is nominated for the constituency in the manner required by this Act, the

[The inclusion of this page is authorized by L.N. 57/1981]

returning officer shall grant a poll for taking the votes of the elector.

(2) Within five days after such poll has been granted the returning officer shall post to all postmasters in his constituency a notice in the form set out in the Second Schedule of his having granted such a poll, and indicating— Second Schedule. Form 6.

(*a*) the names, addresses and occupations of the candidates officially nominated, in the order in which they are to be printed on the ballot papers; and

(*b*) the names, addresses, and occupations of the official agents of such candidates, if any, as stated in the applicable nomination papers; and

(*c*) the several polling stations fixed by him for the various polling divisions and the number of such polling divisions.

(2A) The returning officer, if authorized thereto by the Chief Electoral Officer consequent on an emergency appearing to the Chief Electoral Officer to warrant such action, may substitute for any of the polling stations indicated pursuant to subsection (2) such other polling stations as he thinks fit, and shall take all reasonable steps to give, within twenty-four hours of such substitution, notice to each candidate in writing and notice to the public. 1/1989 S. 7.

(3) Subject to subsection (3A), the returning officer shall, within seven days after the nomination day, deliver or send by registered post to each candidate the prescribed number of copies of the notice referred to in subsection (2), together with— 23/2011 S. 3.

(*a*) a list of the presiding officers and poll clerks who will officiate at each polling station; and

(*b*) a list of the persons assigned to transport ballot boxes from polling stations.

[The inclusion of this page is authorized by L.N. 92c/2012]

23/2011 S. 3.

(3A) The returning officer may make such changes as may be necessary in the lists referred to in paragraphs (*a*) and (*b*) of subsection (3) after the delivery or dispatch of such lists to the candidates and, if he does so, shall forthwith notify the candidates of the changes.

(4) Forthwith upon receipt of the notice referred to in subsection (2), every postmaster shall display it in some conspicuous place to which the public has access in the post office of which he is postmaster and maintain it there displayed until the hour fixed for the closing of the poll.

(5) For the purposes of this section every postmaster who receives the notice referred to in subsection (2) shall be deemed to be an election officer.

21/1979 S. 6 (b).

(6) Within five days after receipt of the documents referred to in subsection (3) a candidate or the agent of a candidate may make objections or representations to the returning officer against any of the particulars or arrangements indicated in any such document; and thereupon the returning officer, after consultation with such other candidates or their agents as the returning officer thinks necessary, may make such changes in such particulars or arrangements as he thinks fit.

Establishment of polling stations.

29.—(1) The returning officer shall establish for each polling division so many polling stations as the Chief Electoral Officer may direct.

(2) Each polling station shall be established in premises of convenient access, with an outside door for the admission of electors, and where possible with another door through which electors may leave after they have voted.

[The inclusion of this page is authorized by L.N. 92c/2012]

Division of lists. 22/1957 S. 4 (b).

30.—(1) Where more than one polling station is established for any polling division, the returning officer shall divide the official list for the polling division into so many separate lists as there are polling stations in the polling division.

1/1989 S. 8.

(2) Where any official list for a division is required to be divided in accordance with the provisions of subsection (1), the Chief Electoral Officer shall determine the manner in which that official list is to be divided and shall direct the returning officer to divide the list accordingly. The returning officer shall take all reasonable steps, not less than five days before the date of the election, to notify in writing the candidates for the constituency of any such division of the list and to notify the public.

22/1957 S. 4 (b).

(3) Where any official list is divided alphabetically in accordance with the provisions of this section, there shall be displayed at the polling station to which any division of the official list relates the initial letter of the first and of the last of the names upon such division of the official list.

22/1957 S. 4 (b).

(4) Where any official list is divided numerically in accordance with the provisions of this section, there shall be displayed at the polling station to which any division of the official list relates the number of the elector first in numerical order of the electors upon that division of the official list and the number of the elector last in numerical order of the electors upon that division of the official list.

22/1957 S. 4 (b).

(5) Where any official list is divided in accordance with the provisions of this section, every elector shall vote, if he vote at all, at the polling station to which is allotted the division of the official list upon which his name appears.

[The inclusion of this page is authorized by L.N. 146/1999]

Ballot boxes.

31.—(1) The Chief Electoral Officer shall supply to each returning officer a number of ballot boxes equal to the number of polling stations comprised in his constituency.

21/1979 S. 7.

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

Supplies of election material.

28/1997 S. 3.

32.—(1) The returning officer shall furnish to each presiding officer as near as is reasonably practicable to the time of the opening of the poll, but no earlier than two days before polling day—

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

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

(*c*) the necessary materials for electors to mark their ballots;

(*d*) at least three copies of printed directions in the form set out in the Second Schedule for the guidance of electors in voting;

Second Schedule. Form 7.

(*e*) a copy of or excerpts from this Act;

22/1957 S. 4 (b).

(*f*) the official list of electors for use at his polling station;

(*g*) a ballot box;

(*h*) a blank poll book;

(*i*) the several forms of oaths to be administered to electors;

(*j*) the necessary envelopes and such other forms and supplies as may be authorized or furnished by the Chief Electoral Officer;

[The inclusion of this page is authorized by L.N. 146/1999]

(*k*) a record (by way of computer printout or otherwise) of the information contained in the particulars on the registration record card concerning every elector whose name appears on the official list for use at that polling station; and 18/1980 S. 5 (a).

(*l*) the equipment referred to in section 37 (2).

(2) Until the opening of the poll the presiding officer shall keep— 18/1980 S. 5 (b).

(*a*) the blank poll book, official list of electors, forms of oaths, envelopes, ballot papers and other election supplies carefully locked up in the ballot box;

(*b*) any equipment referred to in section 37 (2) in a safe place,

and shall take every precaution for their safe-keeping and to prevent any person from having unlawful access to them.

(3) Before the hour fixed for the opening of the poll each presiding officer shall post up in each compartment of the polling station and in a conspicuous place outside the polling station one copy of the directions referred to in paragraph (*d*) of subsection (1).

(4) The record referred to in paragraph (k) of subsection (1) shall be under seal and shall be opened only at the time of opening the ballot box, and in the presence of persons stipulated, pursuant to section 43 (1). 18/1980 S. 5 (c).

PART IV. *Procedure on Polling Day*

33.—(1) The poll shall be taken in each polling station by secret ballot in accordance with the provisions of section 35 or of section 36 between the hours of seven o'clock in the forenoon and five o'clock in the afternoon on election day. Taking of poll and the ballot.

(2) The ballot of each voter shall be a printed paper, in this Act called a ballot paper, on which the

[The inclusion of this page is authorized by L.N. 146/1999]

names, addresses and occupations of the candidates alphabetically arranged in the order of their surnames and numbered accordingly shall be printed exactly as they are set out in the nomination paper. Opposite to the name of each candidate there shall be a prescribed symbol. The ballot papers shall have a counterfoil and a stub, and there shall be a line of perforations between the ballot and the counterfoil and between the counterfoil and the stub, the whole as in the form set out in the Second Schedule.

Second Schedule. Form 8.

(3) The ballot papers shall be numbered on the top of the stub and the counterfoil, the same number being printed or written on the stub as on the counterfoil. The ballot papers shall be bound or stitched in books containing ten, twenty-five, fifty or one hundred ballots.

21/1979 S. 8.

(4) Subject to subsection (5), on each ballot paper the name of the constituency and the number of the polling division in which the ballot is to be used shall be printed in such manner as to remain on the ballot after it has been detached from the stub and the counterfoil.

21/1979 S. 8.

(5) In the event of the loss or destruction of ballot papers conforming to the requirements of subsection (4), or in the case of any other emergency, substitute ballot papers having such distinctive features as may be prescribed may be used.

Who may vote.

34.—(1) Subject to the provisions of this section and of section 5 any person whose name appears upon the official list of electors shall be permitted to vote at the polling station on the official list of electors for which his name appears.

22/1957 S. 4 (b).

(2) Where there is contained in the official list of electors a name, address and occupation which correspond so closely with the name, address and occupation of a person by whom a ballot is demanded as to suggest that

[The inclusion of this page is authorized by L.N. 146/1999]

the entry in such official list of electors was intended to refer to him, such person shall, upon taking the oath in the form set out in the Second Schedule and complying in all other respects with the provisions of this Act, be entitled to receive a ballot and to vote. In any such case the name, address and occupation shall be correctly entered in the poll book and the fact that the oath has been taken shall be entered in the proper column of the poll book.

Second Schedule. Form 9.

(3) Subject to subsections (8) and (9), no elector shall receive a ballot paper or be permitted to vote unless his identity as the person whose name appears on the official list of electors for that polling division has been established, as directed by the presiding officer or any other person authorized by him, in accordance with the provisions of this section.

12/2005 S. 2(a).

(3A) Before receiving his ballot paper, every elector shall, on the direction of the presiding officer, place his finger in or on the specified equipment.

12/2005 S. 2(a).

(3B) Where an elector refuses to place his finger in or on the specified equipment—

12/2005 S. 2(a).

(*a*) no ballot paper shall be issued to him; and

(*b*) erasing lines shall be drawn through his name on the official list of electors and in the poll book, if such name has been entered in the poll book, and the words "Refused to be identified by finger print" shall be written thereafter.

(3C) Where the specified equipment fails to function or to function properly or no such equipment is provided, the elector shall—

12/2005 S. 2(a).

(*a*) produce to the presiding officer his identification card or other prescribed document establishing his identity, and

(*b*) take the oath in the form set out in the second schedule and otherwise establish his identity to the satisfaction of the presiding officer; or

(*c*) as the case may require, satisfy all the conditions specified in subsection (7).

12/2005 S. 2(a).

(3D) Where a prescribed document establishing identity has been issued in substitution for an identification card, only the prescribed document shall be produced to and accepted by the presiding officer, except in cases in which the elector satisfies the conditions specified in subsection (7).

12/2005 S. 2(a).

(3E) In determining whether or not the specified equipment has failed to function or function properly the presiding officer shall seek and be bound by the advice of the Chief Electoral Officer or the person nominated by him so to determine.

(4) No elector shall vote more than once in the same constituency at the same election nor in more than one constituency on the same day.

12/2005 S. 2(b).

(5) Subject to subsection (9), where an elector fails to comply with the provisions of subsection (3D)—

(*a*) no ballot paper shall be issued to him; and

(*b*) erasing lines shall be drawn through his name on the official list of electors and in the poll book, if such name has been entered in the poll book, and the words "Refused to be sworn" shall be written thereafter.

(6) The candidates, agents of the candidates or any elector representing a candidate shall be permitted to examine— 12/2005 S. 2(b).

(*a*) the specified equipment; and

(*b*) any identification card or other prescribed document used to establish the identity of an elector produced pursuant to subsection (3C).

(7) The conditions to which subsections (3C) and (3D) refers are— 3/1966 S. 3(b). 12/2005 S. 2(c).

(*a*) that the elector is unable to produce his identification card or other prescribed document establishing his identity or use it for the purposes of establishing his identity by reason of the fact that the Chief Electoral Officer has not yet pursuant to section 9 caused it to be delivered to him or that it has been lost, stolen, destroyed, mutilated or defaced; 24/1966 S. 2.

(*b*) that the elector shall take the oath of identity in the form set out in the Second Schedule and other- Second Schedule. Form 11.

wise establish his identity to the satisfaction of the presiding officer.

21/1979 S. 9(b).

(8) In order to establish the identity of any person by whom a ballot is demanded, the presiding officer may, if he deems it necessary, make the following enquiries of such person—

(*a*) his date of birth;

(*b*) his place of birth;

(*c*) the maiden name of his mother;

(*d*) the place of birth of his mother,

and the presiding officer shall compare the answers given by such person with the information appearing on the record referred to in section 32 (1) (*k*) pertaining to the elector in whose name the ballot is demanded.

18/1980 S. 6.

21/1979 S. 9(b).

(9) No person of whom enquiries are made pursuant to subsection (8) shall be allowed to vote unless his identity is established to the satisfaction of the presiding officer.

12/2005 S. 2(d).

(10) In this section, "specified equipment" means the equipment approved by the Electoral Advisory Committee for the purpose of identifying electors by finger print and issuing ballots.

[The inclusion of this page is authorized by L.N. 180A/2006]

General mode of taking ballot.

Second Schedule. Form 8.

35.—(1) The presiding officer shall, subject to the provisions of section 37, on the application of any elector deliver to such elector a ballot paper on which such officer has previously put his initials so placed as indicated in the form set out in the Second Schedule that when the ballot is folded they can be seen without opening it, and on the counterfoil of which he has placed a number corresponding to the consecutive number given to the elector and entered in the poll book opposite the name of such elector.

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

(3) The elector on receiving the ballot paper shall forthwith enter one of the polling compartments and there mark his ballot paper by making a cross with a black lead pencil within the space containing the name of the candidate for whom he intends to vote, and he shall then fold the ballot paper as directed so that the initials and the numbers on the counterfoil can be seen without opening it, and hand the paper to the presiding officer, who shall, without unfolding it, ascertain by examination of the initials and numbers appearing thereon that it is the same paper as that delivered to the elector and if the same he shall subject to the provisions of section 38 forthwith in full view of the voter and all others present remove and destroy the counterfoil and deposit the ballot in the ballot box.

(4) An elector who has inadvertently so dealt with the ballot paper delivered to him that it cannot conveniently be used shall restore it to the presiding officer who shall so deface it as to render it a spoiled ballot. The presiding officer shall then deliver another ballot paper to the elector.

[The inclusion of this page is authorized by L.N. 92c/2012]

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

25/1980 S. 2(a) and (b).

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

23/2011 S. 4.

(7) Except as otherwise permitted by this Act, subsections (8) and (9) apply in any case where an elector—

(*a*) intentionally displays his ballot paper so as to make known to any person the candidate for or against whom he intends to vote; or

(*b*) uses a cellular phone, digital camera or other device to record, photograph or otherwise capture the image of a marked ballot paper.

23/2011 S. 4.

(8) Where an elector intentionally displays his ballot paper so as to make known to any person the candidate for or against whom he intends to vote—

(*a*) the presiding officer shall—

(i) issue a warning to the elector and request that the elector returns the ballot paper to him forthwith and the elector shall forthwith restore the ballot paper to the presiding officer;

(ii) deface the ballot paper so as to render it a spoiled ballot; and

(iii) deliver a second ballot paper to the elector; and

(*b*) if, pursuant to paragraph (*a*), an elector is given a second ballot paper and acts in the manner described in this subsection in relation to that second ballot paper the provisions of paragraph (*a*) (i) and (ii) shall apply, and no further ballot paper shall be delivered to the elector thereafter.

(9) Where an elector uses a cellular phone, digital camera or other device to record, photograph or otherwise capture the image of a marked ballot paper, the presiding officer shall— 23/2011 S. 4.

(*a*) request that the elector return the ballot paper to him forthwith and the elector shall so restore the ballot paper to him forthwith; and

(*b*) deface the ballot paper so as to render it a spoiled ballot and no other ballot paper shall be delivered to the elector thereafter.

(10) An elector who acts in the manner described in subsection (7) commits an offence and shall be liable, upon summary conviction before a Resident Magistrate, to a fine not exceeding eighty thousand dollars or to imprisonment for a term not exceeding five years or to both such fine and imprisonment. 11/2007 S. 4.

36.—(1) Subject to all other provisions of this Act as to proof of qualification as an elector and as to the administration of oaths, if a person representing himself to be a particular elector applies for a ballot paper after another person has voted as such person, he shall be entitled to receive a ballot paper and to vote after taking the oath of identity, in the form set out in the Second Schedule, and otherwise establishing his identity to the satisfaction of the presiding officer. Mode of taking ballot in special cases. Second Schedule. Form 11.

(2) In such case, the presiding officer shall put on the ballot paper his initials, together with a number corresponding to the consecutive number given to the voter and entered in the poll book opposite the name of such voter, and the poll clerk shall enter in the poll book—

(*a*) the name of such voter;

[The inclusion of this page is authorized by L.N. 92c/2012]

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

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

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

11/2007 S. 5(1).

(3) The presiding officer shall act in accordance with subsection (4) upon the request of—

(*a*) an elector who—

(i) is incapacitated from voting in the manner prescribed by this Act, due to any physical cause other than blindness; and

(ii) takes an oath in the form set out in Form 12 of the Second Schedule; or

Second Schedule. Form 12.

(*b*) a blind elector who takes an oath in the form set out in Form 13 of the Second Schedule.

Form 13.

11/2007 S. 5(1).

(4) The presiding officer shall, at the option of the elector—

(*a*) assist the elector by marking the elector's ballot paper—

(i) in the manner directed by the elector; and

(ii) in the presence of the poll clerk and the sworn agents of the candidates or of the sworn electors representing the candidates in the polling station, but no other person,

and placing the ballot in the ballot box; or

(*b*) permit the person described in subsection (5) to accompany the elector into the voting compartment and mark the elector's ballot for him.

11/2007 S. 5(1).

(5) The person referred to in subsection (4) is a friend of the elector, being a person who—

(*a*) has not already acted pursuant to subsection (4)(*b*) in relation to any other elector in that election; and

[The inclusion of this page is authorized by L.N. 92c/2012]

(*b*) takes an oath in the form set out in Form 14 of the Second Schedule, that he— Second Schedule

(i) will keep secret the name of the candidate for whom he marks the ballot on behalf of the elector; and

(ii) has not already acted pursuant to subsection (4) (*b*) in relation to any other elector in that election.

(6) Whenever any elector has had his ballot paper marked as provided in subsection (4), the presiding officer shall enter in the poll book opposite the elector's name, in addition to any other requisite entry, the reason why such ballot paper was so marked. 11/2007 S. 5(2).

37.—(1) Subject to the provisions of section 40, every presiding officer shall refuse to deliver any ballot paper to any elector unless he is satisfied that there does not appear— Ballot papers not to be delivered to electors unless no marks of electoral ink appear on electors.

(*a*) upon the appropriate digit of such elector; or

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

any mark of the electoral ink.

(2) For the purpose of satisfying himself in the manner required by subsection (1) the presiding officer shall in the presence of the poll clerk and of the sworn agents of

the candidates or the sworn electors representing the candidates in the polling station, as the case may be, inspect the appropriate digit of each elector or all of the digits of each elector, as the case may require, and for that purpose shall use, as prescribed by regulations, any prescribed equipment designed for the purpose of detecting any mark of electoral ink:

18/1980 S. 7.

Provided that if the prescribed equipment fails to function or is illegally removed from, or is for any reason not available for use at, any polling station, the presiding officer, in lieu of using that equipment, shall require the elector—

(i) to take an oath in the prescribed form to the effect that he has not previously voted in that election;

(ii) to make one or more impressions in ink on the form of the oath as follows:

(*aa*) with his right thumb;

(*bb*) with his left thumb, should he not have a right thumb; or

[The inclusion of this page is authorized by L.N. 11/2010]

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

(2A) Where the appropriate digit or any other digit which an elector may be required to immerse in electoral ink is concealed or covered with any bandage or other material, the presiding officer shall refuse to deliver to the elector any ballot paper unless the elector either— 18/1980 S. 7.

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

(*b*) satisfies the presiding officer that he is suffering from injury to such appropriate or other digit, takes an oath to that effect in the prescribed form and makes one or more impressions in ink on that form, as follows—

(i) with his right thumb;

(ii) with his left thumb, should he not have a right thumb; or

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

(2B) Where the presiding officer issues a ballot paper to an elector pursuant to subsection (2A) he shall make an entry in the poll book setting out the facts in relation to such an issue.

(3) Every presiding officer who refuses to deliver any ballot paper to any elector under the provisions of this section shall make an entry in the poll book setting out the facts in relation to such refusal.

(4) Every person who applies for any ballot paper at a time when there is upon any of his digits any mark of electoral ink shall be guilty of personation within the meaning of this Act.

[The inclusion of this page is authorized by L.N. 146/1999]

Electors to immerse appropriate digit in electoral ink.

38.—(1) Upon receiving any ballot paper from any elector in accordance with the provisions of subsection (3) of section 35 the presiding officer shall before removing the counterfoil from such ballot paper, if the elector has an appropriate digit, satisfy himself that there does not appear upon such digit any substance which in his opinion is likely to prevent the adhesion of electoral ink and cause the elector to immerse such digit in the electoral ink:

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

(2) If any elector on being required so to do fails or refuses to immerse his appropriate digit or any other digit in electoral ink the presiding officer shall destroy the ballot paper handed to him by such elector and make an entry in the poll book setting out the particulars in relation to the destruction of such ballot paper.

Penalty for failure of presiding officer to carry out provisions of sections 37 and 38.
31/1996 S. 16(a).

31/1996 S. 16(b).

39. Subject to the provisions of section 40, every presiding officer who fails or neglects to perform any duty imposed upon him by section 37 or section 38 shall be guilty of an offence against this section and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding ten thousand dollars or to be imprisoned with or without hard labour for any term not exceeding twelve months; and the Resident Magistrate may, in addition to imposing a fine or a term of imprisonment, order that such presiding officer be disqualified from holding any post as an election officer for a period of seven years from the date of conviction.

[The inclusion of this page is authorized by L.N. 146/1999]

40. The provisions of sections 37, 38 and 39 shall not apply in relation to any elector who has no hands. Non-application of sections 37, 38 and 39 to electors with no hands.

41.—(1) In addition to the presiding officer and the poll clerk, the candidates, and one agent for each candidate in each polling station, and, in the absence of agents, one elector to represent each candidate on the request of such elector, and such other persons (hereinafter referred to as observers) to observe the election process therein and no others, shall be permitted to remain in the polling station during the time the poll remains open: Who may be present. 28/1997 S. 4 (a)

Provided that no candidate and his agent shall be in the same polling station at the same time for more than five consecutive minutes.

(2) The agent of each candidate, and, in the absence of an agent, any elector representing any candidate, on being admitted to the polling station, shall take an oath in the form set out in the Second Schedule to keep secret the name of the candidate for whom any of the voters has marked his ballot paper in his presence. Second Schedule. Form 15.

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

(4) The Chief Electoral Officer may, acting on the advice of the Committee and subject to subsection (6), permit observers to enter any polling location for the purpose of observing any procedure and the voting process carried out at that polling location and the counting of votes after the poll has closed at such polling location. 28/1997 S. 4 (b).

(5) The observers shall, in each polling location, act in accordance with the terms and conditions as are agreed 28/1997 S. 4 (b).

to with the Chief Electoral Officer and shall be subject to such directions as a presiding officer at that polling location may give.

28/1997 S. 4 (b).

(6) No more than four observers shall be permitted to remain in any polling location at any one time where polling is being carried out.

28/1997 S. 4 (b).

(7) In subsections (4), (5) and (6) "polling location" means any premises established for the taking of the poll and in which one or more polling stations are situate.

Outdoor agents. 1/1989 S. 9.

41A.—(1) Every candidate in an election may appoint such persons as he thinks fit to be outdoor agents and shall issue to any such outdoor agent appointed by him a certificate of appointment in the prescribed form specifying the polling station in respect of which the agent is appointed.

(2) The candidate may substitute one outdoor agent for another with respect to any polling station.

(3) No more than one person at any one time shall be entitled to perform the functions of outdoor agent for any candidate at any one polling station and, for the purpose of monitoring the extent of voter turn-out on election day, the agent shall be stationed not less than twenty yards from the polling station.

Proceedings before opening of poll.

42.—(1) If the agents or electors referred to in subsection (1) of section 41 are in attendance at least fifteen minutes before the hour fixed for opening the poll, they shall be entitled to have the ballot papers intended for use thereat carefully counted in their presence before the opening of the poll, and to inspect such ballot papers, and all other papers, forms and documents relating to the poll.

(2) A candidate may himself undertake the duties which any agent of his, if appointed, might have undertaken, or may assist his agent in the performance of such

[The inclusion of this page is authorized by L.N. 146/1999]

duties, and subject to the provisions of subsection (2) of section 41, may be present at any place at which his agent may in pursuance of this Act, be authorized to attend.

(3) The non-attendance of any agent or agents of candidates at any time or place required by this Act shall not in any wise invalidate any act or thing done during the absence of such agent or agents if such act or thing is otherwise duly done, and wherever in this Act any expressions are used requiring or authorizing any act to be done at the polls or otherwise, in the presence of agents of the candidates, such expressions shall be deemed to refer to the presence of such agents of the candidates as are authorized to attend, and as have, in fact, attended at the time and place where such act or thing is being done.

(4) The presiding officer shall, on polling day before the opening of the poll— 21/1979 S. 10.

(*a*) cause such printed directions to electors as have been supplied to him in the form set out in the Second Schedule to be posted up in conspicuous places outside of and near to the polling station and also in each compartment of the polling station; and Second Schedule. Form 7.

(*b*) deliver to the aforesaid agents or electors, as the case may be, who are in attendance, copies of a certificate signed by the returning officer setting out the serial number sequence of the total number of ballot papers issued for use at that polling station, so, however, that nothing in this paragraph shall prevent a presiding officer from delivering such copies as aforesaid to an agent or an elector as aforesaid who arrives at the polling station after the opening of the poll.

SH 22 VOL XXIII

[The inclusion of this page is authorized by L.N. 146/1999]

Proceedings at poll.

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

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

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

3/1966 S. 4.

(4) The presiding officer may, if he considers it advisable, direct that not more than one elector for each compartment shall, at any time, enter the room where the poll is held; and each elector, upon so entering, shall declare his name, residence and occupation. The poll clerk shall then ascertain whether the name of that elector appears on the official list of electors used at the polling station. If the name of that elector appears on that official list he shall answer any questions asked by the presiding officer concerning his identity and produce to the presiding officer his identification card or other prescribed document establishing his identity or, if such identification card, or such other prescribed document cannot be produced or used for the purposes of establishing his identity, all the conditions specified by subsection (7) of section 34 shall be satisfied. Where an impression is made upon the Form of oath of identity mentioned in paragraph (*b*) of that subsection with a finger other than the right thumb the presiding officer shall make a note of the finger with which it was made. When it has been ascertained that that elector

[The inclusion of this page is authorized by L.N. 146/1999]

is qualified to vote at the polling station, his name, address and occupation shall be entered in the poll book which shall be kept by the poll clerk in the form set out in the Second Schedule, a consecutive number shall be prefixed to his name in the appropriate column of the poll book, and subject to any requirement under subsection (2) or (3) of section 34 to take an oath, he shall immediately thereafter receive a ballot paper and be permitted to vote.

Second Schedule Form 16.

(5) The poll clerk shall—

(*a*) make such entries in the poll book as the presiding officer pursuant to any provision of this Act directs; and

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

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

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

21/1979 S. 11 (a).

(*e*) record in the poll book such objections as may be made by the agent of any candidate in relation to the taking of the poll.

21/1979 S. 11 (b).

Proceedings after poll.

44.—(1) Forthwith upon the close of the poll, in the presence and in full view of the poll clerk and the candidates or their agents, and if the candidates or any of them are absent, then in the presence of such as are present, and of at least two electors if none of the candidates are

[The inclusion of this page is authorized by L.N. 146/1999]

represented, the presiding officer shall, in the following order—

(*a*) count the number of voters whose names appear in the poll book as having voted and make an entry thereof on the line immediately below the name of the voter who voted last, thus: "The number of voters who voted at this election in this polling station is" (stating the number), and sign his name thereto;

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

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

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

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

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

[The inclusion of this page is authorized by L.N. 146/1999]

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

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

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

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

(*d*) upon which there is any writing or mark by which the voter could be identified, other than the numbering by the presiding officer in the cases hereinbefore referred to, but no ballot paper shall be rejected on account of any writing, number or mark placed thereon by any presiding officer.

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

(4) If, in the course of counting the votes, the presiding officer discovers that he has omitted to affix his initials to any ballot paper, as provided by subsection (1) of section 35, and as indicated in the form set out in the Second Schedule, he shall, in the presence of the poll clerk and the agents of the candidates, affix his initials to such ballot paper and shall count such ballot paper as if it had been initialled by him in the first place, provided that he is satisfied that the ballot paper is one that has been supplied by him and that such an omission has really been made, also that every ballot paper supplied to him by the returning officer has been accounted for, as provided by paragraph (*d*) of subsection (1). Second Schedule. Form 8.

(5) Nothing in subsection (3) or subsection (4) shall relieve the presiding officer from any penalty to which he may have become liable by reason of his failure to

[The inclusion of this page is authorized by L.N. 146/1999]

remove or destroy the counterfoil at the time of the casting of the vote to which it relates or to affix his initials to any ballot paper before handing it to any elector.

(6) The presiding officer shall keep a record on the special form printed in the poll book of every objection made by any candidate, or his agent or any elector present, to any ballot paper found in the ballot box, and shall decide every question arising out of the objection. The decision of the presiding officer shall be final, subject to reversal on the final count by the returning officer or on a recount under section 47 or on petition questioning the election or return; and every such objection shall be numbered, and a corresponding number placed on the back of the ballot paper and initialled by the presiding officer.

21/1979 S. 12 (a).

(6A) Nothing in subsection (6) with regard to the form printed in the poll book shall prevent any candidate, or his agent or any elector present from making objections in the prescribed form to any ballot paper found in the ballot box whereupon—

(*a*) one copy of such form shall be initialled by the presiding officer and pasted in the poll book and shall form part of the official records of the polling station; and

(*b*) another copy of such form shall be initialled by the presiding officer and returned to the candidate, agent or elector making such objection.

(7) All the ballot papers not rejected by the presiding officer shall be counted and a list kept of the number of votes given to each candidate and of the number of rejected ballot papers. The ballot papers which respectively indicate the votes given for each candidate shall be put into separate envelopes; all rejected ballot papers shall be put into a special envelope and all such envelopes shall be endorsed so as to indicate their contents and shall

[The inclusion of this page is authorized by L.N. 146/1999]

be sealed by the presiding officer, and by such agents or witnesses present as may desire to seal them or to sign their names thereon in addition or instead.

(8) The presiding officer and the poll clerk, immediately after the completion of the counting of the votes, shall take and subscribe respectively the oaths in the forms set out in the Second Schedule which shall remain attached to the poll book. Second Schedule. Forms 17 and 18.

(9) The presiding officer shall make the necessary number of copies of the statement of the poll in the form set out in the Second Schedule, one copy to remain attached to the poll book, one copy to be retained by the presiding officer and one copy for the returning officer, which shall be enclosed in a special envelope supplied for the purpose, which envelope he shall seal and deposit by itself in the ballot box, and one copy each shall be delivered to every candidate or his agent present at the polling station. Second Schedule. Form 19. 21/1979 S. 12 (b).

(10) The poll book, the several envelopes containing the ballot papers—unused, spoiled, rejected or counted for each candidate—each lot in its proper envelope, the envelope containing the official list of electors and other documents used at the poll shall then be placed in the large envelope supplied for the purpose, and this envelope shall then be sealed and placed in the ballot box with (but not enclosing) the envelope containing the statement of the poll prepared for the returning officer and referred to in subsection (9). The ballot box shall then be locked and sealed with the seal of the presiding officer and, if so desired, the seal of the agents or representatives of each candidate and forthwith transmitted by registered mail or delivered to the returning officer. The returning officer may specially appoint one or more persons for the purpose of collecting the ballot boxes from a given number of polling stations and such person or persons shall, on delivering the ballot boxes to the returning officer, take the oath in the form set out in the Second Schedule. 21/1979 S. 12 (c). Second Schedule. Form 20.

[The inclusion of this page is authorized by L.N. 146/1999]

21/1979 S. 12 (d).

(10A) Any arrangements made pursuant to subsection (10) for the delivery of ballot boxes to the returning officer otherwise than by registered mail or for the collection of ballot boxes by the returning officer shall include arrangements for the persons delivering or collecting the ballot boxes, as the case may be, to be accompanied by an agent or representative of each of the candidates.

(11) The presiding officer shall, with the ballot box, transmit or deliver to the returning officer, in the envelope provided for that purpose, the key of such ballot box, the preliminary statement of the poll in the form prescribed by the Chief Electoral Officer and the polling station account furnished him in blank by the returning officer, having first caused it to be filled in and signed by the officials of his polling station entitled to fees, and by the landlord thereof, if any.

(12) The presiding officer shall transmit to the returning officer—

(*a*) the ballot box;

(*b*) the envelope containing the key thereof;

(*c*) the preliminary statement of the poll;

(*d*) the polling station account;

18/1980 S. 8.

(*e*) the record of information referred to in section 32 (1) (*k*); and

(*f*) the equipment referred to in section 37 (2).

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

[The inclusion of this page is authorized by L.N. 146/1999]

PART IVA. *Halting of the Taking of the Poll on Polling Day*

28/1997 S. 5.

Power to halt the taking of the poll on polling day.

44A.—(1) There shall be established, on the issuing of an election notice by a returning officer under section 22 (1), a body to be known as the Constituted Authority which shall continue in force for a period ending six months after the day referred to in section 22 (2) (*b*).

(2) The Constituted Authority shall have the power to halt the taking of the poll in any polling station, polling division or constituency on polling day.

(3) The members of the Constituted Authority shall be—

(*a*) the four selected members of the Commission; and 23/2011 S. 5(a).

(*b*) two other persons appointed by the Governor-General after consultation with the Prime Minister and the Leader of the Opposition—

(i) one of whom shall be a retired Judge; and

(ii) one of whom shall be a member of the Privy Council,

so, however, that where a retired Judge is not available for appointment, another member of the Privy Council shall be appointed.

(4) The chairman of the Constituted Authority shall be the retired Judge but where no retired Judge is appointed the member of the Privy Council who is the more senior shall be the chairman.

(4A) Where any member who is appointed under sub-section (3) (*b*) dies or is unable to perform his functions by reason of infirmity of body or mind or for any other cause, the Governor-General, after consultation with the Prime Minister and the Leader of the Opposition, shall appoint another person to replace that member. 28/2002 S. 4.

23/2011 S. 5(b).

(5) The decision to halt the taking of the poll shall be by a five-sixths majority of the members of the Constituted Authority.

Grounds for halting of the taking of the poll.

44B. The grounds on which the taking of the poll may be halted are—

(*a*) that—

(i) polling stations have not opened for the taking of the poll within the period of the first five hours after the hour fixed for the opening of the poll; and

(ii) the number of electors on the official list of electors of those polling stations constitute at least twenty-five per cent of the electors in the constituency;

(*b*) the occurrence of any earthquake, flood, fire or other natural disaster which could substantially prevent or prejudice the holding of fair elections.

Period within which poll to be retaken after being halted.

44C. Where under section 44A the Constituted Authority halts the taking of a poll, the poll shall be retaken on such day within a period of twenty-eight days from the date on which the poll is halted or so sooner after such period as the Constituted Authority may deem reasonably practicable.

PART V. *Procedure Subsequent to Polling Day*

Final count of votes.

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

1/1989 S. 10 (a).

(1A) Each candidate at an election may by notice in the prescribed form addressed to the returning officer and delivered to him at least seven days before election day, appoint agents to act as observers in relation to the safekeeping and security of the ballot boxes, ballot papers and other documents during the period beginning with the receipt by the returning officer of the ballot boxes after the preliminary count and ending with the fourth day next after completion of the final count, or, where application has been made for a magisterial recount, after the completion of such recount.

1/1989 S. 10 (a).

(1B) The following provisions shall have effect in relation to appointments made under subsection (1A)—

(*a*) the returning officer shall, on being notified as aforesaid, issue to the agent a certificate showing the name of the agent and specifying the times at which he shall be entitled to act as observer;

[The inclusion of this page is authorized by L.N. 146/1999]

(*b*) the agent shall act in conformity with that certificate and shall show it to the returning officer whenever requested to do so;

(*c*) the agent shall not have access to the ballot boxes, ballot papers and other documents aforesaid and shall not enter any room or other place where they are stored for safekeeping; and

(*d*) as respects each set of ballot boxes, papers and documents, not more than one agent per candidate at any one time shall function as an observer.

1/1989 S. 10 (b).

(2) Subject to subsection (2A) and after all the ballot boxes have been received, the returning officer, at the place, date and time specified in the election notice referred to in section 22 for the final count of the votes, and in the presence of the election clerk and of such of the candidates or their representatives as are present, shall open such ballot boxes, and—

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

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

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

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

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

(2A) The Chief Electoral Officer, whenever he is satisfied that it is expedient to change the place designated for the final count, may direct the returning officer— 1/1989 S. 10(c).

(*a*) to carry out the final count of votes at such place as the Chief Electoral Officer may specify and to notify each candidate, within twenty-four hours, of the issue of such a direction; and

(*b*) to postpone for a period not exceeding forty-eight hours in any one instance, the carrying out of the final count of votes, and to forthwith communicate notice of any such postponement to each candidate.

(3) The provisions of subsection (2) of section 44 shall apply to the returning officer as they apply to the

[The inclusion of this page is authorized by L.N. 146/1999]

presiding officer except that paragraph (*a*) of that subsection shall take effect as if there were substituted for the word "him" the words "presiding officer".

(4) The provisions of subsection (6) of section 44 shall apply to the returning officer as they apply to the presiding officer except that for references in the subsection to the presiding officer there shall be substituted references to the returning officer and that the words "on the final count by the returning officer or" shall be deemed to be omitted from the section.

(5) The provisions of subsection (7) of section 44 shall apply to the returning officer as they apply to the presiding officer except—

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

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

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

[The inclusion of this page is authorized by L.N. 146/1999]

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

(8) Whenever on such final count of votes, an equality of votes is found to exist between any two or more candidates and an additional vote would entitle one of such candidates to be declared elected, the returning officer shall give such additional vote.

Provisions applicable where ballot box not returned.

46.—(1) If the ballot boxes are not returned to the returning officer by the time specified in the election notice under section 22, the returning officer shall adjourn the proceedings to a subsequent day, which shall not be more than a week later than polling day.

(2) In case the statement of the poll cannot be found and the number of votes polled for the several candidates cannot be ascertained, or if, for any other cause, the returning officer cannot, at the day and hour appointed by him for that purpose, ascertain the exact number of votes given for each candidate, he may thereupon adjourn to a future day and hour the final count of the votes given for each candidate, not being more than seventy-two hours after the time specified in the election notice under section 22.

[The inclusion of this page is authorized by L.N. 146/1999]

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

(4) For the purposes of this section the returning officer shall have all the powers of and be deemed to be a commissioner appointed under the Commissions of Enquiry Act and the provisions of section 11 of the Commissions of Enquiry Act shall apply to all persons required by the returning officer to give evidence or to produce any documents before him as they apply to persons summoned to attend and give evidence or to produce documents before a commission of enquiry under the Commissions of Enquiry Act.

Recount by Resident Magistrate.

47.—(1) If within four days after the day on which the returning officer has declared a candidate elected it is made to appear, on the affidavit of a credible witness, to the Resident Magistrate hereafter described, that a returning officer in counting the votes has improperly counted or improperly rejected any ballot papers or has made an incorrect addition of the number of ballots cast for any candidate, and if the applicant deposits within the said period with the clerk of the court of such Resident Magistrate the sum of forty dollars as security for the costs of the candidate declared elected, the Resident Magistrate shall appoint a time within four days after the receipt of the affidavit to recount the said votes.

(2) The Resident Magistrate to whom applications under this section may be made shall be the Resident

[The inclusion of this page is authorized by L.N. 146/1999]

Magistrate for the parish in which is situated the place whereat the declaration of the election was made.

(3) If applications for a recount of the votes in two or more constituencies are made under this section to the same Resident Magistrate, such Resident Magistrate shall first proceed with the recount in the constituency in respect of which the first application is made to him, and successively with the recounts in the constituency or constituencies in respect of which applications were later made, and all such recounts shall proceed continuously from day to day until the last of them has been completed.

(4) The Resident Magistrate shall appoint and give written notice to the candidates or their agents of a time and place at which he will proceed to recount the votes.

SH 23 VOL. XXIII

(5) The Resident Magistrate shall also summon the returning officer and his election clerk to attend at the time and place so appointed with the parcels containing the used and counted, the unused, the rejected, and the spoiled ballot papers, or the original statements of the poll signed by the presiding officers, as the case may be, with respect to or in consequence of which such recount is to take place.

(6) Every candidate shall be entitled to be present and to be represented by an agent at any proceedings under this section.

48.—(1) The Resident Magistrate shall proceed to make such recount by recounting all the votes or ballot papers

Manner of making recount.

returned by the returning officer, and shall open the sealed envelopes containing the used and counted, the unused, the rejected, and the spoiled ballot papers.

(2) At every recount the Resident Magistrate shall recount the votes according to the directions in this Act set forth for presiding officers at the close of the poll, and shall verify or correct the statement of the poll giving the ballot paper account and the number of votes given for each candidate; and he shall also, if necessary or required, review the decision of the returning officer with respect to the rejection of any ballot papers or to the number of votes given for a candidate at any polling place where the ballot box used was not forthcoming when the returning officer made his decision, or when the proper statements of the poll were not found therein, and for the purpose of arriving at the facts as to such missing box and the statements of the poll, the Resident Magistrate shall have all the powers of a returning officer with regard to the attendance and examination of witnesses, who in case of non-attendance shall be subject to the same consequences as in case of refusal or neglect to attend on the summons of a returning officer.

(3) If in the course of the recount any ballot paper is found with the counterfoil still attached thereto, the Resident Magistrate shall remove and destroy such counterfoil. He shall not reject the ballot by reason merely of the presiding officer's failure to remove the counterfoil, nor shall he reject any ballot paper by reason merely of the presiding officer's failure to affix his initials to such ballot paper.

(4) The Resident Magistrate shall, as far as practicable, proceed continuously, except on Sunday with the recount, allowing only necessary adjournments for rest and refreshment, and excluding the hours between six

[The inclusion of this page is authorized by L.N. 146/1999]

o'clock in the afternoon and nine in the succeeding forenoon.

(5) During such adjournments the ballot papers and other documents shall be kept enclosed in parcels under the seals of the Resident Magistrate.

(6) The Resident Magistrate shall personally supervise such parcelling and sealing and take all necessary precautions for the security of such papers and documents.

(7) The Resident Magistrate shall thereupon declare the recount at an end, seal up all the ballot papers in separate packages, and forthwith certify the result of the recount to the returning officer, who shall forthwith in writing declare to be elected the candidate so certified as having the highest number of votes. Such declaration shall be communicated to candidates, in the same way as the prior declaration made under subsection (7) of section 45 and shall be deemed for all purposes to have been substituted therefor, whether it is the same as such prior declaration or different therefrom.

(8) In case of an equality of votes the returning officer, notwithstanding that he may have already voted pursuant to subsection (8) of section 45, shall have and cast another or deciding vote.

(9) If the recount does not so alter the result of the poll as to affect the return, the Resident Magistrate shall—

(*a*) order the costs of the candidate appearing to be elected to be paid by the applicant;

(*b*) tax such costs, following as closely as possible the tariff of costs allowed with respect to proceedings in the Resident Magistrate's Court.

(10) The moneys deposited as security for costs shall, so far as necessary, be paid out to the candidate in whose favour costs are awarded and if the said deposit is

[The inclusion of this page is authorized by L.N. 50/1990]

insufficient the party in whose favour the costs are awarded shall have his action for the balance.

Election return.

49.—(1) Subject to the provisions of section 47, the returning officer upon the seventh day next following that upon which he has made the final count of or ascertained the number of votes given for each candidate, shall transmit to the Chief Electoral Officer—

Second Schedule. Form 21.

(*a*) the election writ with his return in the form set out in the Second Schedule endorsed thereon that the candidate having the majority of votes has been duly elected;

(*b*) a report of his proceedings in the form prescribed by the Chief Electoral Officer;

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

(*d*) the statements of the polls;

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

(*f*) the returns from the various polling stations enclosed in sealed envelopes, as prescribed by this Act, and containing the poll book used at the poll, a packet of stubs and of unused ballot papers, packets of ballot papers cast for the several candidates, a packet of spoiled ballot papers, a packet of rejected ballot papers and a packet containing the official list of electors used at the poll, and the written appointments of candidates' agents; and

(*g*) all other documents used for the election.

[The inclusion of this page is authorized by L.N. 50/1990]

(2) In case of such receipt of notice of recount the returning officer shall delay transmission of such return and report until he shall have received from the Resident Magistrate a certificate of the result of such recount, whereupon he shall transmit the same.

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

(3A) The returning officer shall transmit the equipment referred to in section 37 (2) to the Chief Electoral Officer who shall keep such equipment safely in his custody. 18/1980 S. 9.

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

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

(6) The Chief Electoral Officer shall, immediately after each general election, cause to be printed a report giving, by polling divisions, the number of votes polled for each candidate, the number of rejected ballots, the number of names on the official list of electors, together with any other information that he may deem fit to include; and shall also, at the end of each year, cause to be printed a similar report on the by-elections held during the year. 22/1957 S. 4 (b).

[The inclusion of this page is authorized by L.N. 146/1999]

Penalty for delay, neglect or refusal of returning officer to return elected candidate.

50. If any returning officer wilfully delays, neglects or refuses duly to return any person who ought to be returned to serve in the House of Representatives for any constituency, and if it has been determined on the hearing of an election petition respecting the election for such constituency that such person was entitled to have been returned, the returning officer who has so wilfully delayed, neglected or refused duly to make such return of his election shall forfeit to the person aggrieved the sum of one thousand dollars and costs in addition to all damages sustained.

Custody of ballot boxes.

51.—(1) Forthwith upon making the return to the writ in accordance with the provisions of section 49, the returning officer shall cause the ballot boxes used thereat, with their locks and keys, to be deposited in the custody of the Chief Electoral Officer or such other person as he may direct who shall store the ballot boxes with their locks and keys at such place as the Chief Electoral Officer may deem appropriate.

28/1997 S. 6.

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

Custody of election documents by Chief Electoral Officer.

52.—(1) The Chief Electoral Officer shall retain in his possession the election documents or election papers, as defined by section 2, transmitted to him by any returning officer, with the return to the writ, for at least one year, if the election is not contested during that time, and, if the election is contested, then for one year after the termination of such contest.

1/1989 S. 12 (a).

(2) Subject to subsection (8), no such election documents or election papers in the custody of the Chief Electoral Officer shall be inspected or produced except under the

8/1963 S. 21.

[The inclusion of this page is authorized by L.N. 146/1999]

order of a judge of the Supreme Court or of the Court of Appeal.

(3) An order under subsection (2) may be made by the judge on being satisfied by evidence on oath that the inspection or production of such election documents or election papers is required for the purpose of instituting or maintaining a prosecution for an offence in relation to an election, or for the purpose of a petition which has been filed questioning an election or return.

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

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

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

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

1/1989 S. 2 (b).

(8) The Electoral Advisory Committee established under the Representation of the People (Interim Electoral Reform) Act may undertake an inspection of election documents and election papers—

(*a*) without an order of a judge if—

[The inclusion of this page is authorized by L.N. 88/2003]

(i) the Chairman of the Committee gives to each other member of the Committee not less than seven days' notice of the date, time and place at which the inspection shall take place;

(ii) the period for the filing of a petition has expired; and

(iii) no document or paper is removed from the custody of the Chief Electoral Officer and no copy or photograph of any such document or paper is made; and

(*b*) in conformity with an order of a judge under this section, if a petition is filed but not yet determined.

28/1997 S. 7.

PART VA. *Voiding of Taking of a Poll*

Provisions relating to voiding of a poll.

52A.—(1) Where after the taking of a poll the Constituted Authority or a candidate is of the opinion that during the taking of the poll circumstances existed which could constitute grounds as specified in section 37 of the Election Petitions Act, the Constituted Authority may, on its own motion or at the request of the candidate, make an application under that section to the Election Court to have the taking of the poll declared void.

(2) The Constituted Authority may, before making an application under subsection (1) on its own motion, request a returning officer to furnish it with such reports as are necessary to determine that an application ought to be made and the returning officer shall furnish the Constituted Authority with such reports.

(3) A candidate who is desirous of having the Constituted Authority make an application on his behalf to the Election Court shall, within fourteen days of the taking of the poll, make such request and shall furnish the Constituted Authority with such evidence on which he relies, which shall be by affidavit, so that the

28/2002 S. 5 (a).

28/2002 S. 5 (b).

[The inclusion of this page is authorized by L.N. 88/2003]

Constituted Authority may determine whether an application ought to be made.

(4) Where the Constituted Authority makes an application to the Election Court, until the determination of the matter, the returning officer shall not act in any manner contrary to the provisions of section 45 (7).

(5) During the period from which the filing of an application is made to the Election Court to the determination of the application, a candidate declared elected under section 45 (7) shall, subject to sections 47, 48 and 49, be entitled to become a member.

(6) A request by a candidate pursuant to subsection (1) shall be without prejudice to any right enjoyed by that candidate under section 3 (*b*) of the Election Petitions Act.

Period within which poll to be retaken after being declared void.

52B. Where the taking of a poll is declared void by the Election Court under section 36 (1) (*b*) (i) of the Election Petitions Act, the poll shall be retaken on such day within a period of twenty-eight days from the date of the declaration or so soon after such period as the Constituted Authority may deem reasonably practicable.

PART VI. *Financial Provisions*

Election agents and sub-agents.

53.—(1) On or before nomination day each candidate or prospective candidate shall give notice in writing to the returning officer appointing either himself or some other person as his election agent and specifying an address within the constituency to which all claims, notices, writs, summonses and documents may be sent, addressed to the candidate or to his agent.

[The inclusion of this page is authorized by L.N. 146/1999]

(2) Every candidate may at any time give notice in writing to the returning officer revoking the appointment of his agent and in the event of such revocation, or of the death of the agent, whether such event is before, during or after the election, then forthwith another election agent shall be appointed and his name and address declared in writing to the returning officer.

(3) Every election agent appointed under sub-section (1) may act in relation to any matter required to be done in any polling division by a sub-agent, and anything done for the purposes of this Act by or to a sub-agent in his polling division shall be deemed to be done by or to the election agent and any act or default of a sub-agent, which, if he were the election agent, would be an illegal practice or other offence against this Act, shall be an illegal practice and offence against this Act committed by the sub-agent, and the sub-agent shall be liable to punishment accordingly; and the candidate shall suffer the like incapacity as if the said act or default had been the act or default of the election agent.

(4) Not later than one clear day before the poll the election agent shall declare in writing the name and address of every sub-agent to the returning officer.

(5) The appointment of a sub-agent shall not be vacated by the election agent who appointed him ceasing to be election agent, but may be revoked by the election agent for the time being of the candidate, and in the event of such revocation or of the death of a sub-agent another sub-agent may be appointed, and his name and address

shall be forthwith declared in writing to the returning officer, who shall forthwith give public notice of the same.

(6) Every document delivered to the address referred to in the notice under subsection (1) shall be deemed to have been duly served upon the election agent and every election agent may, in respect of any matter connected with the election for which he is acting, be sued in any court having jurisdiction over the place where such address is situated.

Making of contracts and payment of expenses through election agents.

54.—(1) The election agent of a candidate by himself or by his sub-agent shall appoint every sub-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 expenses are incurred on account of or in respect of the conduct or management of an election shall not be enforceable against a candidate at such election unless made by the candidate himself or by his election agent, either by himself or by his sub-agent:

Provided that the inability under this section to enforce such contract against the candidate shall not relieve the candidate from the consequences of any illegal practice having been committed by his agent.

(3) Except as permitted by or in pursuance of this Act, no payment and no advance or deposit shall be made by a candidate at an election or by any agent on behalf of the candidate or by any other person at any time, whether

before, during, or after such election, in respect of any expenses incurred on account of or in respect of the conduct or management of such election, otherwise than by or through the election agent of the candidate, whether acting in person or by a sub-agent; and all money provided by any person other than the candidate for any expenses incurred on account of or in respect of the conduct or management of the election, whether as gift, loan, advance, or deposit, shall be paid to the candidate or his election agent and not otherwise:

Provided that this section shall not be deemed to apply to a tender of security or any payment by the returning officer or to any sum disbursed by any person out of his own money for any small expense legally incurred by himself, if such sum is not repaid to him.

Total amount of expenditure that may be incurred. 23/2011 S. 6.

55.—(1) Subject to the provisions of subsection (2), no expenditure shall be incurred in relation to the candidature of any person at any election in excess of ten million dollars.

(2) In determining the total expenditure incurred in relation to the candidature of any person at any election regard shall not be had—

(*a*) to the deposit required to be made by the candidate under paragraph (*b*) of subsection (5) of section 23; or

(*b*) to any expenditure incurred before the issue of the writ for the election in respect of services rendered or materials supplied before the issue of such writ.

[The inclusion of this page is authorized by L.N. 92c/2012]

Who may incur election expenditure.

56.—(1) No expenditure shall be incurred in respect of the candidature of any person at any election except by the candidate, or his agent, or some person authorized in writing by the agent.

(2) Every person who contravenes subsection (1) shall be guilty of an offence and, upon summary conviction thereof before a Resident Magistrate, shall be liable to a fine not exceeding one hundred dollars or to be imprisoned for any term not exceeding six months.

Expenditure that may be incurred by candidate.

57. No payments shall be made by any candidate to any person other than his agent in connection with his candidature at any election except—

(*a*) expenditure for his personal living expenses during the period of the election to an amount not exceeding ten thousand dollars; and 1/1989 S. 14 (a).

(*b*) petty expenditure to an amount not exceeding two thousand dollars: 1/1989 S. 14 (b).

Provided that this section shall not apply to any candidate who is his own official agent.

Who may incur expenditure.

58.—(1) No expenditure shall be incurred in respect of the candidature of any candidate at any election, by any person authorized in writing by the agent of such candidate, in excess of the amount specified in the authorization.

(2) Every person who contravenes subsection (1) shall be guilty of an offence and, upon summary conviction thereof before a Resident Magistrate, shall be liable to a fine not exceeding one hundred dollars or to be imprisoned for any term not exceeding six months.

Consequences of unauthorized expenditure.

59.—(1) Subject to the provisions of subsection (2), where any expenditure is incurred in contravention of the

[The inclusion of this page is authorized by L.N. 146/1999]

provisions of section 55, 56, 57 or 58, the person by whom such expenditure was incurred and the candidate in connection with whose candidature it was incurred shall, in addition to any other penalty to which either of them may be liable, be deemed to be guilty of an illegal practice.

(2) No candidate shall be deemed to be guilty of an illegal practice by reason of any other person having incurred any expenditure in connection with the candidature of the candidate in contravention of any of the provisions of section 55, 56 or 58 if the candidate proves affirmatively that such expenditure was incurred without his knowledge or consent and that he took all reasonable steps to prevent the incurrence of such expenditure.

Election agent to make a return.

60.—(1) Within six weeks after election day every election agent shall make an election return to the returning officer for the constituency in which he acted as an election agent.

(2) Every return made under this section shall contain a full statement under the appropriate head specified in the return of all expenditure incurred in connection with the election by or on behalf of the candidate by whose election agent the return is made and shall be supported by vouchers for all payments in excess of four dollars.

(3) Every return made under this section shall contain a full statement of all moneys, securities, or the equivalent of money, received by the election agent from the candidate or from any other source in connection with the election.

1/1989 S. 15 (a). Second Schedule. Form 22.

(4) Every return under subsection (1) shall be in the prescribed form and shall be sworn to before a Justice by the agent by whom it is made.

(5) Every return under this section shall be supported by a declaration sworn to before a Justice by the candidate stating—

[The inclusion of this page is authorized by L.N. 146/1999]

(*a*) that the return fully and accurately sets out all payments made by the candidate himself; and

(*b*) that to the best of his knowledge, information and belief the return is a full and accurate return of all expenditure incurred by any person and of all moneys, securities or the equivalent of money received by the election agent from any source in connection with the election:

Provided that where a candidate acts as his own agent this subsection shall not apply.

(6) [*Deleted by Act 1 of 1989.*]

(7) The returning officer, within ten days after he receives any return under this section, shall publish a summary thereof in a daily newspaper accompanied by a notice of the time and place at which the return and the documents in support thereof can be inspected.

Period for sending in claims and making payments for election expenses.

61.—(1) Every claim against a candidate at an election or his election agent in respect of any expenses incurred on account of or in respect of the conduct or management of such election which is not sent in to the election agent within twenty-one days of the date upon which the expenses were incurred shall be barred and shall not be paid; and an election agent who pays a claim which is barred under this section shall be guilty of an illegal practice.

(2) All expenses incurred by or on behalf of a candidate at an election, which are incurred on account of or in respect of the conductor or management of such election, shall be paid within six weeks next after election day and not otherwise; and an election agent who makes a payment in contravention of this provision shall be guilty of an illegal practice.

PART VII. *Administrative Provisions*

Chief Electoral Officer.

62. The Governor-General shall appoint a Chief Electoral Officer and such other officers as may be necessary to

[The inclusion of this page is authorized by L.N. 146/1999]

assist the Chief Electoral Officer in the discharge of his duties.

Powers and duties of Chief Electoral Officer.

63. The Chief Electoral Officer shall—

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

(*b*) issue to election officers such instructions as from time to time he may deem necessary to ensure effective execution of the provisions of this Act; and

(*c*) execute and perform all other powers and duties which in this Act are imposed upon him.

Returning officer. 54/1963 S. 12.

64.—(1) The Governor-General may appoint for each constituency a returning officer who shall receive such remuneration as may be prescribed.

(2) Forthwith upon his appointment each returning officer shall take and subscribe an oath in the form set out in the Second Schedule and shall transmit such oath to the Chief Electoral Officer.

Second Schedule. Form 23.

(3) Forthwith upon taking the oath referred to in subsection (2), the returning officer shall establish an office in the constituency in respect of which he is appointed and shall cause an advertisement to be inserted in a daily newspaper specifying the place at which he has established his office.

Assistant returning officer. 54/1963 S. 12. 5/1983 S. 2. 31/1996 S. 18(a)(b).

65.—(1) The Governor-General shall appoint an assistant returning officer for each constituency who shall receive such remuneration as may be prescribed.

(2) Forthwith upon his appointment the assistant returning officer shall take an oath in the form set out

[The inclusion of this page is authorized by L.N. 146/1999]

in the Second Schedule and shall transmit such oath to the Chief Electoral Officer. Second Schedule. Form 24.

(3) If at any time between the issue of a writ for an election and the declaration of the result of that election, the returning officer dies or becomes incapable of performing his duties as such, the assistant returning officer shall forthwith report the fact to the Chief Electoral Officer and shall discharge all the duties and enjoy all the powers of the returning officer until some other returning officer is appointed or the returning officer ceases to be incapable of performing his duties, as the case may be. 31/1996 S. 18 (b).

66.—(1) Forthwith upon the assistant returning officer commencing to discharge the duties of the returning officer in accordance with section 65 the Governor-General shall appoint a substitute assistant returning officer who, unless sooner removed, shall perform all the duties and exercise all the powers of the assistant returning officer until such time as the assistant returning officer ceases to perform the duties and to exercise the powers of the returning officer. Substitute assistant returning officer. 54/1963 S. 12. 31/1996 S. 18 (a)(b).

(2) Forthwith upon commencing to discharge the duties of the assistant returning officer the substitute assistant returning officer shall take the oath required by section 65 to be taken by the assistant returning officer. 31/1996 S. 18(b).

[The inclusion of this page is authorized by L.N. 92c/2012]

54/1963 S. 12. 31/1996 S. 18(b).

(3) The substitute assistant returning officer shall receive in respect of his services as such, such sum as may be prescribed.

Presiding officer. 54/1963 S. 12.

67.—(1) The Governor-General shall appoint a presiding officer for each polling station in each constituency who shall receive such fee as may be prescribed.

Second Schedule. Form 25.

(2) Forthwith upon his appointment the presiding officer shall take an oath in the form set out in the Second Schedule and shall transmit such oath to the returning officer.

Poll clerks. 54/1963 S. 12.

68.—(1) The Governor-General shall appoint a poll clerk for each polling station in each constituency who shall receive such fee as may be prescribed.

Second Schedule. Form 26.

(2) Forthwith upon his appointment every poll clerk shall take an oath in the form set out in the Second Schedule and shall transmit such oath to the returning officer.

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

[The inclusion of this page is authorized by L.N. 92c/2012]

(4) Every person appointed to act as poll clerk under subsection (3) shall forthwith take the oath of a poll clerk.

Oaths to be taken before Justice, returning officer, presiding officer or poll clerk.

69. Every election officer and every person who is required by this Act to take any oath or affirmation may take such oath or affirmation either before a Justice or before any returning officer or presiding officer or poll clerk appointed in accordance with the provisions of this Act and every such returning officer, presiding officer and poll clerk is hereby authorized and empowered to administer any oaths or affirmation required by this Act to be made or taken by any election officer or other person.

PART VIII. *Election Offences*

Providing of money for illegal practice or payment to be illegal payment.

70. Where a person knowingly provides money for any payment which is contrary to the provisions of this Act, or for any expenses incurred in excess of any maximum amount allowed by this Act, or of replacing any money expended in any such payment or expenses, except where the same may have been previously allowed in pursuance of this Act to be an exception, such person shall be guilty of illegal payment.

[The inclusion of this page is authorized by L.N. 92c/2012]

71. [*Repealed by Act 23 of 2011.*].

72. [*Repealed by Act 23 of 2011.*].

73. [*Repealed by Act 23 of 2011.*].

74. [*Repealed by Act 23 of 2011.*].

Conveyance of non-voters. 28/1997 S. 8.

75.—(1) Subject to the provisions of subsection (3), a person shall not either let, lend or employ or hire, borrow or use or drive any motor vehicle or animal drawn vehicle for the purpose of conveying into or within any constituency during election therein within a period of three hours before

[The inclusion of this page is authorized by L.N. 92c/2012]

the hour appointed for the opening of the poll and one hour after the closing thereof, any persons not registered as electors in such constituency for the purpose of supporting or opposing the candidature of any individual against any other or others at such election and if— 28/1997 S. 8(a)(ii).

(*a*) he is a candidate in such constituency he shall be guilty of an offence against this section;

(*b*) he is a person other than a candidate referred to in paragraph (*a*) he shall be guilty of an illegal hiring and shall be guilty of an illegal practice.

(2) Where any motor vehicle or any animal drawn vehicle is let, lent, employed, hired, borrowed, used or driven for the purpose of the conveyance into or within any constituency during an election therein within a period of three hours before the hour appointed for the opening of the poll and one hour after the closing thereof of any persons not registered as electors in such constituency it shall be presumed until the contrary is proved that such motor vehicle or animal drawn vehicle was let, lent, employed, hired, borrowed, used or driven for the purpose of supporting or opposing the candidature of an individual against some other or others at the election. 28/1997 S. 8(b).

(3) Nothing in this section shall prevent the conveyance— 28/1997 S. 8(c).

[The inclusion of this page is authorized by L.N. 92c/2012]

(*a*) into or within any constituency of—

(i) any election officer; or

(ii) any election agent duly appointed by a candidate in such constituency or any sub-agent duly appointed by such agent; or

(iii) any person who has reasonable grounds for believing that he is registered as a voter in such constituency;

(*b*) of a candidate into or within the constituency for which he is a candidate at any election taking place in the constituency on that day:

Provided that in any prosecution under this section the burden of proving that any person so conveyed is one of the persons aforesaid shall be on the person charged.

28/2002 S. 6.

(3A) A candidate who is conveyed into or within the constituency for which he is a candidate pursuant to subsection (3) (*b*) shall, on visiting any premises within the constituency on which a polling station is located, be accompanied by no more than five persons, including any security personnel who is assigned to him.

(3B) No person, other than the security personnel who accompanies a candidate under subsection (3A), shall accompany the candidate into the polling station unless that person is in the polling station to poll his vote. 28/2002 S. 6.

(4) Any candidate who contravenes subsection (1) or subsection (3) (*b*) shall be guilty of an offence against this section and on summary conviction before a Resident Magistrate shall be liable to a fine not exceeding five hundred thousand dollars and in default of payment thereof to imprisonment with or without hard labour for a term not exceeding three years. 28/1997 S. 8 (c).

76.—(1) It shall be lawful for a constable to stop any motor vehicle or animal drawn vehicle which he has reason to believe is being driven or has been driven contrary to the provisions of section 75 and to question the driver of or any passenger in or upon such vehicle, whether stopped on his instructions or not, with a view to determining whether a breach of any of such section is being or has been committed. Power to question passengers and detain vehicles. 23/2011 S. 8(a)(*i*).

(2) If as the result of the questioning referred to in subsection (1) it reasonably appears to a constable that a breach 1/1989 S. 16.

[The inclusion of this page is authorized by L.N. 92c/2012]

23/2011 S. 8(b).

of section 75 may have been committed, he shall require the driver to drive the vehicle to the nearest police station where it shall be detained until he, or in his absence some other

23/2011 S. 8(b).

constable, is satisfied that no breach of section 75 has been committed or until one hour after the closing of the poll, whichever is the earlier.

(3) Any driver of any such vehicle who, upon being required to do so in accordance with the provisions of subsection (2), refuses or fails to drive such vehicle to the nearest police station shall be guilty of an offence against this section and shall be guilty of an illegal practice and on summary conviction before a Resident Magistrate shall

31/1996 S. 19(a).

be liable to a fine not exceeding forty thousand dollars or in default of payment thereof to be imprisoned with or without hard labour for any term not exceeding six months.

(4) Any driver of any such vehicle or any passenger in or upon such vehicle who refuses or fails to answer questions lawfully put to him by a constable under the provisions of subsection (1) shall be guilty of an offence against this section and on summary conviction before a

Resident Magistrate shall be liable to a fine not less than five thousand dollars nor more than twenty thousand dollars and in default of payment thereof to imprisonment with or without hard labour for a term not exceeding six months. 31/1996 S. 19(b).

Maintenance of order at polling stations. 31/1996 S. 20(a)(i)(ii).

77.—(1) Subject to the provisions of subsection (2) during the hours when the poll is open upon election day no persons shall assemble or congregate or have in his possession any weapon or noxious substance which is capable of inflicting or causing injury within one hundred metres of any premises in which is situated any polling station.

(2) This section shall not apply—

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

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

(*c*) to any outdoor agent lawfully appointed and acting in conformity with section 41A;

(*d*) to any member of the— 31/1996 S. 20(b)(ii).

(i) Jamaica Constabulary Force;

[The inclusion of this page is authorized by L.N. 146/1999]

(ii) Island Special Constabulary Force;

(iii) Rural Police; or

(iv) Jamaica Defence Force,

who is lawfully at a polling station in the execution of his duty.

(3) Every person who contravenes or fails to comply with the provisions of this section shall be guilty of an offence against this section and shall be liable on summary conviction before a Resident Magistrate—

31/1996 S. 20(c).

(*a*) in the case of a person who assembles or congregates, to a fine not less than five thousand dollars nor more than twenty thousand dollars or to imprisonment with or without hard labour for a term not exceeding six months or to both such fine and imprisonment; or

(*b*) in the case of a person who has in his possession a weapon or noxious substance, to a fine not less than twenty thousand dollars nor more than eighty thousand dollars or to imprisonment for a term no less than two years nor more than five years or to both such fine and imprisonment.

Failure of member to comply with lawful request of presiding officer. 31/1996 S. 21.

77A.—(1) Where at a polling station a presiding officer requests the assistance of a member of the Jamaica Constabulary Force, the Island Special Constabulary Force, the Rural Police or the Jamaica Defence Force who is lawfully at that polling station in the execution of his duty and the

[The inclusion of this page is authorized by L.N. 146/1999]

member wilfully fails to give such assistance, that member shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding thirty thousand dollars or to imprisonment for a term not exceeding three years; and the Resident Magistrate may, in addition to such fine or imprisonment, order that the member be disqualified from carrying out any duties at any polling station and from being employed in any position of election officer for a period of at least seven years from the date of conviction.

(2) No proceedings under subsection (1) shall be commenced without the consent of the Director of Public Prosecutions.

Influencing of electors to vote for any candidate. 1/1989 S. 18. 31/1996 S. 22(a).

78.—(1) During the hours that the poll is open upon election day no person (including a person appointed an outdoor agent) shall upon any public road or in any public place within one hundred metres of any premises in which a polling station is situated seek to influence any elector to vote for any candidate or to ascertain for what candidate any elector intends to vote or has voted.

31/1996 S. 22(b).

(1A) No person who is a member of the Jamaica Constabulary Force, the Island Special Constabulary Force, the Rural Police or the Jamaica Defence Force shall, while acting in the execution of his duty during an election, seek to influence any elector to vote for any candidate or in any manner seek to improperly influence the outcome of any election.

[The inclusion of this page is authorized by L.N. 146/1999]

31/1996 S. 22(c)(i)(ii).

(2) Every person who contravenes the provisions of subsection (1) shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not less than ten thousand dollars or to imprisonment for any term not exceeding twelve months or to both such fine and such imprisonment.

31/1996 S. 22(d).

(3) Any person who contravenes the provisions of subsection (1A) shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not less than fifty thousand dollars nor more than two hundred thousand dollars or to imprisonment for a term not exceeding five years or to both such fine and imprisonment.

Corrupt withdrawal from a candidature.

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

80. [*Repealed by Act 18 of 1980.*]

Notice of election meetings. 31/1996 S. 23(a).

81.—(1) No person shall, during an election, call together, hold or address any election meeting or hold an election march or election motorcade in any public place—

(*a*) unless notice of the intention to do so has been given not less than eight hours before the commencement thereof to the Officer or Sub-officer of

[The inclusion of this page is authorized by L.N. 146/1999]

Police in charge of the parish in which that place is situated or to the Sub-officer of Police in charge of the Police Station nearest to that place; or

(*b*) within twenty-four hours of the time fixed for the opening of the poll on election day.

(2) Every notice under subsection (1) shall specify—

(*a*) the person in support of whose candidature the meeting is to be held;

(*b*) the place and approximate time at which such meeting is to commence.

(3) Every person who contravenes subsection (1) shall be guilty of an offence against this section and, on summary conviction before a Resident Magistrate, shall be liable to a fine not less than ten thousand dollars nor more than forty thousand dollars or in default of payment to be imprisoned for a term not exceeding thirty days. 31/1996 S. 23(b).

(4) In this section "public place" means any street, road, lane or highway and any park, garden, field or sea beach to which the public has access whether as of right or upon payment of any sum of money or otherwise.

Name and address of printer on placard.

82. Every bill, placard, or poster, having reference to an election shall bear upon the face thereof the name and address of the printer or publisher thereof; and any person printing, publishing, or posting, or causing to be printed, published, or posted, any such bill, placard, or poster, as aforesaid, which fails to bear upon the face thereof the name and address of the printer and publisher shall be liable on summary conviction before a Resident Magistrate to a fine not less than five thousand dollars nor more than twenty thousand dollars and in default of payment to imprisonment with or without hard labour for a term not exceeding twelve months and shall if a candidate, or election agent of a candidate, be guilty of an illegal practice. 31/1996 S. 24.

[The inclusion of this page is authorized by L.N. 96/1998]

83. [*Repealed by Act 31 of 1996.*]

Certain licensed premises to be closed. 37/1968 S. 2.

84.—(1) The holder of a town retail licence or a village retail licence or a tavern licence, granted under the Spirit Licence Act, shall cause the licensed premises to be closed to the public on election day during the period beginning one hour before the hour appointed for the opening of the poll and ending six hours after the closing of the poll.

(2) The holder of a wholesale licence or a town-off licence or a hotel licence or a special hotel licence or a club licence, granted under the Spirit Licence Act, shall not sell or cause to be sold any alcoholic liquor on election day during the period beginning one hour before the hour appointed for the opening of the poll and ending six hours after the closing of the poll.

(3) Any person who contravenes the provisions of this section shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not less than five thousand dollars nor more than twenty thousand dollars and in default of payment to imprisonment with or without hard labour for a term not exceeding six months.

31/1996 S. 26.

(4) In subsection (1) "licensed premises" has the meaning which it has in the Spirit Licence Act.

Punishment of illegal payment or hiring. 31/1996 S. 27.

85.—(1) A person guilty of an offence of illegal hiring or illegal payment shall, on summary conviction before a Resident Magistrate, be liable to a fine not less than ten thousand dollars nor more than forty thousand dollars and in default of payment to imprisonment with or without hard labour for a term not exceeding twelve months.

(2) A candidate or an election agent of a candidate who is personally guilty of an offence of illegal hiring contrary to the provisions of section 83 or of illegal payment shall be guilty of an illegal practice.

[The inclusion of this page is authorized by L.N. 96/1998]

86. Every person who not being a qualified person, makes any claim for inclusion in any official list shall be guilty of an offence against this section and upon summary conviction before a Resident Magistrate shall be liable to a fine not exceeding twenty thousand dollars or to be imprisoned with or without hard labour for a term not exceeding two years or to both such fine and imprisonment, unless he proves that at the time of making the claim he believed on reasonable grounds that he was a qualified person.

Making claim knowing it to be false. 54/1963 S. 7. 1/1989 Sch. 31/1996 S. 28(a)(b).

87.—(1) Every person who—

(*a*) obtains without lawful or reasonable cause (the proof of which shall be established by such person), the identification card of any other person or any other prescribed document establishing identity; or

(*b*) wilfully damages or destroys any identification card or any other prescribed document establishing identity,

shall be guilty of an offence and on summary conviction before a Resident Magistrate shall be liable to imprisonment with or without hard labour for a term not exceeding two years and in addition thereto to a fine not exceeding twenty thousand dollars or on conviction before a Circuit Court shall be liable to imprisonment with hard labour for a term not exceeding five years.

Unlawfully obtaining or destroying identification documents. 54/1963 S. 8.

1/1989 Sch. 31/1996 S. 29.

(2) Any person who by means of any statement which he either knows to be false or has no reasonable cause to believe to be true obtains or attempts to obtain any identification card or any other prescribed document establishing identity shall be guilty of an offence and on summary conviction before a Resident Magistrate shall be liable to imprisonment with or without hard labour for a term not exceeding two years and in addition thereto, to a

1/1989 Sch.

SH 252 VOL XXIII

[The inclusion of this page is authorized by L.N. 96/1998]

31/1996 S. 29.

fine not exceeding twenty thousand dollars, or on conviction before a Circuit Court shall be liable to imprisonment with hard labour for a term not exceeding five years.

Wilfully damaging certain articles and equipment. 54/1963 S. 8. 31/1996 S. 30(a)(b)(c).

88. Every person who wilfully damages or destroys or without lawful authority takes away any camera or any other equipment, article or material of whatever kind used in the registration of electors or who attempts or aids and abets any person to damage or destroy or without lawful authority to take away any such camera or other equipment, article or material of whatsoever kind shall be guilty of an offence and on summary conviction before a Resident Magistrate shall be liable to a fine not exceeding twenty thousand dollars and to imprisonment with or without hard labour for a term not exceeding three years and in addition to such imprisonment shall be liable to a fine not exceeding fifty thousand dollars, or on conviction before a Circuit Court shall be liable to imprisonment with hard labour for a term not exceeding five years and in addition to such imprisonment shall be liable to such fine, not being less than ten thousand dollars, as the Court may impose.

1/1989 Sch. 31/1996 S. 30(d).

1/1989 Sch. 31/1996 S. 30(e).

Obstruction of election officers, etc. 18/1980 S. 12.

88A. Every person who—

(*a*) threatens or assaults an election officer or obstructs such officer in the lawful exercise of his duties; or

(*b*) wilfully destroys or causes damage to, or takes away, without lawful authority any equipment, article, material or document used in, or provided for use in the conduct of, any election; or

31/1996 S. 31(b).

(*c*) attempts to commits or aids and abets any person in the commission of an offence under paragraph (*a*) or (*b*),

shall be guilty of an offence and, on summary conviction before a Resident Magistrate, be liable to a fine not exceeding twenty thousand dollars or to imprisonment with or without hard labour for a term not exceeding three years.

31/1996 S. 31(c)(d).

89. Every person who wilfully mutilates, tears down, destroys or obscures any official list or any notice published in accordance with the provisions of this Act or who makes any alteration in any copy of an official list or notice so published shall be guilty of an offence against this section and upon summary conviction before a Resident Magistrate shall be liable to a fine not exceeding ten thousand dollars or to be imprisoned with hard labour for any term not exceeding twelve months.

Mutilating or altering notices and lists. 22/1957 S. 4 (b). 54/1963 S. 12 (b). 31/1996 S. 32(a)(b).

90.—(1) Every person who makes before a returning officer any statement upon oath or any solemn affirmation which he knows to be false or does not believe to be true shall be guilty of an offence and upon summary conviction before a Resident Magistrate shall be liable to imprisonment with hard labour for a term not exceeding three years, and in addition to such imprisonment shall be liable to a fine not exceeding twenty thousand dollars.

False statements before returning officer and false objections by scrutineers. 54/1963 S. 9. 31/1996 S. 33(a)(i)(ii).

(2) Every scrutineer who objects to the registration of any person as an elector on grounds which he knows to be false shall be guilty of an offence and on summary conviction before a Resident Magistrate shall be liable to be imprisoned for a term not exceeding three years and in addition thereto to a fine not exceeding ten thousand dollars.

31/1996 S. 33(b)(i)(ii). 1/1989 Sch.

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

Bribery and treating.

(*a*) every person who directly or indirectly, by himself or by any other person on his behalf, gives, lends, or agrees to give or lend, or offers, promises, or promises to procure or endeavour to procure, any money or valuable consideration to or for any voter or to or for any person on behalf of any voter, or to or for any person in order to induce any voter to vote or refrain from voting, or cor-

ruptly does any such act as aforesaid on account of such voter having voted or refrained from voting at any election;

(*b*) every person who directly or indirectly, by himself or by any other person on his behalf, gives or procures, or agrees to give or procure, or offers, promises, or promises to procure or to endeavour to procure any office, place or employment, to or for any voter, or to or for any person on behalf of any voter, or to or for any other person in order to induce such voter to vote or refrain from voting, or corruptly does any such act as aforesaid on account of any voter having voted or refrained from voting at any election;

(*c*) every person who directly or indirectly, by himself or by any other person on his behalf makes any such gift, loan, offer, promise, procurement or agreement as aforesaid, to or for any person, in order to induce such person to procure or endeavour to procure the return of any person as an elected member of the House of Representatives, or the vote of any voter at an election;

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

(*e*) every person who advances or pays, or causes to be paid, any money to or to the use of another person with the intent that such money or any part thereof, shall be expended in bribery at any election, or who knowingly pays or causes to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any election;

[The inclusion of this page is authorized by L.N. 96/1998]

(*f*) every voter who, before or during any election, directly or indirectly, by himself or by any other person in his behalf, receives, agrees or contracts for, any money, gift, loan or valuable consideration, office, place or employment, for himself or for any person for voting or agreeing to vote or for refraining or agreeing to refrain from voting, at any election;

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

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

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

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

Undue influence.

92. Every person who directly or indirectly by himself or by any other person on his behalf makes use of, or threatens to make use of, any force, violence, or restraint, or inflicts, or threatens to inflict, by himself or by any other person, any temporal or spiritual injury, damage,

harm or loss, upon or against any person, in order to induce or compel such person to vote or refrain from voting, or on account of such person having voted or refrained from voting, at any election, or who by abduction, duress or any fraudulent contrivance, impedes or prevents the free exercise of the franchise of any elector, or thereby compels, induces or prevails upon, any elector either to give or refrain from giving his vote at any election, shall be guilty of undue influence within the meaning of this Act.

Personation.

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

Penalty for bribery, treating or undue influence. 18/1980 S. 13. 31/1996 S. 34(a)(b).

94. Every person who is guilty of bribery, treating or undue influence, shall, on summary conviction before a Resident Magistrate, be liable to a fine not less than twenty thousand dollars nor more than eighty thousand dollars or to imprisonment, with or without hard labour, for a term not less than three years nor more than five years; and the Resident Magistrate may, in addition to such fine and imprisonment order that the person be disqualified from holding any post of election officer for a period not less than seven years from the date of conviction.

Penalty for personation. 55/1953 S. 5. 54/1963 S. 12. 31/1996 S. 35(a).

95. Every person who is guilty of personation, or of aiding, abetting, counselling or procuring the commission of the offence of personation shall be guilty of felony, and on conviction thereof before a Resident Magistrate be liable to a fine not less than ten thousand dollars nor more than forty thousand dollars or to imprisonment for a term

[The inclusion of this page is authorized by L.N. 96/1998]

not less than two years nor more than five years and, on conviction thereof before a Circuit Court, shall be liable to a fine not less than fifty thousand dollars nor more than two hundred thousand dollars or to imprisonment for such term as the Court may impose being not less than five years. 31/1996 S. 35(b).

96. Every person who is convicted of bribery, treating, undue influence or personation, or of aiding, counselling or procuring the commission of the offence of personation, shall (in addition to any other punishment) be incapable during a period of seven years from the date of his conviction— **Disqualifying effect of conviction for bribery, treating, etc.**

(*a*) of being registered as an elector or voting at any election of a member of the House of Representatives or of any Parish Council or of a Councillor of the Kingston and Saint Andrew Corporation; and

(*b*) of being elected a member of the House of Representatives or of any Parish Council or a Councillor of the Kingston and Saint Andrew Corporation, or, if elected before his conviction, of retaining his seat as such member or Councillor:

Provided that in the event of any appeal the incapacity shall continue until the appeal is determined and thereafter, unless the conviction is quashed, remain in force for a period of seven years from the determination of the appeal except the court hearing the appeal shall direct that the period of seven years shall run from the date of conviction.

97. Every person who— **Illegal practices.**

(*a*) votes, or induces or procures any person to vote, at any election, knowing that he or such other person is prohibited by this Act, or by any other enactment, from voting at such election;

[The inclusion of this page is authorized by L.N. 96/1998]

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

(*c*) before or during any election, for the purpose of affecting the return of any candidate or prospective candidate at such election, makes or publishes any false statement of fact in relation to the personal character or conduct of such candidate or prospective candidate,

shall be guilty of an illegal practice, and shall be liable on summary conviction before a Resident Magistrate to a fine not less than fifty thousand dollars nor more than two hundred thousand dollars and in default of payment to imprisonment with or without hard labour for a term not less than three years or to imprisonment with or without hard labour for a term not less than three years or to both such fine and imprisonment.

31/1996 S. 36(a).

31/1996 S. 36(b).

Specified misdemeanours under this Act.

98.—(1) Every person who—

(*a*) fraudulently defaces or destroys, any ballot paper or the official mark on any ballot paper; or

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

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

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

shall be guilty of a misdemeanour, and be liable on summary conviction before a Resident Magistrate to a fine not less than twenty thousand dollars nor more than eighty thousand dollars or to imprisonment with or without hard labour for a term not less than three years nor more than five years.

18/1980 S. 14.
31/1996 S. 37(a).
31/1996 S. 37(b).

[The inclusion of this page is authorized by L.N. 96/1998]

(2) Every person who, without due authority destroys, takes, opens, or otherwise interferes with, any ballot box or any packet of ballot papers then in use for the purposes of any election, shall be guilty of a misdemeanour, and be liable on summary conviction before a Resident Magistrate to a fine not less than twenty thousand dollars nor more than eighty thousand dollars or to imprisonment with or without hard labour for a term not less than three years nor more than five years.

5/1970 S. 2 (c).

18/1980 S. 14. 31/1996 S. 37 (a). 31/1996 S. 37 (b).

(3) Any attempt to commit any offence specified in this section shall be punishable in the manner in which the offence itself is punishable.

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

Failure of presiding officer to be present at polling stations, etc. 28/2002 S. 7.

98A.—(1) Every person appointed a presiding officer pursuant to section 67 who fails without reasonable cause—

(*a*) on election day, to be present by seven o'clock in the forenoon to open the polling station to which he is assigned, for the taking of the poll; or

(*b*) to return to the returning officer for the constituency in which he is a presiding officer, within thirty minutes before the opening of the poll, all the election material specified in section 32 (1), in circumstances where he is not able to be present at the polling station by the time specified in paragraph (*a*), so that the returning officer may make arrangements for the opening of the polling station,

shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding one hundred thousand dollars and in default of payment to a term of imprisonment not exceeding six months.

(2) A person who is convicted of an offence under subsection (1) shall be disqualified from holding any post of election officer for a period of seven years.

[The inclusion of this page is authorized by L.N. 88/2003]

Duty of secrecy.

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

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

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

(4) Every person who acts in contravention of the provisions of this section shall be liable, on summary conviction, before a Resident Magistrate to a fine not less than twenty thousand dollars nor more than eighty thousand dollars or to imprisonment for a term not less than three years nor more than five years; and the Resident Magistrate may, in addition to such fine or imprisonment, order that the person be disqualified from holding any post of election officer for a period not less than seven years from the date of conviction.

31/1996 S. 38.

Offences by election officers.

100. Every election officer who—

[The inclusion of this page is authorized by L.N. 88/2003]

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

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

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

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

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

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

shall be guilty of an offence against this section and, on conviction thereof before a Circuit Court, shall be liable to a fine not less than twenty thousand dollars nor more than eighty thousand dollars or to imprisonment for such term as the Court may impose, being not less than three years; and the Court may order that the person be disqualified from holding any post of election officer for a period not less than seven years from the date of conviction. 31/1996 S. 39.

Offences by election agents and candidates. 31 1996 S. 40.

101.—(1) Every election agent who—

(*a*) contravenes or fails to comply with the provisions of section 60:

[The inclusion of this page is authorized by L.N. 88/2003]

(*b*) in any return made under section 60 makes an entry which he knows to be false or does not believe to be true,

commits an offence.

(2) Every candidate who—

(*a*) at an election contravenes or fails to comply with the provisions of subsection (5) of section 60;

(*b*) in any declaration made under subsection (5) of section 60 makes any statement which he knows to be false or does not believe to be true,

commits an offence.

(3) Every election agent who commits an offence under subsection (1) or candidate who commits an offence under subsection (2) shall be guilty of an offence and on conviction before a Circuit Court be liable to a fine not less than twenty thousand dollars nor more than eighty thousand dollars or to imprisonment for such term as the Court may impose being a term not less than three years; and the Court may, in addition to such fine or imprisonment, order that the election agent or candidate be disqualified from holding any post of election officer for a period not less than seven years from the date of conviction.

Penalty for participation in election campaign by returning officer or presiding officer.

102. Every returning officer or presiding officer who—

(*a*) canvasses for votes on behalf of any candidate or political party; or

(*b*) addresses any meeting on behalf of any candidate or political party; or

(*c*) in any way actively associates himself with the election campaign of any candidate or political party,

shall be guilty of an offence against this section and on summary conviction before a Resident Magistrate shall be liable to a fine not less than twenty thousand dollars nor more than eighty thousand dollars or to imprisonment for a term not less than three years nor more than five years; and the Resident Magistrate may, in addition to such fine or imprisonment, order

54/1963 S. 12. 31/1996 S. 41.

[The inclusion of this page is authorized by L. N. 88/2003]

that the person be disqualified from holding any post of election officer for a period not less than seven years from the date of conviction.

Consequences of illegal practice. 31/1996 S. 42 (a).

103. Any person who is convicted of any offence declared to be an illegal practice under this Act shall, in addition to any other penalty for such offence be incapable during a period of ten years from the date of his conviction—

(*a*) of being registered as an elector or voting at any election of a member of the House of Representatives or of any Parish Council or of a Councillor of the Kingston and Saint Andrew Corporation; and

(*b*) of being elected a member of the House of Representatives or of any Parish Council or a Councillor of the Kingston and Saint Andrew Corporation, or, if elected before his conviction, of retaining his seat as such member or Councillor:

Provided that where the person convicted is a candidate— 31/1996 S. 42 (c).

(*a*) the reference to ten years shall be a reference to fifteen years; and

(*b*) he shall be disqualified from holding any post of election officer for a period of fifteen years:

Provided further that in the event of any appeal the incapacity shall continue until the appeal is determined and thereafter unless the conviction is quashed, remain in force for a period of ten years or fifteen years, as the case may be, from the determination of the appeal except the court hearing the appeal shall direct that the period of ten years or fifteen years, as the case may be, shall run from the date of conviction. 31/1996 S. 42 (b)(i). 31/1996 S.42 (b)(ii). 31/1996 S. 42 (b)(ii).

PART IX. *Miscellaneous*

Regulations. 54/1963 S 10 (a),(b).

104.—(1) The Minister may make regulations generally for giving effect to the provisions of this Act and without prejudice to such general power may make regulations—

[The inclusion of this page is authorized by L.N. 88/2003]

(*a*) prescribing the remuneration and travelling allowances to be paid to any election officer other than the Chief Electoral Officer;

(*b*) prescribing the duties of the returning officers and the procedure to be followed in the performance of those duties;

54 1963 S.10 (c).

(*c*) prescribing the hours between which returning officers shall sit for the purpose of determining claims and objections;

(*d*) prescribing the symbols to be used on every ballot paper and the mode of the allocation of such symbols to candidates;

(*e*) prescribing the returns to be made by returning officers to the Chief Electoral Officer;

22/1957 S. 4 (b). Second Schedule.

(*f*) revoking or amending the forms set out in the Second Schedule and prescribing additional forms;

(*g*) prescribing the manner in which the official lists shall be published and the number of such lists to be printed;

54/1963 S. 10 (e).

22/1957 S. 4 (b).

(*h*) prescribing the number of copies of the official lists to be distributed by the Chief Electoral Officer and the persons to whom and the terms upon which those lists shall be distributed;

(*i*) prescribing the period during which every employer shall permit his employees to be absent from work for the purpose of recording their votes;

22/1957 S. 4 (b). 30/1957 S. 2. First, Third and Fourth Schedules.

(*j*) amending the rules contained in the First, Third and Fourth Schedules and prescribing additional rules;

(*k*) providing for the collection and recording of information in relation to persons registered or to be registered under this Act;

54/1963 S. 10 (f).

(*l*) with respect to the cancellation or transfer of registration of any person;

54/1963 S. 10 (f).

(*m*) for the making, in respect of any registered person, of returns containing particulars of any change of circumstances affecting the accuracy of such of the

[The inclusion of this page is authorized by L.N. 88/2003]

particulars recorded in the electoral register in relation to that person as may be prescribed;

(*n*) regulating the issue or replacement of identification cards and such other documents establishing identity as may be prescribed; 54/1963 S. 10 (f).

(*o*) providing for the surrender of an identification card or other prescribed document establishing identity in relation to a person who dies, and in such cases as may be prescribed for the surrender of an identification card or other prescribed document establishing identity relating to a person who leaves Jamaica; 51/1963 S. 10 (f).

(*oa*) prescribing an enumeration period; 1/1989 S. 19.

(*p*) providing for the maintenance of the electoral register; 54/1963 S. 10 (f).

(*q*) prescribing an extension of the enumeration period; and 20/1991 S. 3 (a)(ii).

(*r*) prescribing any other matter or thing which is required by this Act to be prescribed. 54/1963 S. 10 (f).

(2) Notwithstanding the provisions of section 29 of the Interpretation Act, regulations made under this section may prescribe greater penalties than those specified in the said section 29, so, however, that the maximum penalty that may be imposed shall be imprisonment with hard labour for a term of two years and a fine of one thousand dollars. 54/1967 S. 10 (g).

(3) Regulations made under— 1/1989 Sch. 21/1979 S. 13.

(*a*) subsection (1), except under paragraphs (*a*), (*l*), (*n*) and (*r*) thereof, shall be on the advice of and in conformity with the recommendations of the Committee; 20/1991 S. 3 (b).

(*b*) paragraphs (*l*), (*n*) and (*r*) of subsection (1) shall be subject to negative resolution of the House of Representatives; 20/1991 S. 3 (b).

(*c*) paragraph (*j*) of subsection (1) shall be subject to affirmative resolution. 28/2002 S. 8 (b).

[The inclusion of this page is authorized by L.N. 92c/2012]

Transfer of electors in special cases.

105.—(1) Where any person whose name appears upon the official list for any polling division is appointed as agent of a candidate provided notice in writing signed by such candidate of such appointment has been delivered to the returning officer not less than seventy-two hours before the opening of the poll on polling day or as presiding officer or poll clerk for some other polling division in the same constituency or for some polling station in that constituency other than the polling station to which his name is allotted in accordance with the provisions of section 30, the returning officer shall transfer his name to the official list for the polling station of which he is appointed agent of a candidate or as the presiding officer or poll clerk, as the case may be.

23/2011 S. 9(a).

22/1957 S. 4(b).

(2) The returning officer shall give notice in writing to every candidate in his constituency of any transfer under sub-section (1) and to the presiding officer of the polling station at which the person whose name is so transferred would have been entitled to vote but for the provisions of section 106.

23/2011 S. 9(b).

(3) No agent of a candidate shall be transferred between polling stations within the same polling location.

Where transferred electors to vote.

106.—(1) Every person whose name is transferred, in accordance with the provisions of section 105, from any official list to any other official list, or from any division of any official list to any other division of such official list shall vote, if he vote at all, at the polling station in respect of which he is appointed as agent of a candidate or as presiding officer or poll clerk as the case may be.

22/1957 S. 4 (b).

22/1957 S. 4 (b).

(2) Every presiding officer who issues to any person whose name has been transferred from any official list to any other official list, or from any division of any official list to any other division of such official list any ballot paper at any polling station other than that to which such person's name has been transferred, shall be guilty of an offence against this section and, on summary conviction before a Resident Magistrate, shall be liable to a fine not exceeding fifty dollars or to be imprisoned for a term not exceeding three months.

54/1963 S. 12.

107. Notwithstanding anything to the contrary, no order shall be made by any court postponing or prohibiting the taking of any step required to be taken under this Act preparatory to or in the course of any election or postponing or prohibiting the holding of the poll at any election or declaring any election to be void by reason of— Validation of certain acts.

(*a*) any official list of electors or any certificate or notice, required under this Act to be published, supplied or given by any election officer at any time or place or for any period or to any person not having been published, supplied or given at the time or place at which, or for the period for which, or to the person to whom such official list, certificate or notice ought lawfully to have been published, supplied or given, unless the court is satisfied that in failing to publish, supply or give such official list, certificate or notice in the manner required by this Act such election officer acted otherwise than in good faith; or 22/1957 S. 4 (b)

(*b*) any irregularity in the appointment of any election officer; or

(*c*) the wrongful omission from or inclusion in any official list of electors of the name of any person whose name ought or ought not to have been so omitted or included, as the case may be, unless the court is satisfied that such wrongful omission or inclusion was due to any election officer who was engaged in the preparation of such official list having acted otherwise than in good faith. 22/1957 S. 4 (b). 42/1969 3rd Sch.

108.—(1) The Chief Electoral Officer shall prepare in relation to each constituency a military voters list. Military voters list.

(2) There shall be included in such military voters list every person who is serving in the regular Force in the Jamaica Defence Force and every person who is a member of the First Class of the Jamaica National Reserve on the 30/1957 S. 2. 12/1962 S. 215. 30/1975 S. 2.

[The inclusion of this page is authorized by L.N. 57/1981]

SH 26 VOL XXIII

day of the issue of the writ for the election pending in the constituency, in relation to whom the Chief Electoral Officer is satisfied that his name appears upon the official list of electors for some polling division in that constituency.

(3) The Chief Electoral Officer shall cause the name of any person whose name appears upon the military voters list in any constituency to be deleted from the official list for any polling division in any constituency.

(4) Subject to the provisions of subsection (3) of section 111, the military voters list shall be deemed to form part of the official list of electors for the polling station nearest to the office of the returning officer.

(5) Every returning officer shall supply a copy of the military voters list to each candidate in his constituency.

Special provision relating to Police Constables.

109.—(1) The Chief Electoral Officer shall prepare in relation to each constituency a Police and Special Constables voters list.

40/1954 S. 4.

(2) There shall be included in such Police and Special Constables voters list every person who—

(*a*) was serving in the Jamaica Constabulary Force on the day of the issue of the writ for the election pending in the constituency; or

(*b*) on such day was a Special Constable and on or before the third day thereafter, made application to the designated Police officer for inclusion in such list,

in relation to whom the Chief Electoral Officer is satisfied that his name appears upon the official list of electors for some polling division in that constituency.

30/1957 S. 2.

(3) The Chief Electoral Officer shall cause the name of any person whose name appears upon the Police and Special Constables voters list in any constituency to be deleted from the official list for any polling division in any constituency.

[The inclusion of this page is authorized by L.N. 57/1981]

(4) Subject to the provisions of subsection (3) of section 111, the Police and Special Constables voters list shall be deemed to form part of the official list of electors for the polling station nearest to the office of the returning officer.

(5) Every returning officer shall supply a copy of the Police and Special Constables voters list to each candidate in his constituency.

Special provision in relation to District Constables.

110.—(1) Where a District Constable or a Special District Constable is or is likely to be, on the day of any election, sent or employed in the discharge of his duty so as to prevent him voting at the polling station at which he would otherwise be entitled by law to vote, such Constable may, at any time within seven days before the election, apply to the designated Police officer for a certificate and the designated Police officer shall thereupon give a certificate under his hand stating the name of the District Constable or Special District Constable, as the case may be, the fact that he is a District Constable or Special District Constable, his number and description, the polling division in which he is entitled to vote and his number upon the official list for such polling division. 22/1957 S. 4 (b).

(2) The presiding officer at any polling station in the constituency in which the holder of any certificate under this section is entitled to vote shall, on production by such holder of the said certificate, allow him to vote at that polling station and shall forthwith cancel the said certificate and deal with the same in like manner as the counterfoils of ballot papers are directed by law to be dealt with.

(3) No person to whom the provisions of this section apply shall, under this section, be entitled to vote at any election at which he would not, but for the provisions of this section, be entitled to vote not more than once in any election and if he so votes or attempts to vote he shall be subject to all the penalties imposed by law on

[The inclusion of this page is authorized by L.N. 50/1990]

impersonating or attempting to impersonate a voter at such an election.

Voters to vote only in division upon list for which their names appear.

111.—(1) Subject to the provisions of sections 105, 106, 107, 108 and 109, no person shall be entitled to vote in any polling division unless his name appears upon the official list of electors for that polling division.

22/1957 S. 4 (b).

(2) Subject to the provisions of subsection (3) every person whose name appears upon the official list of electors for any polling division shall be entitled to vote in that polling division, notwithstanding that he is not resident in that polling division upon the day of the election:

Provided, however, that no person shall vote in more than one constituency or in more than one polling division in the same constituency.

(3) No person shall be entitled to vote in any polling division if—

11/1972 S. 4 (a).

(*a*) he is under the age of eighteen years; or

54/1963 S. 12.

(*b*) he is not a Commonwealth citizen resident in Jamaica; or

(*c*) he is a person who is disqualified from voting under subsection (3) of section 5.

Military voters.

Third Schedule.

112.—(1) Every person whose name appears upon the military voters list for any constituency shall vote, if he vote at all, in accordance with the provisions of the Third Schedule.

(2) Every person who contravenes the provisions of subsection (1) shall be guilty of an offence against this section and, on summary conviction thereof before a Resident Magistrate, shall be liable to a fine not exceeding one thousand dollars or to be imprisoned for any term not exceeding six months.

1/1989 Sch.

(3) Every presiding officer who supplies any ballot papers to any person claiming to be a person whose name

[The inclusion of this page is authorized by L.N. 50/1990]

appears upon the military voters list for the constituency in which is comprised the polling station of such presiding officer, shall be guilty of an offence against this subsection and, on summary conviction thereof before a Resident Magistrate, shall be liable to a fine not exceeding one thousand dollars or to be imprisoned for any term not exceeding six months.

1/1989 Sch.

Police and Special Constable electors. Fourth Schedule.

113.—(1) Every person whose name appears upon the Police and Special Constables voters list for any constituency shall vote, if he vote at all, in accordance with the provisions of the Fourth Schedule.

(2) Every person who contravenes the provisions of subsection (1) shall be guilty of an offence against this section and, on summary conviction thereof before a Resident Magistrate, shall be liable to a fine not exceeding one thousand dollars or to be imprisoned for any term not exceeding six months.

1/1989 Sch.

(3) Every presiding officer who supplies any ballot papers to any person claiming to be a person whose name appears upon the Police and Special Constables voters list for the constituency in which is comprised the polling station of such presiding officer, shall be guilty of an offence against this subsection and, on summary conviction thereof before a Resident Magistrate, shall be liable to a fine not exceeding one thousand dollars or to be imprisoned for any term not exceeding six months.

1/1989 Sch.

Election workers voters list. 28/2002 S. 9.

113A.—(1) The Chief Electoral Officer shall prepare, in relation to each constituency, an election workers voters list which shall contain the names of the persons specified in subsection (2) who are appointed to work on election day for pay or reward and who are not disqualified from voting pursuant to section 6 (2).

(2) The persons referred to in subsection (1) are—

(*a*) returning officer and assistant returning officer;

(*b*) supervisor, presiding officer and poll clerk; and

[The inclusion of this page is authorized by L.N. 88/2003]

(c) members of staff of the Electoral Office of Jamaica,

in relation to whom the Chief Electoral Officer is satisfied that their names appear on the official list of electors for a polling division in the constituency to which the election workers voters list relates.

(3) The Chief Electoral Officer shall cause the name of any person whose name appears on the election workers voters list in any constituency to be deleted from the official list for any polling division in that constituency.

(4) Subject to the provisions of section 111 (3), an election workers voters list shall be deemed to form part of the official list of electors for the polling station nearest to the office of the returning officer.

(5) Every returning officer shall supply a copy of the election workers voters list to each candidate in his constituency.

Fifth Schedule.

(6) The provisions of sections 37, 38, 40, 43, 44 and the Fifth Schedule shall apply to any person whose name appears on the election workers voters list.

Fingerprints to be used for electoral purposes only. 31 1996 S.43.

114.—(1) Any fingerprint recorded on a fingerprint card shall not be used for any purpose except in relation to the registration of any person enumerated under this Act or for the purpose of that person voting at a polling station.

(2) Any election officer who contravenes subsection (1) shall be guilty of an offence and liable on summary conviction before a Resident Magistrate to a fine not exceeding one hundred thousand dollars or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

[The inclusion of this page is authorized by L.N. 88/2003]

FIRST SCHEDULE
Rules for the Preparation of Official Lists

(Sections 2. 5. 7. 8 & 104). 54 1963 S. 11.

PART I. *Residential Qualifications*

1. For the purposes of enumeration and registration under this Act every person shall be deemed to reside in the polling division in which he was ordinarily resident on the date of his enumeration. 36 1965 S. 3 (a). L.N. 261 1972.

2. No person shall, for the purposes of this Act, be deemed to be ordinarily resident on the date of his enumeration in any polling division to which he has come for the purpose of engaging temporarily in any employment of a seasonal character. L.N. 261 1972.

3. Subject to the provisions of rules 1, 2, 4, 5 and 6 the question as to whether a person is or was ordinarily resident at any material period shall be determined by reference to all the facts of the case.

4. The place of ordinary residence of a person is, generally, that place which has always been, or which he has adopted as, the place of his habitation or home, whereof when away from there he intends to return. Specifically, when a person usually sleeps in one place and has his meals or is employed in another place, the place of his ordinary residence is where the person sleeps.

5. Generally, a person's place of ordinary residence is where his family is; if he is living apart from it in another place, the place of ordinary residence of such person is such other place. Temporary absence from a place of ordinary residence does not cause the loss or change of place of ordinary residence:

[The inclusion of this page is authorized by L.N. 88/2003]

Provided that any person who has more than one place of ordinary residence may elect in respect of which place he desires to be registered and inform the enumerator accordingly in the form set out in the Schedule to these Rules.

Schedule. Form 1.

6. Any person on actual service with or embodied in any unit of the regular Force in the Jamaica Defence Force shall be deemed to continue to ordinarily reside in the polling division in which he was ordinarily resident at the time that he entered upon such actual service or was embodied, as the case may be, unless he has thereafter established some other ordinary residence in the Island.

31/1996 Sch.

6A. A person who is enumerated at a registration centre shall not be registered as an elector unless and until the address which he has given at the time of enumeration as the place where he resides is verified by the returning officer or his nominee and such persons as are appointed scrutineers.

28/2002 S. 10 (a).

6B. The address of a person who has applied to the Chief Electoral Officer to have his address changed to another polling division shall not be changed unless and until he has resided in that polling division for a period of at least three months following the date of the application for the change and the Chief Electoral Officer has carried out investigations to verify that the person has resided at the address for that period.

PART II. *Enumeration*

7. In these Rules "enumeration" means in relation to the preparation of the official list of a polling division the listing of persons residing

in that polling division during the enumeration period or, as the case may be, at the time of enumeration at a registration centre in the constituency in which the polling division is situated who are qualified— L.N. 261/1972. 31/1996 Sch.

(*a*) to vote; or

(*b*) to be registered as electors,

in that polling division.

7A.—(1) Twenty-one days before the commencement of the enumeration period the returning officer shall deliver or send by registered post to the representatives in his constituency of each political party entitled to appoint scrutineers under section 12 and authorized in that behalf in writing by such party, a list containing the names and addresses of all the enumerators assigned to carry out enumeration in the polling divisions of that constituency. 21/1979 S. 14 (a). 14/1984 S. 3 (a).

(2) Any representative aforesaid may, within seven days of receipt of the list, make objections or representations to the returning officer against the assignment of any enumerator named in the list and the returning officer shall transmit such objections or representations to the Chief Electoral Officer who shall, after consultation with the Committee—

(*a*) confirm the assignment of the enumerator; or

(*b*) reassign the enumerator to some other polling division in the constituency; or L.N. 18/1980.

(*c*) request the Committee to take such other action pursuant to section 10 of the Representation of the People (Interim Electoral Reform) Act, and in conformity with section 11 of this Act, as the Committee thinks fit.

7B.—(1) Subject to paragraph 3, the Electoral Advisory Committee shall employ, at such remuneration as may be prescribed, such number of photographers as may be necessary to photograph, during the enumeration period, the persons in each polling division who are qualified— L.Nn. 76/1983, 51B/1987.

(*a*) to vote, or

(*b*) to be registered as electors.

(2) Forthwith upon his appointment each photographer shall take and subscribe an oath in the form set out in the Schedule to these Rules and shall transmit such oath to the returning officer. Schedule. Form 2.

(3) The Committee may direct that the functions of a photographer in any polling division be performed by the enumerator for that polling division; and where the Committee so directs, the provisions of the Schedule to these Rules relating to photographers shall apply to such enumerator. L.N. 51B/1987. L.N. 261/1972.

8.—(1) On the date of the commencement of the enumeration period or on the date prescribed by the Chief Electoral Officer under section 7 (3) of the Act, or so soon as may be convenient thereafter (not being more than two weeks thereafter) the enumerator in the company of the 21/1979 S. 14 (b) (i). L.N. 76/1983. 31/1996 Sch.

[The inclusion of this page is authorized by L.N. 96/1998]

scrutineers attending and a photographer shall proceed to ascertain and record the name, address (including district and post office), occupation and other required particulars of every person residing in the polling division for which the enumerator has been appointed and who is qualified to vote or to be registered as an elector under the provisions of this Act as respects that polling division, obtaining the information required by a house-to-house enquiry and from such other source as may be available to him and shall cause the photograph of every such person to be taken; except that where such enquiry reveals that any person was enumerated and registered during a previous enumeration period or during a designated period within the meaning of rule 39A, no photograph of such person shall be taken.

L.N. 51B/1987.

21/1979 S. 14 (b)(ii).

The enumerator shall, twenty-four hours before commencing the house-to-house enumeration on any occasion, notify in writing every scrutineer appointed for the polling division of the times and places where he will start enumerating from day to day and from time to time and such notification shall be acknowledged in writing by the scrutineer or be witnessed by two signatories as proof of service.

L.N. 261/1972.

(2) No person who during the course of such enquiry is undergoing any sentence of penal servitude or imprisonment of or exceeding six months and is not released before the completion of the enquiry shall be enumerated.

L.N. 51B/1987.

(3) During the course of such enquiry the enumerator shall, upon the oral request of any person who he is satisfied is qualified as aforesaid, issue—

Schedule. Form 16.

(*a*) where such person is being registered for the first time; a certificate of enumeration in the form set out in Form 16 of the Schedule to these Rules; or

Schedule. Form 16A.

(*b*) where such person was enumerated and registered during a previous enumeration period or during a designated period within the meaning of rule 39A, a certificate of re-enumeration in the form set out in Form 16A of the Schedule to these Rules,

certifying the enumeration of that person.

L.N. 18/1980.

(4) A certificate of enumeration shall be issued in duplicate and the enumerator shall record the required particulars obtained from information given him by the person who is being enumerated and subject to paragraph (5) affix his signature in ink on the original of the certificate and by means of carbon on the duplicate and shall deliver the original to the person enumerated.

L.N. 81/1980.

L.N. 81/1980.

(5) Before affixing his signature as aforesaid and delivering the original to the person enumerated, the enumerator shall require that person, unless he is unable to do so by reason of illiteracy or physical disability, to read the certificate of enumeration and after satisfying himself that the contents thereof are correct sign a declaration thereon in duplicate verifying the particulars given by him to the enumerator and entered on the certificate.

[The inclusion of this page is authorized by L.N. 96/1998]

(5A) Every certificate of enumeration issued shall be signed by the scrutineers assigned to the enumerator in addition to the enumerator himself, and where a scrutineer is absent, the fact of his absence shall be recorded on the certificate. 21/1979 S. 14 (b) (iii).

(5B) Every enumerator shall prepare a daily record of persons enumerated by him and such record shall be signed by the enumerator and the scrutineers assigned to him (and, where a scrutineer is absent, the fact of his absence shall be noted on the record) and copies of such record shall be issued to each scrutineer. 21/1979 S. 14 (b) (iii). L.N. 81/1980.

(5C) Every scrutineer shall be entitled, while a house-to-house enquiry is on, to inspect all enumeration documents in his polling division; and every representative of a political party entitled to appoint scrutineers under section 12 and authorized in writing in that behalf by such party shall, on request in writing made by him to the returning officer and on obtaining an appointment, be entitled to inspect such documents in his constituency. 21/1979 S. 14 (b) (iii). 14/1984 S. 3 (b).

(6) An objection to the issue of a certificate of enumeration in respect of any person by the enumerator may be made by notice in the form set out in the Schedule to these Rules to the appropriate returning officer by a scrutineer assigned to the enumerator and the scrutineer shall furnish the person in respect of whom the certificate was issued with a copy of such notice. Schedule. Form 5.

(7) Pursuant to paragraph (6) the returning officer shall as soon as practicable summon the scrutineer to appear before him to give evidence concerning his objection.

(8) Subject to the provisions of the rules in this Schedule, every person in respect of whom a certificate of enumeration has been issued pursuant to paragraph (3) or rule 17 shall be registered as an elector for the polling division in which he ordinarily resides:

Provided that where the returning officer cancels the certificate of enumeration of any person for a polling division in accordance with the provisions of rule 16 such person shall not be registered as an elector in respect of that polling division and if he has been so registered the Chief Electoral Officer shall cause his registration to be cancelled.

(9) Where a person is being registered pursuant to paragraph (8) such registration shall be carried out in accordance with the rules in Part III.

9.—(1) Each enumerator conducting the house-to-house enquiry shall be supplied by the Chief Electoral Officer with a Worksheet incorporating the current official list for the polling division in which he is appointed to act and any accompanying scrutineer shall obtain a similar list from the political party which he was appointed. L.N. 51B/1987.

(2) The enumerator shall record on the Worksheet the following information in respect of each person listed thereon, namely, whether that person, at the date of enumeration— L.N. 51B/1987.

(*a*) was ordinarily resident in the polling division at the address indicated on the Worksheet;

(*b*) was not found at that address;

[The inclusion of this page is authorized by L.N. 96/1998]

(*c*) was ordinarily resident at a new address;
(*d*) refused to be enumerated; or
(*e*) has died.

L.N. 51B/1987. (3) The enumerator and each scrutineer present shall sign the Worksheet in respect of the record made in relation to each person listed on such Worksheet.

(4) Where, upon the enumeration of any person who is already registered under the rules in Part III and whose name appears upon the current official list for a polling division in which he is ordinarily resident on the date of his enumeration, it appears that any change has taken place as respects the registered particulars of that person, the necessary amendments in the forms and documents relating to his registration shall be effected by such person and in such manner as the Chief Electoral Officer shall direct.

L.N. 261/1972.

L.N. 51B/1987. Schedule. Form 5A. (5) In this rule, "Worksheet" means an enumerator's Worksheet in the form set out in Form 5A of the Schedule to these Rules.

Schedule. Form 6. 10. Where during the course of the house-to-house enquiry the enumerator refuses the oral request of any person for a certificate of enumeration, he shall issue a notice of refusal (original and copies) in the form set out in the Schedule to these Rules and leave with such person the original of the notice and inform him that he may appear before the appropriate returning officer when directed by notice in writing by that officer to do so if he wishes to justify his claim; and the enumerator shall give a copy of the notice to each scrutineer and in due course transmit the remaining copy to the returning officer.

11. The names of—

(*a*) persons whose oral requests for enumeration have been refused by the enumerator; and

(*b*) persons against whose enumeration objection has been taken by a scrutineer,

shall be recorded by the enumerator in a register supplied by the Chief Electoral Officer, and after the house-to-house enquiry has been completed, such register shall be given by the enumerator to the returning officer.

L.N. 51B/1987. 12. If the enumerator has grounds for believing that a person whose name appears on the current official list incorporated in the enumerator's Worksheet, does not wish or is not entitled to be enumerated, entries stating the grounds for such belief shall be made by the enumerator on the form set out in Form 7 of the Schedule to these Rules.

Schedule. Form 7.

13. The enumerator shall exercise the utmost care in conducting the house-to-house enquiry in the polling division for which he has been appointed and he shall take all necessary precautions to ensure that he obtains accurate information regarding the name, occupation, address and other required particulars of persons in the polling division and that he has not enumerated any person who is not qualified to vote or to be registered as an elector.

[The inclusion of this page is authorized by L.N. 96/1998]

13A.—(1) Where, in the course of a house-to-house enquiry, any person whom the enumerator believes to be qualified to vote or to be registered as an elector refuses or declines to be enumerated or registered as an elector although afforded the opportunity to be so enumerated or registered, the enumerator shall record in a register supplied by the Chief Electoral Officer for the purpose the name and address of such person so far as these are known or can be ascertained. L.N. 76/1983.

(2) The register to which reference is made in paragraph (1) shall be signed at the end of each day's enumeration by the enumerator and by the scrutineers assigned to him (and, where a scrutineer is absent, the fact of his absence shall be noted on the record) and shall be given by the enumerator to the returning officer after the house-to-house enquiry is completed.

14. The enumerator's Worksheet together with any completed forms and the register for which provision is made in rule 11 shall be forwarded to the returning officer by the enumerator together with the oath prescribed by the form set out in the Schedule to these Rules. L.N. 51B/1987. Schedule. Form 9.

15. [*Deleted by L.N. 51B/1987.*]

16.—(1) If, in consequence of information received by him, the returning officer suspects that a person in respect of whom a certificate of enumeration has been issued by an enumerator for a polling division is not qualified to be enumerated in respect of that polling division he may summon that person to appear before him and after a fair hearing shall cancel the certificate of enumeration if he is satisfied that such person is not qualified as aforesaid:

Provided that where a person who is summoned as aforesaid fails to appear the hearing may take place in his absence.

(2) Where a certificate of enumeration has been cancelled pursuant to paragraph (1) the returning officer shall forward to the Chief Electoral Officer a notice in the form set out in the Schedule to these Rules informing him of the cancellation of the certificate; and where the person in respect of whom the certificate was issued failed to appear at the hearing, a copy of the notice shall be sent to him by registered mail. Schedule. Form 10.

17.—(1) The returning officer shall deal with the cases of persons whose oral requests for enumeration were refused by the enumerator or in respect of whom entries were made on the prescribed form pursuant to rule 12 and if any such person appears in person before the returning officer and satisfies him that he is entitled to be enumerated in respect of the relevant polling division within his constituency the returning officer shall, if the person so wishes, duly issue a certificate of enumeration.

18.—(1) Where a certificate of enumeration is lost or mislaid or destroyed before the person in respect of whom the certificate of enumeration was issued has been registered, that person may apply in L.Ns. 39/1965, 81/1980.

Schedule. Form 11. the form set out in the Schedule to these Rules to the returning officer for a copy of the certificate of enumeration.

(2) The returning officer shall, upon receipt of an application under this rule, make such investigations as he may think fit and if he is satisfied that—

(*a*) a certificate of enumeration was issued in respect of the applicant; and

(*b*) the applicant has not been registered,

he shall issue to the applicant a copy of that certificate of enumeration after writing thereon the word "copy" and thereafter the provisions of this Schedule shall apply to the copy of the certificate of enumeration as they apply to the duplicate of that certificate of enumeration.

19.—(1) Subject to the provisions of paragraph (2) the returning officer when sitting for the purpose of hearing claims, objections, and other matters under the rules in this Schedule shall have all the powers of a Resident Magistrate in relation to the calling and the examining of any witness and the administering or causing to be administered to any person of an oath.

(2) Every person who is required to take an oath in pursuance of the provisions of this rule may elect to make a solemn affirmation instead of taking such oath.

L.N. 144/1968. Schedule. Form 12. (3) The form of oath of any person, other than a person referred to in paragraph (4), who appears before the returning officer to give evidence shall be the form set out in the Schedule.

L.N. 144/1968. (4) The form of oath of a person—

(*a*) whose oral request for enumeration was refused by the enumerator; or

(*b*) in respect of whom entries were made in the prescribed form pursuant to paragraph (1) or paragraph (2) of rule 12,

and who appears before a returning officer to satisfy him that he is entitled to be enumerated in respect of the relevant polling division within his constituency shall be the form set out in the Schedule.

Schedule. Form 13

31/1996 Sch. 19A.—(1) Every enumerator and scrutineer shall be required to make the appropriate fingerprint impression in relation to the polling division to which they are assigned as such and the provisions of rule 29 shall apply in relation thereto.

(2) Where an enumerator or scrutineer has made the appropriate fingerprint impressions he shall, for the purpose of verifying information under rule 19C, designate a fingerprint to be used in relation thereto.

31/1996 Sch. 19B. The provisions of rules 7B, 8 (3) to (9), 9, 11, 13, 13A and 14 shall apply to enumeration carried out at a registration centre as they apply to house-to-house enumeration.

31/1996 Sch. 19C. Where enumeration is carried out at a registration centre, the scrutineers assigned to the polling division for which the person is enumerated shall be entitled to verify the information received from

the person enumerated at that registration centre and shall, after such verification, sign and affix their designated fingerprints to the registration record card.

19D. Where a person who is, by reason of physical disability, unable to attend a registration centre to be enumerated, he may request the Chief Electoral Officer to send to the place where he resides an enumerator and scrutineers to have him enumerated and the Chief Electoral Officer shall comply with any such request. 28/2002 S. 10 (b).

PART III. *Registration*

20. In this Part—

"fingerprint card" means that part of the registration record card on which impressions of the thumbs and fingers, as specified in rule 29 (1), are made of any person being registered pursuant to the Rules; L.N. 48/1997.

"inventory form" means a registration record inventory form referred to in rule 24;

"registration officer" means, in relation to the registration of a person enumerated in a polling division or at an registration centre under Part II of this Schedule— L.N. 93/1980. 31/1996 Sch.

(*a*) the enumerator appointed for such polling division or registration centre; or 31/1996 Sch.

(*b*) in any case where a certificate of enumeration has been issued by the returning officer pursuant to rule 17, that returning officer or an election officer nominated by him;

"electoral number" means the number printed on a registration record card as provided by paragraph (2) of rule 26. L.N. 76/1983.

21. The provisions of this Part of this Schedule shall have effect in relation to the registration of any person enumerated pursuant to Part II of this Schedule. L.N. 261/1972. 93/1980.

22.—(1) The Chief Electoral Officer shall establish and maintain an electoral register for the Island which shall consist of the registration record and fingerprint cards of all persons registered under these Rules. 31/1996 Sch.

(2) Subsections (2), (3) and (4) of section 52 of this Act shall apply as respects the electoral register in like manner as they apply to the election documents and papers mentioned in subsection (1) of that section.

(3) Where it appears to the Chief Electoral Officer that any person has been or is about to be registered as an elector for more than one polling division contrary to subsection (5) of section 5 of this Act, he shall, without prejudice to any criminal or other proceedings which may be taken in the matter, take the steps specified in paragraph (4) and issue such directions as will cause the same to be remedied. 28/2002 S. 10 (c) (i).

[The inclusion of this page is authorized by L.N. 88/2003]

28 2002 S. 10 (c)(ii).

(4) The Chief Electoral Officer shall ensure that all fingerprints and demographic data of each person registered as an elector are compared, either electronically or otherwise, with the fingerprints and demographic data of every other elector.

23. There shall be supplied by the Chief Electoral Officer to every registration officer—

(*a*) unused registration record cards;
(*b*) unused fingerprint cards; and
(*c*) such other documents and material as may be necessary for the performance of his duties.

31 1996 Sch.

L.Nn. 261/1972, 93/1980. Schedule. Form 15.

24. The Chief Electoral Officer shall include a number of registration record inventory forms, in the form set out in the Schedule to these Rules, sufficient for entries to be made thereon in respect of every registration record card supplied to the registration officer pursuant to rule 23; and every registration officer shall keep an inventory on such form of every registration record card used by him.

L.N. 261/1972.

25.—(1) The registration of persons qualified to be registered shall be effected in the manner set out in the rules in this Part and the Chief Electoral Officer may, at any time, re-register any person or persons previously registered under these Rules if he considers it necessary or expedient so to do.

L.N. 51B/1987. Schedule. Form 16. 31/1996 Sch.

(1A) Where any person is being enumerated and registered for the first time, the registration record card, which shall be in triplicate, and the fingerprint card, shall be in the form set out in Form 16 of the Schedule to these Rules.

L.N. 51B/1987. Schedule. Form 16A.

(1B) Where any person was already registered under these Rules during a previous enumeration period or during a designated period within the meaning of rule 39A, the registration record card of such person shall be in the form set out in Form 16A of the Schedule to these Rules and shall be in triplicate.

(2) Every person in respect of whom a certificate of enumeration is issued shall, so soon as may be convenient, be registered by the registration officer if he has not been previously registered; but where he had been so registered and it is necessary to re-register him or to effect a transfer of registration, the registration officer shall notify the Chief Electoral Officer accordingly and the re-registration or transfer of registration, as the case may be, shall be effected by such person and in such manner as the Chief Electoral Officer shall direct:

Provided that where objection has been taken by a scrutineer to the issue of a certificate of enumeration in respect of any person pursuant to paragraph (6) of rule 8, the registration of such person may be deferred until the appropriate returning officer has decided the issue.

[The inclusion of this page is authorized by L.N. 88/2003]

(3) The registration officer shall cause a registration record card and a fingerprint card to be prepared for each person in respect of whom a certificate of enumeration has been issued and who is being registered by him. 31 1996 Sch.

(4) The registration officer shall cause a photograph to be taken of every person whose registration record card and fingerprint card have been completed, and shall record on the reverse side of each photograph the electoral number to which reference is made in rule 26. L.N. 76 1983. 31 1996 Sch.

(5) Where any person was already registered under these Rules during a previous enumeration period or during a designated period within the meaning of rule 39A, the rules relating to photographing, fingerprinting and identification cards shall not apply in relation to such person. L.N. 51B 1987. 31 1996 Sch.

26.—(1) Where persons are being registered for the first time, there shall be printed on every registration record card in respect of such persons an electoral number which shall be different for each card and shall be a serial number. L.N. 51B 1987.

(2) Where any person was registered during a previous enumeration period or during a designated period within the meaning of rule 39A, there shall be recorded on the registration record card of such person the electoral number assigned to him in such previous enumeration period or designated period, as the case may be; and the registration record card in respect of such person shall also have printed on it a serial number which shall be numbered sequentially for each card.

27. The registration officer shall— L.Nn. 81/1980, 93/1980, 76/1983.

(*a*) record in ink on the original and by carbon on both copies of the registration record card of each person being registered the required particulars which shall be obtained from the certificate of enumeration issued in respect of such person;

(*b*) require the person being registered, unless he is unable to do so by reason of illiteracy or physical infirmity, to read the registration record card and sign the original and both copies after satisfying himself that the contents thereof are correct;

(*c*) require the scrutineers assigned to him to sign the registration record card and both copies or, where a scrutineer is absent, note the fact of such absence on the registration record card and both copies; L.N. 76/1983.

(*d*) sign the original and both copies of the registration record card.

28. Where a person who is being registered is unable to read, the registration officer shall read over to him and where practicable in the presence of scrutineers, the contents of his registration record card.

[The inclusion of this page is authorized by L.N. 88/2003]

31 1996 Sch. Schedule. Form 16. L.N. 81[1]A 1983.

29.—(1) A fingerprint card shall be in the form set out in the Schedule to these Rules and the registration officer shall require any person being registered, except where such person has no hand or has no finger on either hand, to make the appropriate impressions in ink on the card as follows—

L.N. 48 1997.

(*a*) with his right and left thumbs and all other fingers that he has;

L.N. 48 1997.

(*b*) where one of his thumbs is missing, with his other thumb and all other fingers that he has;

L.N. 48 1997.

(*c*) where he does not have any thumb, all such fingers that he has.

L.N. 48 1997.

(2) Where an impression is made under paragraph (1), in the case of a missing thumb or finger, the relevant notation shall be made on the fingerprint card of the person who made such impression.

31 1996 Sch.

(3) Where a person has no hand or has no finger on either hand an appropriate note shall be made on the registration record card and fingerprint card of such person.

31 1996 Sch. L.N. 261 1972. L.N. 76 1983.

30. The registration officer shall, in respect of a person whose registration record card and fingerprint card have been completed, record on the certificate of enumeration or, as the case may be, on the original and duplicate of the application for registration form, of that person the appropriate electoral number.

31.—(1) A registration officer, upon being satisfied that a registration record card cannot properly or conveniently be used or that he is unable to complete such card, shall cancel it by writing the word "spoilt" thereon.

L.Nn. 261 1972. 93 1980.

(2) A registration record card or an identification card that has not been completed or cannot be used because of the cancellation of a certificate of enumeration shall be cancelled by the Chief Electoral Officer or registration officer, as the case may be, marking upon it the word "disallowed".

31 1996 Sch.

(3) Paragraphs (1) and (2) shall apply as respects a fingerprint card as they apply in relation to a registration record card.

L.N. 261 1972.

(4) Where a registration record card has been cancelled by the Chief Electoral Officer or a registration officer under paragraph (1) or (2) he shall record such cancellation upon the inventory form in respect of such registration record card.

31 1996 Sch.

32.—(1) The Chief Electoral Officer or a registration officer may correct any clerical error in a registration record card or an identification card or a fingerprint card that has been caused by inadvertence.

[The inclusion of this page is authorized by L.N. 88/2003]

(2) A correction made under this rule shall be initialled and dated by the Chief Electoral Officer or the registration officer, as the case may be, and if practicable by the person to whom the card relates.

32A. Where the Chief Electoral Officer is satisfied that any person qualified to be registered is ordinarily resident in one polling division but, by inadvertence and through no fault of his own, has been enumerated and registered in an adjoining polling division, the Chief Electoral Officer may, on the direction of the Electoral Advisory Committee, cause that person's certificate of enumeration and registration record card to be corrected by the substitution of the polling division in which he is ordinarily resident for that in which he was wrongly enumerated and registered. L.N. 76/1983.

33. At such times as the Chief Electoral Officer may direct, the registration officer shall deliver to the appropriate returning officer all cards, forms and other documents that have been completed or used by him or delivered to him in the performance of his duties except unused application for registration forms which he shall retain; and the returning officer shall place the documents with similar documents already in his possession and shall forward such documents or any of them to the Chief Electoral Officer upon his request. L.N. 261/1972.

34. On receipt of the registration record card and photograph of any person the Chief Electoral Officer shall— L.N. 76/1983.

(*a*) cause to be affixed to the form attached to the registration record card in the position indicated thereon the photograph which bears the electoral number corresponding to the electoral number on that registration record card;

(*b*) cause to be entered on an identification card (which shall be in the prescribed form) the required particulars in respect of such person including his name and electoral number;

(*c*) cause the identification card to be laminated; and

(*d*) forward the laminated card to the returning officer.

34A.—(1) When an identification card has been defaced, damaged, lost or destroyed, an application for the issue of a substitute identification card may be made by the person to whom it relates in the form set out as Form 20 in the Schedule to these Rules; and in the case of a defaced or damaged identification card, such identification card shall be attached to and submitted by the applicant with the application form. L.N. 26/1988. Schedule. Form 20.

[The inclusion of this page is authorized by L.N. 88/2003]

(2) The application shall be delivered to either the Chief Electoral Officer or the returning officer of the constituency in which such person resides.

(3) The returning officer shall, on receipt of any application under paragraph (5), forward such application to the Chief Electoral Officer.

(4) The Chief Electoral Officer, on being satisfied that the application is genuine and that all the requirements under these Rules have been fulfilled and the fees, if any, provided for under paragraph (5) are paid, shall—

(*a*) cause to prepared from the applicant's registration record card and the photograph attached thereto, a substitute identification card in the form set out as Form 21 in the Schedule to these Rules and including the information referred to in subparagraph (*b*); Schedule Form 21.

(*b*) cause to be entered on the substitute identification card—

(i) the required particulars in respect of the applicant, including his name and electoral number as they appear on his registration record card;

(ii) the word "SUBSTITUTE" across it's face in the prescribed manner;

(*c*) cause the substitute identification card to be laminated; and

(*d*) cause the substitute identification card to be delivered to the applicant either through the office of the Chief Electoral Officer or through the office of the returning officer for the constituency in which the applicant was registered.

(5) Every person applying for a substitute identification card shall pay the following fees—

		Fees
(*a*)	for the first such card issued	no fee
(*b*)	for a second or subsequent such card issued ...	$10.00.

(6) In any case where an identification card was lost and an application made for a substitute identification card under this rule, if the applicant subsequently recovers the original identification card, the applicant shall so advise—

(*a*) the returning officer of the constituency in which he resides; or

(*b*) the Chief Electoral Officer.

(7) In the circumstances set out in paragraph (6), the Chief Electoral Officer shall direct the holder of the substitute identification card to surrender—

(*a*) the substitute identification card; or

(*b*) if the Chief Electoral Officer thinks fit, the original identification card.

34B.—(1) Where a substitute identification card is issued pursuant to an application made under rule 34A, the Chief Electoral Officer shall cause a notation to be made on the duplicate and triplicate registration record cards of the applicant (from which the substitute identification card was prepared) that the identification card originally issued to such applicant has been defaced, damaged, lost or destroyed, as the case may be. L.N. 26 1988.

(2) Where, pursuant to paragraph (7) of rule 34A the holder of a substitute identification card is directed to surrender either the substitute or original identification card, the Chief Electoral Officer shall cause a notation to be made on the registration record card to that effect and, when such surrender is made, of the fact of such surrender.

PART IV—*Official List*

34C.—(1) The Chief Electoral Officer shall— 28/2002 S. 10 (d).

(*a*) at least one month before the publication of the official list, prepare and publish a list in relation to each constituency containing the particulars specified in paragraph (2); and

(*b*) take account of such particulars in preparing the next official list.

[The inclusion of this page is authorized by L.N. 88/2003]

(2) The particulars referred to in paragraph (1) are—

(*a*) the names, addresses and occupations of all persons registered under these Rules since the publication of the last official list, and whose names are to be included in the publication of the next official list;

(*b*) the names, addresses and occupations of all adults contained in the quarterly list furnished by the Registrar General pursuant to section 8 (3) of this Act;

(*c*) the names, addresses and occupations of all electors who have applied to have their addresses changed.

(3) Copies of the list shall be placed at the office of the returning officer and at such other public place as the Chief Electoral Officer deems necessary in order to allow for objections and corrections to be made to the list.

(4) Every person shall have the right to—

(*a*) object to the inclusion in or deletion from the list of any name appearing on the list;

(*b*) require corrections to be made to the particulars appearing on the list, in respect to himself,

and such objection or corrections shall be made within three weeks after the list has been so placed in accordance with paragraph (3).

(5) An objection under paragraph (4) shall be made in writing to the returning officer and shall set out the grounds on which the objections are made.

(6) The returning officer shall take such steps as are necessary to have the objections and corrections resolved in accordance with the provisions of regulations 16 and 17.

35.—(1) So soon as may be convenient after he has completed as respects any polling division the matters mentioned in rules 8, 16 and 17 the returning officer shall forward to the Chief Electoral Officer—

[The inclusion of this page is authorized by L.N. 88/2003]

(*a*) the duplicates of the certificates of enumeration issued in relation to such polling division together with any other forms and documents which the Chief Electoral Officer may require; L.N. 81/1980.

(*b*) the cards, forms and other documents mentioned in rule 33 which might not already have been transmitted at the request of the Chief Electoral Officer.

(2) The official list shall be prepared by the Chief Electoral Officer from the duplicates of certificates of enumeration and other documents mentioned in paragraph (1), and the Chief Electoral Officer in doing so shall take all necessary precautions to ensure that the official list for a polling division does not contain the name of any person who is not registered as an elector for that polling division. L.Nn. 261/1972, 81/1980, 93/1980.

(3) The official list shall be certified, printed and published by the Chief Electoral Officer in the prescribed manner every six months pursuant to section 7 of this Act. 36/1965 S. 3 (b). 31/1996 Sch.

35A. In preparing the official list the Chief Electoral Officer shall take into account the information contained in the quarterly list furnished by the Registrar-General pursuant to section 8 (3) of this Act. 31/1996 Sch.

36.—(1) Subject to the provisions of paragraph (2), in urban areas

(*a*) where the area comprised in any polling division is divided geographically, for example, into streets, roads, avenues or lanes and the houses therein are designated by numbers, the official list shall be arranged with reference to the names of such streets, roads, avenues or lanes and shall specify the number, if any, of the houses wherein each elector resides;

(*b*) where the area comprised in any polling division is not divided geographically, the official list shall be arranged in the alphabetical order of the names of the electors therein.

(2) If the Chief Electoral Officer thinks it expedient to do so, he may direct that the geographical arrangement of electors' names required by paragraph (1) (*a*) shall be replaced by an arrangement in alphabetical order or that the alphabetical order of electors' names required by paragraph (1) (*b*) shall be replaced by such other arrangement as the Chief Electoral Officer may direct.

(3) In rural areas the names of electors shall be arranged in the official list in the order of the household of which the electors are members and the address of each elector shall include the name of the district in which he resides and the post office by which he is served.

(4) The names of electors in both urban and rural areas shall be numbered in the official list in numerical sequence.

37. [*Revoked by L.N. 76/1983*].

[The inclusion of this page is authorized by L.N. 96/1998]

L.Nn. 261/1972, 93/1980, 76/1983.

38.—(1) If the Chief Electoral Officer is satisfied, at any time, that the name of any elector has been inadvertently omitted or incorrectly recorded during the process of preparing the official list he shall be empowered to add to such list the name of such elector or to correct the error, as the case may be, by means of a Statement of Changes duly certified by him; and in like manner he may remove from the official list for a polling division the name of any person who is not registered as an elector for such polling division. No addition of names to, or correction of errors in, or removal of names from, the official list shall take place after five days next before the nomination day.

31/1996 Sch.

L.Nn. 294/1965, 81/1980.

(2) Where by reason of any of the circumstances referred to in paragraph (1) of rule 40 the Chief Electoral Officer is satisfied that the requirements of registration or in particular of rule 34 (*d*) cannot be fulfilled in relation to any person before the date of publication of the official list, he may so soon thereafter as the requirements have been fulfilled, add the name of such person to the official list in the manner mentioned in paragraph (1).

L.N. 231/1971.

(3) Where pursuant to paragraph (1) the Chief Electoral Officer has added names to the official list for any polling division, or corrected errors therein, or removed names therefrom he may reprint the list with all the additions, corrections and omissions effected by the Statement of Changes, and the list so reprinted shall have effect as the official list in place of the list issued pursuant to paragraph (3) of rule 35 and shall be published and certified in the manner prescribed for official lists, so, however, that no such list with additions, corrections or omissions shall be published after five days next before the nomination day.

21/1979 S. 16. L.N. 81/1980. 31/1996 Sch.

36/1965 S. 3 (c). L.N. 81/1980.

39.—(1) If at any time between the date of commencement of an enumeration period and the day on which the official list is published during that period the Chief Electoral Officer is satisfied that as respects any polling division the official list prepared or to be prepared consequent upon a house-to-house enquiry is for any reason likely to be substantially inaccurate or will not be available for publication in accordance with rule 35 (3) he shall by notice in the *Gazette* apply the provisions of this rule to such polling division.

(2) Upon the publication of the notice referred to in paragraph (1) every certificate of enumeration, notice of objection and every other certificate, notice or claim of a similar character in relation to the polling division to which the provisions of this rule have been applied shall become void and of no effect.

(3) So soon as may be after the publication of the notice referred to in paragraph (1), the Chief Electoral Officer shall appoint a day for the commencement of a fresh preparation of the official list for the polling division which shall as far as possible be carried out in accordance with the rules in this Schedule and within such period as the Chief Electoral Officer may notify to the returning officer concerned.

[The inclusion of this page is authorized by L.N. 96/1998]

PART V. [*Deleted by Act 31 of 1996.*]

39A. [*Deleted by Act 31 of 1996.*]
39B. [*Deleted by Act 31 of 1996.*]
39C. [*Deleted by Act 31 of 1996.*]
39D. [*Deleted by Act 31 of 1996.*]
39E. [*Deleted by Act 31 of 1996.*]
39F. [*Deleted by Act 31 of 1996.*]
39G. [*Deleted by Act 31 of 1996.*]
39H. [*Deleted by Act 31 of 1996.*]

PART VI—*Miscellaneous*

40.—(1) Where any form, document or film required to be sent to the Chief Electoral Officer under the rules in this Schedule is not received by him or is lost or is cancelled in error or there is any error or insufficiency therein the Chief Electoral Officer may require the appropriate enumerator, registration officer or returning officer to cause the same to be remedied.

(2) The provisions of the rules in this Schedule which govern any action which might have been taken in the first instance in respect of such form, document or film shall apply in respect of the said form, document or film, and action may be taken thereunder to effect the said remedy.

40A.—(1) The Electoral Advisory Committee shall, at such remuneration as may be prescribed, appoint as distributors such number of persons as may be necessary to assist in the delivery, pursuant to rule 41, of identification cards to persons in each polling division who are registered as electors. L.N. 282/1984.

(2) Forthwith upon his appointment each distributor shall take and subscribe an oath in the form set out as Form 18 in the Schedule to these Rules and shall transmit such oath to the returning officer. 31/1996 Sch. Schedule. Form. 18.

41.—(1) Subject to the provisions of this rule, where an identification card is received by the returning officer pursuant to rule 34 (*d*), the returning officer shall— L.Nn. 301[1]A/76, 81/1980, 76/1983.

(*a*) deliver such identification card in the company of the scrutineers attending; or

(*b*) cause such identification card to be delivered by— L.N. 282/1984.

(i) any returning officer or election clerk; or

(ii) any distributor appointed pursuant to rule 40A (1),

in the company of the scrutineers attending,

to the person to whom such identification card relates in exchange for the certificate of enumeration issued in respect of that person.

The person delivering such identification card shall, twenty-four hours before commencing such delivery, notify in writing every scrutineer appointed for the polling division of the times and places where he will

[The inclusion of this page is authorized by L.N. 96/1998]

start such delivery from day to day and from time to time, and such notification shall be acknowledged in writing by the scrutineer or be witnessed by two signatories as proof of service.

(2) Where the person delivering an identification card is satisfied—

(*a*) that the person to whom it relates is unable to produce the certificate of enumeration issued in respect of him; and

(*b*) as to the identity of such person,

he may issue the identification card to the person to whom it relates on such person giving him a receipt therefor in a form approved by the Chief Electoral Officer.

(3) Within thirty days of the receipt of an identification card by the returning officer pursuant to rule 34 (*d*), the returning officer shall, after taking reasonable steps to effect delivery of the card in accordance with this rule, return the identification card to the Chief Electoral Officer if it is not so delivered.

(4) Upon the application of any person to whom an identification card returned under paragraph (3) relates, the Chief Electoral Officer may cause the identification card to be issued to that person—

(*a*) in exchange for the certificate of enumeration issued in respect of him; or

(*b*) in keeping with paragraph (2).

L.N. 102/1953

SCHEDULE TO THE RULES

FORM NO. 1 (Rule 5)

THE REPRESENTATION OF THE PEOPLE ACT

.....P.O

..... 19.....

DECLARATION BY AN ELECTOR WHERE HE HAS MORE THAN ONE PLACE OF ORDINARY RESIDENCE

I.....of.....being qualified to be enumerated and registered in respect of.....in the parish of.....and also in respect of..... in the parish of.....do hereby elect to be enumerated and registered in respect of..... in the parish of.....

Signed.....
Elector

FORM NO. 2 (Rule 7(b)) L.N. 76/1983.

THE REPRESENTATION OF THE PEOPLE ACT

OATH OF PHOTOGRAPHER

I,.....
the undersigned, appointed as photographer for polling division No. .....of the constituency of..... swear (or solemnly affirm) that I will faithfully perform all the duties of such photographer in accordance with the Representation of the People Act or any regulations made thereunder to the best of my ability.

.....
Signature

Sworn before me

.....
Justice of the Peace

.....
Date

[*Forms 3 and 4 deleted by L.N. 81/1980.*]

FORM NO. 5 L. N. 102/1964.

THE REPRESENTATION OF THE PEOPLE ACT (Rule 8 (6))

SCRUTINEERS NOTICE OF OBJECTION

To Mr.....
Returning officer for the constituency of.....
Address.....
I, ...
a Scrutineer appointed for polling division No.....in the Constituency of.....hereby object to the issue of a certificate of enumeration to.....
.....
whose address is.....
and whose occupation is.....
on the ground that to the best of my knowledge and belief the person enumerated is.....
.....
.....

.....
Scrutineer

.....
Date

Name of Enumerator.....

Date enumerated.....

Copy to be delivered to person to whom Certificate of Enumeration has been issued.

[The inclusion of this page is authorized by L.N. 96/1998]

L.N. 51B/87.

FORM NO. 5A (Rule 9

THE REPRESENTATION OF THE PEOPLE ACT

FORM 5A *ENUMERATOR'S WORKSHEET*

OFFICIAL LIST OF QUALIFIED PERSONS

CONSTITUENCY OF POLLING DIVISION NO.

Comprised within the area bounded by the following:

PATTOU	MR CYRIL P	DRIVER	1 WATER LANE	KINGSTON	ELECTORAL NO. 103591
ENUMERATOR		SCRUTINEER	SCRUTINEER	SERIAL NO.	CIRCLE ONE ENTRY BELOW SAME ADRS DEAD NOT FOUND NEW ADRS REFUSED
SHARE	MISS JANE E	DOMESTIC WORKER	6 WATER LANE	KINGSTON	ELECTORAL NO. 103592
ENUMERATOR		SCRUTINEER	SCRUTINEER	SERIAL NO.	CIRCLE ONE ENTRY BELOW SAME ADRS DEAD NOT FOUND NEW ADRS REFUSED

CERTIFICATE OF RETURNING OFFICER
THE ELECTORS IDENTIFIED BY THE ASSIGNMENT OF A SERIAL NUMBER
IN THE ABOVE OFFICIAL LIST
FOR P.D. OF CONSTITUENCY OF
HAVE BEEN RE-ENUMERATED BY ME AND/OR MY AGENTS
IN ACCORDANCE WITH THE PROVISIONS OF THE REPRESENTATION OF THE PEOPLE ACT.
ELECTORS ON THE LIST WERE RE-ENUMERATED, AND ..... WERE NOT DONE.
RETURNING OFFICER/DATE (RE-ENUMERATION)

CERTIFICATE OF RETURNING OFFICER
RE-ENUMERATION DOCUMENTS FOR ELECTORS IDENTIFIED
BY THE ASSIGNMENT OF A SERIAL NUMBER IN THE ABOVE OFFICIAL LIST
FOR P.D. OF CONSTITUENCY OF
HAVE BEEN CHECKED BY ME AND/OR MY AGENTS
IN ACCORDANCE WITH THE INSTRUCTIONS OF THE DIRECTOR OF ELECTIONS
RETURNING OFFICER/DATE (RE-ENUMERATION)

POLLING DIVISION CONSTITUENCY OF LIST OF ELECTORS PAGE

FORM No. 6 (Rule 10) L.N. 102/1964.

THE REPRESENTATION OF THE PEOPLE ACT

ENUMERATOR'S NOTICE OF REFUSAL

Constituency	Polling Division	Household No.

Name of Applicant	Address and Post Office

Occupation

Whereas application has been made to me for a Certificate of Enumeration by .....whose address and other required particulars are shown above, this is to certify that the said application has been REFUSED by me on the grounds that he is.....

.....

.....

.....

Signature of Enumerator

.....

Date

TAKE NOTICE that the Returning Officer for this constituency will, in due course, request you to appear before him to justify your claim, at such a time and place as he will direct.

[The inclusion of this page is authorized by L.N. 37/1988]

L.N. 51B/87.

FORM NO. 7 (Rule 12)

ORIGINAL

NOTICE TO ELECTOR WHO DOES NOT WISH TO BE ENUMERATED AND REGISTERED

.....19.....

Mr.
Mrs.....
Miss
.....
Address

.....
Address

You have this day stated that you do not wish to be enumerated and registered.

.....
Enumerator

.....
Photographer

.....
Scrutineer No. 1

.....
Scrutineer No. 2

Constituency.....

Polling Division No.....

[The inclusion of this page is authorized by L.N. 37/1988]

(Rule 12 (3))

THE REPRESENTATION OF THE PEOPLE ACT

ENUMERATOR'S NOTICE TO PERSON NOT ENUMERATED

Constituency: .....Polling Division.....

To:.....

Address:.....

This is to notify you that information has been received to the effect that you.....

.....

and that I have accordingly entered the above information on the prescribed form as provided by Rule 12 (1) of the First Schedule of the Representation of the People Act.

In accordance with Rule 12 (3) of the said Schedule I now notify you of your right to appear before the Returning Officer to refute the statement made in the entry and to satisfy the Returning Officer of your qualification to be enumerated and registered as an elector.

.....
Signature of Enumerator

.....
Date

NOTE: The Returning Officer will in due course notify you when and where to meet him.

(Rule 12 (3))

THE REPRESENTATION OF THE PEOPLE ACT

ENUMERATOR'S NOTICE TO PERSON NOT ENUMERATED

Constituency: .....Polling Division.....

To:.....

Address:.....

This is to notify you that information has been received to the effect that you.....

.....

and that I have accordingly entered the above information on the prescribed form as provided by Rule 12 (1) of the First Schedule of the Representation of the People Act.

In accordance with Rule 12 (3) of the said Schedule I now notify you of your right to appear before the Returning Officer to refute the statement made in the entry and to satisfy the Returning Officer of your qualification to be enumerated and registered as an elector.

.....
Signature of Enumerator

.....
Date

NOTE: The Returning Officer will in due course notify you when and where to meet him.

[The inclusion of this page is authorized by L.N. 37/1988]

L.N. 102/1964.

FORM No. 8 (Reverse Side)

REGISTERED MAIL

THE REPRESENTATION OF THE PEOPLE ACT

This Form is to be sent to person not enumerated.

.....

.....

(*Name and address of person not enumerated*)

If undelivered please return to—

THE RETURNING OFFICER,

Name.....

Address.....

REGISTERED MAIL

THE REPRESENTATION OF THE PEOPLE ACT

This Form is to be sent to person not enumerated.

.....

.....

(*Name and address of person not enumerated*)

If undelivered please return to—

THE RETURNING OFFICER,

Name.....

Address.....

[The inclusion of this page is authorized by L.N. 37/1988]

FORM NO. 9 (Rule 14) L.N. 102/1964.

THE REPRESENTATION OF THE PEOPLE ACT

OATH OF ENUMERATOR ON COMPLETION OF ENUMERATION

I, ...of.....

having been appointed an enumerator for the constituency of..... do swear (or solemnly affirm) that the attached records are correct and that to the best of my knowledge and belief no person qualified to be enumerated and registered has been omitted.

.....
Signature of Enumerator

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

.....
Justice of the Peace for the

Parish of.....
or

.....
Returning Officer

[The inclusion of this page is authorized by L.N. 37/1988]

L.N. 102/1964.

FORM No. 10 (Rule 16 (2))

THE REPRESENTATION OF THE PEOPLE ACT

RETURNING OFFICER'S NOTICE TO CHIEF ELECTORAL OFFICER OF CANCELLATION OF CERTIFICATE OF ENUMERATION

To: Chief Electoral Officer,

I have to inform you that Certificate of Enumeration No. CE

dated and issued to.....
of in respect of Polling Division No. of
the Constituency has been cancelled by me under the provisions of Rule 16(2) of the First Schedule of the Representation of the People Act for the following reason:

.....

.....

.....

.....

.....
Returning Officer

Constituency of.....

.....
Date

Copy to Elector to whom the cancellation applies.

[The inclusion of this page is authorized by L.N. 37/1988]

FORM No. 11 (Rule 18 (1)) L.N. 40/1965.

THE REPRESENTATION OF THE PEOPLE ACT

APPLICATION FOR COPY OF CERTIFICATE OF ENUMERATION

Constituency.....Polling Division No.....

Name in full:.....
Christian *Middle* *Surname*

Address:.....
Number and Street *District* *Post Office*

Occupation:.....Household No.....

Sex.....Age.....Height.....Date of Birth.....

Jamaican or Commonwealth citizen.....

Place of Birth.....Distinguishing Marks.....

I hereby apply for a copy of the certificate of enumeration issued in respect of me in order to be registered. An affidavit in support of my application is submitted hereunder.

.....
Signature of Applicant

.....
Date

Affidavit in connection with lost certificate of enumeration

I ..... being duly
(*name in full*)
sworn make oath and say as follows:

1. I am a ..... I live at
(*occupation*)
.....
(*number of house and name of street*) *or* (*name of district*)
in the parish of ..... My postal address is ..... and my household number is No.....

2. I am of the male/female sex and I am .....years of age having been born at ..... on
(*place of birth*)
.....
(*date of birth*)

[The inclusion of this page is authorized by L.N. 57/1981]

3. I am a Jamaican/Commonwealth citizen.

4. My height is ..... and I have the following distinguishing marks.....

.....

5. The particulars stated at paragraphs 1, 2, 3 and 4 above relate to me personally and are true and correct.

6. I was enumerated under the provisions of the Representation of the People Act during the year ..... and a duplicate of the certificate of enumeration was delivered to me but the said certificate of enumeration has been lost/mislaid/destroyed.

.....
(Signature of person swearing to affidavit)

Sworn to before me at .....

in the parish of .....

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

.....
Justice of the Peace

for the Parish of.....

L.N. 144/1968.

FORM NO. 12 (Rule 19 (3))

THE REPRESENTATION OF THE PEOPLE ACT

Oath of person giving evidence before the Returning Officer

I * (a) swear
_____ that the evidence which I shall give shall
* (b) solemnly affirm
be the truth, the whole truth and nothing but the truth

• (a) SO HELP ME GOD

* NOTE: Use (a) or (b), whichever is appropriate.

[The inclusion of this page is authorized by L.N. 57/1981]

FORM NO. 13 (Rule 19 (4)) L.N. 144/1968.

THE REPRESENTATION OF THE PEOPLE ACT

Oath of person appearing before the Returning Officer as claimant

I • swear

* solemnly affirm

(1) that my name is.....

(2) that I am ordinarily resident at..... L.N. 261/1972.
in polling division No.....in the constituency of
.....

(3) that on the date of registration I was
*a citizen of Jamaica

.....

*a Commonwealth citizen (other than a citizen of Jamaica) and was resident in Jamaica for at least twelve months immediately preceding that date.

(4) that I am not incapable of being registered as an elector by virtue of the provisions of the Representation of the People Act, L.N. 261/1972.

and that any other evidence which I shall give shall be the truth, the whole truth and nothing but the truth

• SO HELP ME GOD.

.....
Signature

.....
Date

• NOTE: Strike out the words which are not applicable.

[The inclusion of this page is authorized by L.N. 17/1982]

SH 28 VOL XXIII

[Form No. 14 deleted by L.N. 93/1980.]

L.N. 102/1964.

FORM NO. 15 (Rule 24)

THE REPRESENTATION OF THE PEOPLE ACT

REGISTRATION RECORD CARD INVENTORY FORM

Constituency.....Polling Division.....

Registration No.	Name of Elector	Address of Elector	How disposed of

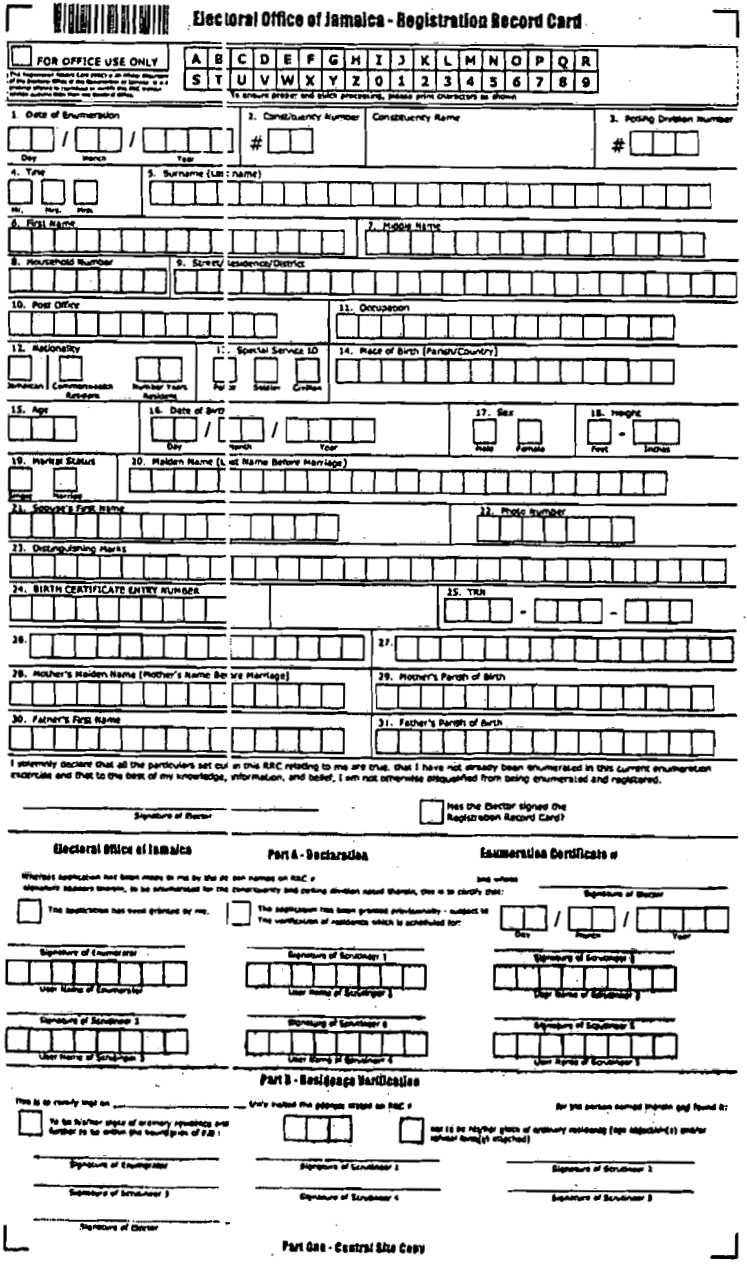
.....
Enumerator

[The inclusion of this page is authorized by L.N. 17/1982]

FORM No. 16 (Rules 8, 26 and 29)

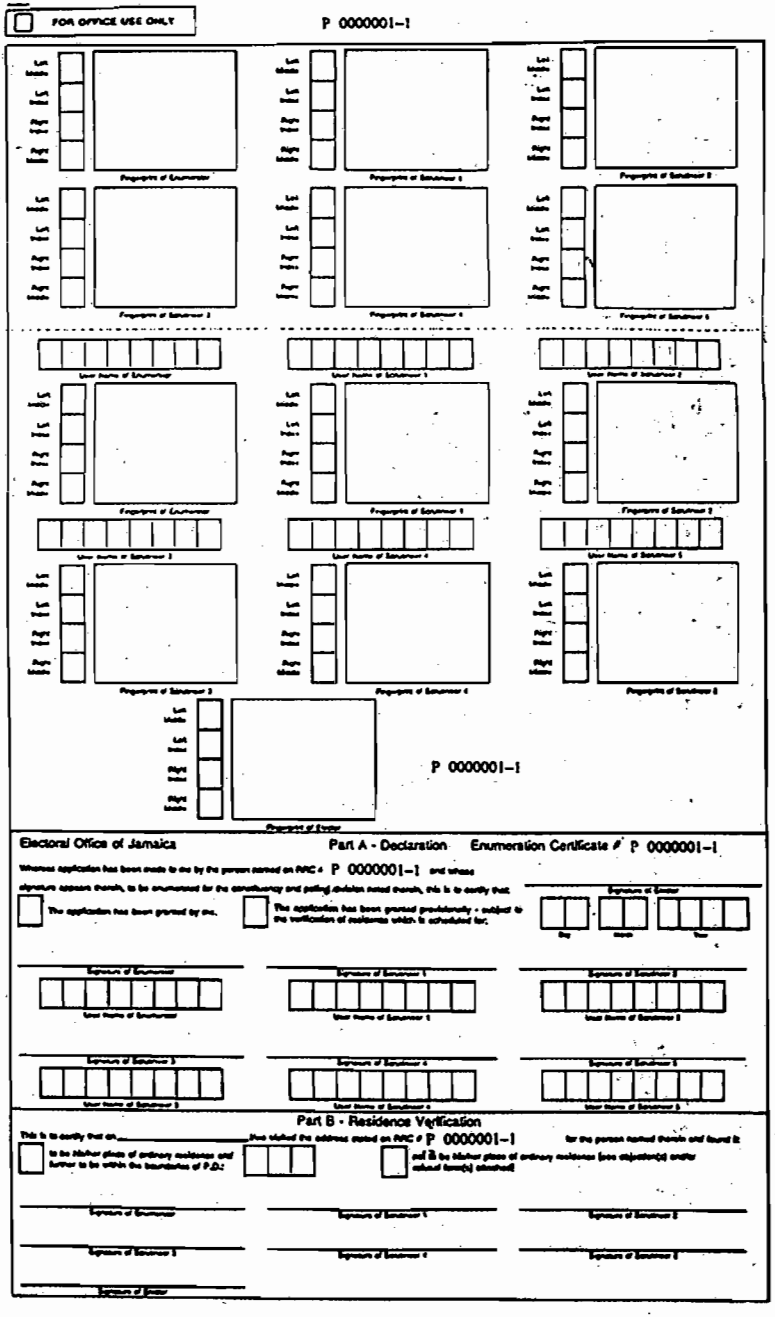
Electoral Office of Jamaica – Registration Record Card

L.N. 176A/2011.

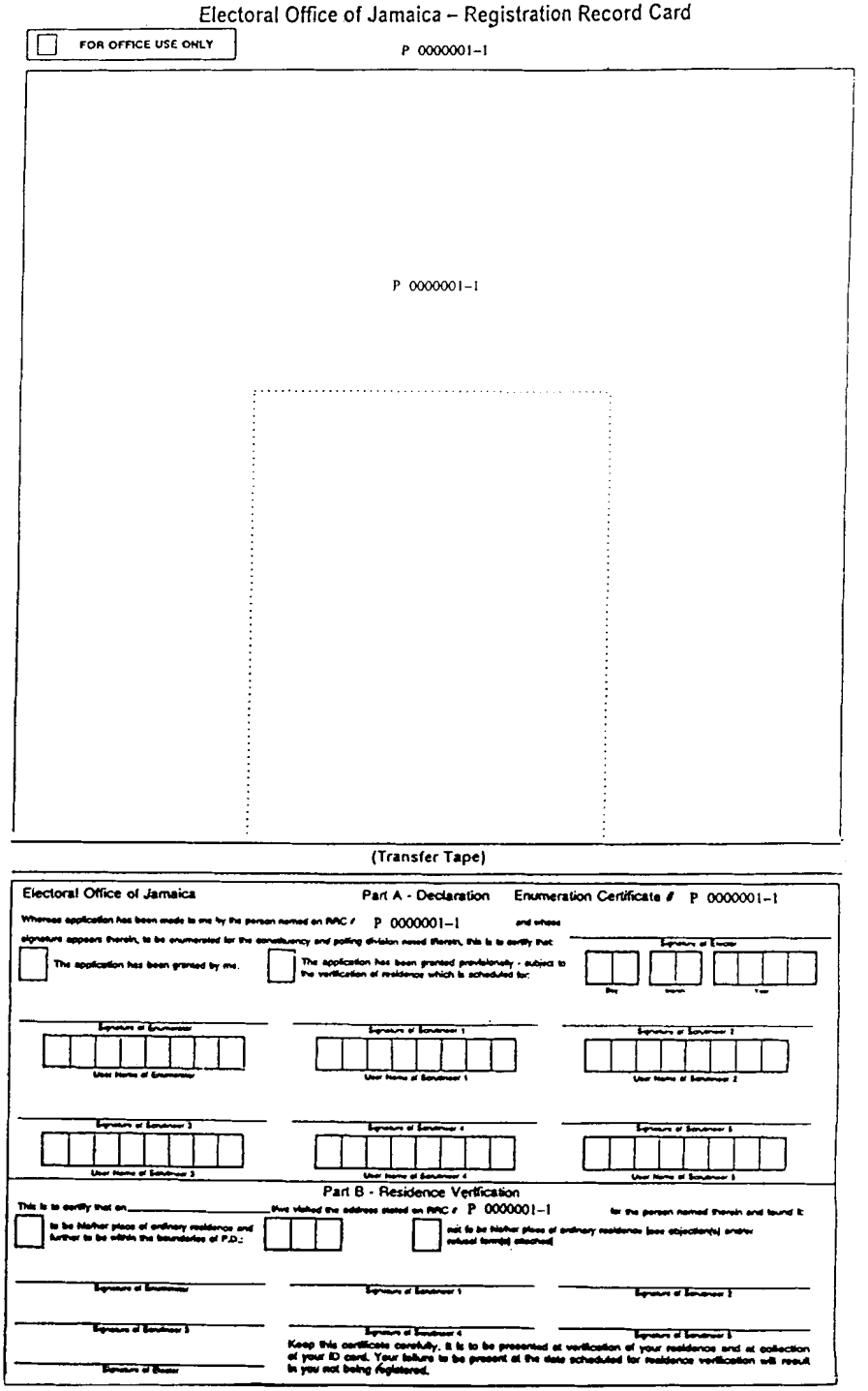


FORM No. 16, *contd.*

Electoral Office of Jamaica – Registration Record Card

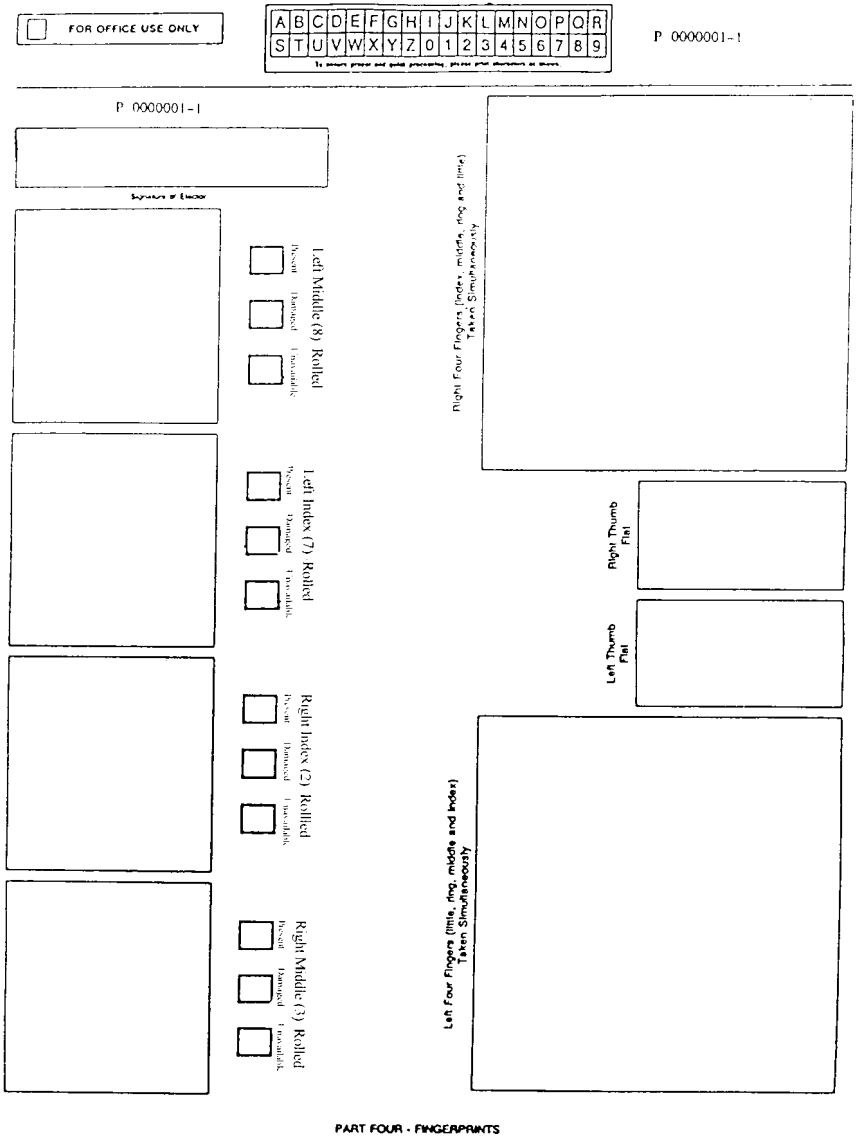


FORM No. 16. *contd.*



FORM No. 16. *contd.*

Electoral Office of Jamaica – Registration Record Card

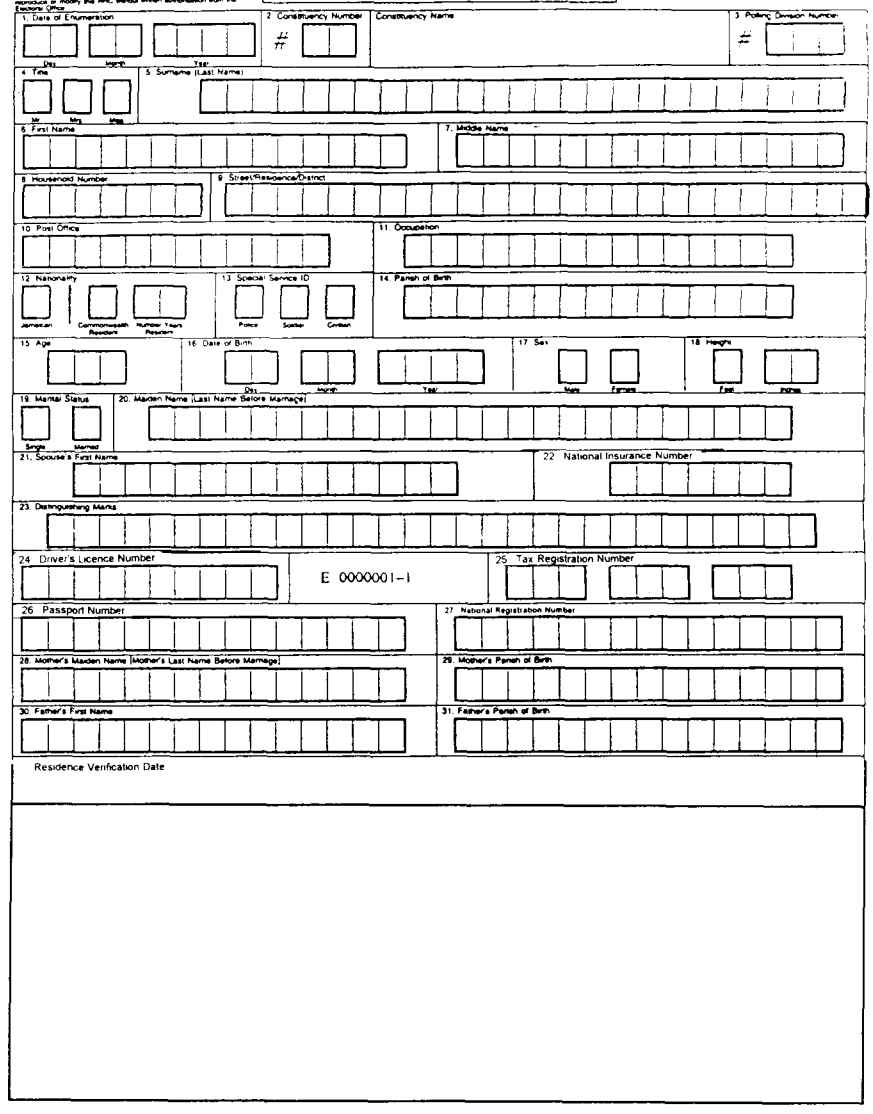


PART FOUR - FINGERPRINTS

FORM No. 16A (Rule 25)

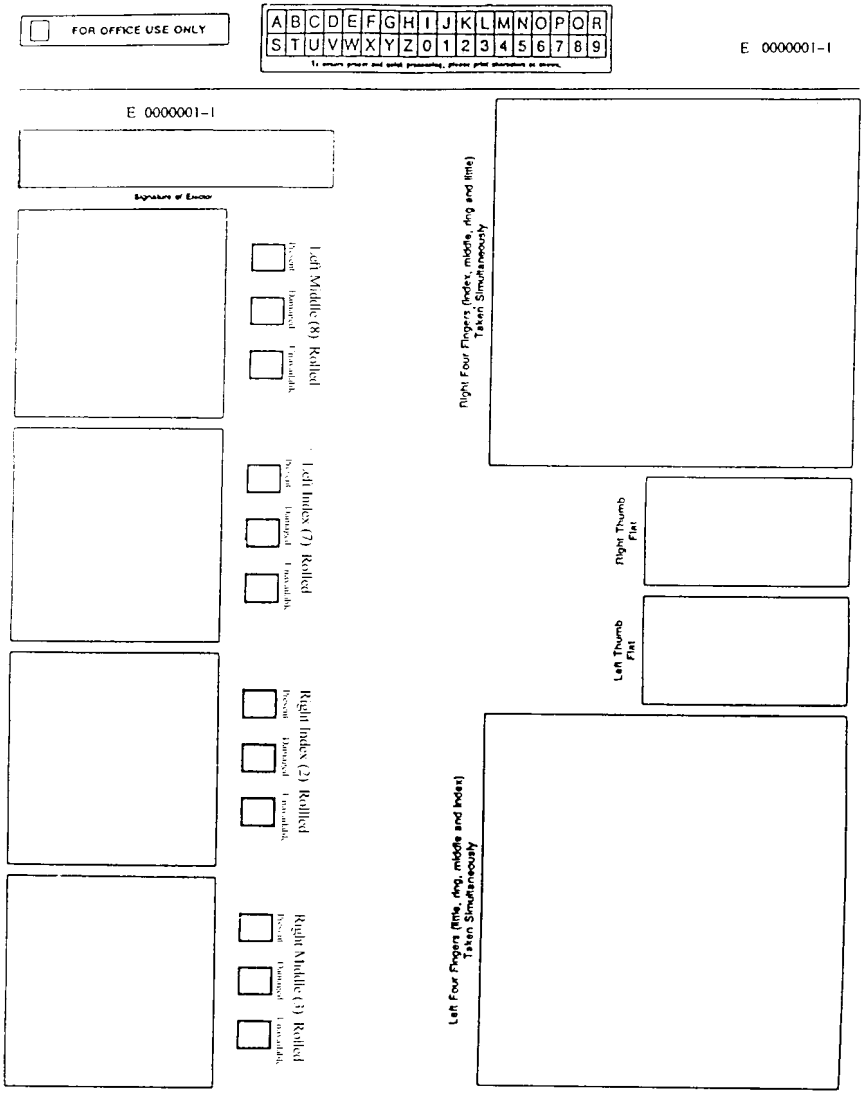
Electoral Office of Jamaica – Registration Record Card

31/1996
Sch.



FORM No. 16A . *contd.*

Electoral Office of Jamaica – Registration Record Card



PART TWO – FINGERPRINTS

L.N. 76/1983.

FORM NO. 17 (Rule 34)

THE REPRESENTATION OF THE PEOPLE ACT

IDENTIFICATION CARD

NATIONAL REGISTRATION NO. _____

NATIONALITY _____

DIRECTOR OF ELECTIONS _____ ELECTORAL NO. _____

DATE OF BIRTH _____

SURNAME _____

HEIGHT _____

OTHER NAMES _____

DISTINGUISHING MARKS _____

SIGNATURE _____ ISSUE DATE _____ EXPIRY DATE _____

IF FOUND PLEASE RETURN TO THE NEAREST POST OFFICE

L.N. 282/1984.

FORM NO.18 (Rule 40A)

THE REPRESENTATION OF THE PEOPLE ACT

OATH OF DISTRIBUTOR

I, ..., the undersigned,

appointed distributor for the constituency of ..... swear (or solemnly affirm) that I will act faithfully in my said capacity of distributor according to law, without partiality, fear, favour or affection.

.....
Signature of Distributor

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

.....
Justice of the Peace for the

Parish of.....

or

.....
Returning Officer

FORM NO. 19 [*Deleted by Act 31 of 1996.*]

FORM No. 19 [*Deleted by Act 31 of 1996.*]

L.N. 26/1988.

FORM NO. 20 (Rule 34A)

THE REPRESENTATION OF THE PEOPLE ACT

Application Form

Replacement of Voter Identification Card

ELECTORAL OFFICE JAMAICA

Surname Mr./Mrs./Miss First Name Middle Name

Address on Current Voters List Post Office Occupation

Constituency or Parish Polling Division Registration No.

Sex Age Date of Birth Mother's full name before marriage

Male Female Day Month Year

For Office Use Only Father's Name

CON.

P.D.

Name of Wife/Husband

R.R.C. NO.

Signature

DECLARATION OF ELECTOR

I.....
solemnly declare that my Voter Identification Card has been defaced/damaged/lost/destroyed.

Witnessed By.....

Signature of Elector

Position.....

Date.....

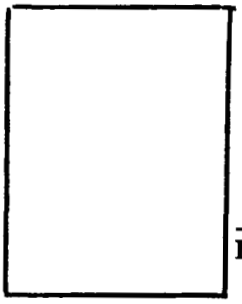
N.B. To be witnessed by a Justice of the Peace, Teacher or Minister of Religion.

[The inclusion of this page is authorized by L.N. 96/1998]

FORM NO. 21 (Rule 34A) L.Nn. 26/1988, 36c/1988.

THE REPRESENTATION OF THE PEOPLE ACT

SUBSTITUTE IDENTIFICATION CARD



SUBSTITUTE

National Registration No. _____

Nationality _____

_____ Electoral No. _____

Director of Elections

_____ _____

Surname Date of Birth

_____ _____

Other Names Height

_____ _____

Signature Distinguishing marks

_____

Issue Date Expiry Date

If found please return to the nearest Post Office.

SECOND SCHEDULE (Section 3 (1))

FORM NO. 1

THE REPRESENTATION OF THE PEOPLE ACT

Writ of Election

By.....

To.....

Returning Officer for the Constituency of.....greeting:

WHEREAS I think it expedient that Writs should issue for the election of members to serve in the Jamaica House of Representatives: This preamble to be omitted except in case of a general election.

I COMMAND YOU that notice of the time and place of election being first duly given, you do cause election to be made according to law of a member to serve in the House of Representatives for the said constituency of.....* on the.....day of..... and that you do cause the name of such member when so elected, whether he be present or absent, to be certified to the Chief Electoral Officer as by law directed.

*Except in a general election insert here "in the place of ....." stating the cause of vacancy.

Witness my hand at.....this .....day of.....

Governor-General

(Reverse side of Form)

Endorsement

Received the within Writ on the.....day of..... 19.....

.....

Returning Officer for the

Constituency of.....

L.N. 102/1964.

FORM NO. 2 (Section 13 (1))

THE REPRESENTATION OF THE PEOPLE ACT

OATH OF ENUMERATOR ON APPOINTMENT

I,....., the undersigned, appointed enumerator for the constituency of.....swear (or solemnly affirm) that I will act faithfully in my said capacity of enumerator according to law, without partiality, fear, favour or affection.

.....

Signature of Enumerator

[The inclusion of this page is authorized by L.N. 17/1969]

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

.....
Justice of the Peace for the
Parish of.....
or

.....
Returning Officer

FORM NO. 3 (Section 22)

THE REPRESENTATION OF THE PEOPLE ACT

Notice of Election of a Member of the House of Representatives for the Constituency of.....

His Excellency the Governor-General having issued his Writ for the Election of a member of the House of Representatives for the constituency of.....the Returning Officer of the said constituency will on the.....day of.....19..... now next ensuing between the hours of noon and 2 p.m. at..... .....proceed to the nomination and if there is no opposition, to the election of a member for the constituency of.....

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

Every nomination paper must be signed by any ten or more electors qualified to vote in the constituency of.....and be handed to the Returning Officer between the said hours of noon and 2 p.m.

Every nomination paper shall specify the name, address and occupation of the candidate and his address for service of process and papers under the Representation of the People Act and also the name, address and occupation of his official agent (if any). L.N. 81/1980.

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

(*a*) the consent in writing of the person therein nominated (except where such person is absent from the constituency in which the election is to be held, when such absence shall be stated in the nomination paper); and

[The inclusion of this page is authorized by L.N. 5/1992]

(*b*) a deposit of one hundred dollars in legal tender.

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

The office of the Returning Officer for the constituency of..... .....is situated at.....

.....

Returning Officer for the constituency of.....

.....

Date

FORM NO. 4 (Section 23 (2))

THE REPRESENTATION OF THE PEOPLE ACT

Nomination Paper

We, the undersigned electors for the constituency of..... do hereby nominate the following person as a proper person to serve as a member of the House of Representatives of Jamaica for the said constituency of.....and we certify that to the best of our belief he is qualified for election as a member of the House of Representatives under the conditions prescribed by section 39 of the Constitution of Jamaica.

L.N. 34/1967.

Surname	Other names or initials	Address	Occupation

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

[The inclusion of this page is authorized by L.N. 5/1992]

I,.....nominated in the foregoing nomination paper hereby consent to such nomination as Candidate for election as a member of the House of Representatives of Jamaica for the constituency of.....and name as my address for the serving of process and papers under the Representation of the People Act—

Address.....

Occupation.....

I hereby name and appoint.....

whose address is.....and whose occupation is.....as my official agent for the pending election.

Witness my hand this.....day of.....19.....

Signed by the said nominee in the presence of } .....
Signature of Candidate

.....
Signature of Witness

FORM NO. 5 (Section 27 (1))

THE REPRESENTATION OF THE PEOPLE ACT

Return where there are no more Candidates than Members to be elected

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

.....
(*Insert name, address and occupation of member*

.....
elected as stated on the nomination paper)

No other candidate having been nominated (or the other or all other candidates having withdrawn).

Dated at.....this.....day of..... 19.....

.....
Returning Officer

To the Chief Electoral Officer.

FORM NO. 6 (Section 28 (2))

THE REPRESENTATION OF THE PEOPLE ACT

Notice of grant of a Poll

The Constituency of.....

[The inclusion of this page is authorized by L.N. 57/1981]

NOTICE is hereby given to the electors of the constituency aforesaid that a Poll has been granted for the election now pending for the said constituency and that such Poll will be opened on the.....
day of.....19.....at the hour of seven in the forenoon and kept open till the hour of five in the afternoon in the following Polling Stations established in the various Polling Divisions comprised in the said constituency.

Polling Stations.....
.....
.....
.....

L.N. 81/1980.

And that the names, addresses and occupations of the candidates officially nominated, in the order in which they are to be printed on the ballot papers, and the names addresses and occupations of the official agents of such candidates as stated in the applicable nomination papers, are as follows—

Names, addresses and occupations of candidates	Names, addresses and occupations of agents
.....	.....
.....	.....
.....	.....
.....	.....
.....	.....

of which all persons are hereby required to take notice and govern themselves accordingly.

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

.....
Returning Officer

FORM NO. 7 (Sections 32 (1) (d), 42(4))

THE REPRESENTATION OF THE PEOPLE ACT

Directions to Electors

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

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

The elector shall then fold the ballot paper so that the initials of the presiding officer and the numbers on the counterfoil can be seen and

[The inclusion of this page is authorized by L.N. 57/1981]

the counterfoil detached without opening the ballot paper; he shall then return the ballot paper so folded to the Presiding Officer who shall in full view of those present, including the elector, remove the counterfoil, destroy the same and place the ballot paper in the ballot box. The elector shall then forthwith quit the polling station.

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

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

In the following form of ballot paper given for illustration the candidates are William Carib, Frank Patou and John Shark and the elector has marked his ballot paper in favour of Frank Patou.

Ballot Paper

L.N. 24B/2013.

No. 1040 Constituency Polling Division No.

No. 1040

GENERAL ELECTION _____

_____ CONSTITUENCY

Polling Division No.

Voter's Number on Roll _____

Constituency

Polling Division No.

Polling Day_____

Space for initial of P.O

_____DO NOT FOLD ABOVE THIS LINE_____

1	**CARIB, WILLIAM** 26 Duke Street, Kingston; Engineer	Symbol
2	**PATOU, FRANK** 14 Water Lane, Kingston; Merchant	Symbol X
3	**SHARK, JOHN** 3 Victoria Avenue, Kingston; Agent	Symbol

Constituency
Polling Division No.

FORM NO.8 (Sections 33 (2), 35(1), 44(4))

THE REPRESENTATION OF THE PEOPLE ACT

L.N. 24B/2013.

Ballot Paper

No. 1040 Constituency Polling Division No.

No. 1040

GENERAL ELECTION _____

_____ CONSTITUENCY

Polling Division No.

Voter's Number on Roll _____

Constituency

Polling Division No.

Polling Day_____

Space for initial of P.O

_____DO NOT FOLD ABOVE THIS LINE_____

1	**CARIB, WILLIAM** 26 Duke Street, Kingston; Engineer	Symbol
2	**PATOU, FRANK** 14 Water Lane, Kingston; Merchant	Symbol
3	**SHARK, JOHN** 3 Victoria Avenue, Kingston; Agent	Symbol

Constituency
Polling Division No.

FORM NO. 9 (Section 34 (2))

THE REPRESENTATION OF THE PEOPLE ACT

Oath that the Elector is the person intended to be referred to in the List of Electors

You swear that you are qualified to vote at this election of a member to serve in the House of Representatives of Jamaica and are not disqualified from voting thereat and that you verily believe that you are the person intended to be referred to by the entry, in the List of

Electors used at this Polling Station, of the name.....

whose occupation is given as.....

and whose address is given as.....

SO HELP YOU GOD.

FORM NO. 10 (Section 34 (3)) L.N. 34/1967.

THE REPRESENTATION OF THE PEOPLE ACT

Oath of Qualification

*(a) swear

You——————————

*(b) solemnly affirm

(1) that you have attained the age of eighteen years and that you are— 11/1972 S. 4 (b).

*(a) a citizen of Jamaica and are ordinarily resident in Jamaica;

*(b) a Commonwealth citizen (other than a citizen of Jamaica) and are ordinarily resident in Jamaica;

(2) that you are not within any of the classes of persons who lack qualification or are disqualified by reason of crime, mental capacity or disfranchisement for corrupt or illegal practices;

(3) that you have not received anything nor has anything been promised to you directly or indirectly in order to induce you to vote or to refrain from voting at this election; and

(4) that you have not already voted at this election or been guilty of any corrupt or illegal practice in relation thereto.

SO HELP YOU GOD.

*Use (a) or (b) as may be appropriate.

[The inclusion of this page is authorized by L.N. 96/1998]

3/1966
S. 5.

FORM No. 11 (Sections 34 (7) & 36 (1))

THE REPRESENTATION OF THE PEOPLE ACT

Oath of Identity, with Fingerprint, of Elector

I do swear* ———————— that I am

solemnly affirm*

.....
(*Name as on official list of electors*)

of.....
(*Address as on official list of electors*)

Registration No.....
(*As on official list of electors*)

whose name is entered on the list of electors now shown to me.

.....
Signature

*Sworn before me this day of 19

*Affirmed.

Fingerprint of elector

31/1996
Sch.

Right Thumb	Left Thumb	Other	Other

.....

Presiding Officer for polling division No. of the constituency of .

NOTES:

1. *Strike out what does not apply.

2. The elector shall, except where he has no finger on either hand, make in the space provided the appropriate impressions in ink— 31/1996 Sch.

   (i) with his right thumb; or 31/1996 Sch.

   (ii) with any other finger in place of a thumb, should he not have one thumb; or

   (iii) with any other two fingers in place of the thumbs, should he not have either thumb. 31/1996 Sch.

FORM NO. 12 (Section 36 (3))

THE REPRESENTATION OF THE PEOPLE ACT

Oath of Incapacitated Elector

You swear that you are incapable of voting without assistance by reason of physical incapacity.

SO HELP YOU GOD.

FORM NO. 13 (Section 36 (4))

THE REPRESENTATION OF THE PEOPLE ACT

Oath of Blind Elector

You.....of.....

swear that you are incapable of voting without assistance by reason of your inability to see.

SO HELP YOU GOD.

[The inclusion of this page is authorized by L.N. 96/1998]

FORM NO. 14 (Section 36 (5))

THE REPRESENTATION OF THE PEOPLE ACT

Oath of Friend of Blind Elector

(1) You swear (or affirm) that you will keep secret the name of the candidate for whom you mark the ballot paper of the blind elector on whose behalf you act.

(2) That you have not already acted as the friend of a blind elector for the purpose of marking his ballot paper at this election.

SO HELP YOU GOD.

FORM NO. 15 (Section 41 (2))

THE REPRESENTATION OF THE PEOPLE ACT

Oath of Agent of a Candidate or Elector representing Candidate

I.....the undersigned, agent for (or elector representing).....one of the candidates at the election of a member of the House of Representatives of Jamaica held on this day in the constituency of..... do swear (or solemnly affirm) that I will keep secret the names of the candidates for whom any elector voting at this polling station marks his ballot paper in my presence at this election.

SO HELP ME GOD.

.....
Signature of Agent or Elector

Sworn (or affirmed) before me at.....this.....

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

.....
Returning Officer for the constituency

of.....
or
Justice of the Peace for the parish

of.....
or
Presiding Officer for polling division

No.....*of the constituency*

of.....

[The inclusion of this page is authorized by L.N. 96/1998]

FORM NO. 15A (Section 41A)

THE REPRESENTATION OF THE PEOPLE ACT

Appointment of a Candidate's Outdoor Agent at a Polling Station

Constituency or Division of.....
To the Presiding Officer:

Polling Station No.....

For the pending election I have appointed.....

my outdoor agent at Polling Station No.....
Insert No. of Polling Station

in substitution for outdoor agent.....
(*Strike out if not appropriate*)

Dated at.....this .....day of.....19.....

.....
Candidate

FORM NO. 16 (Section 43 (4))

THE REPRESENTATION OF THE PEOPLE ACT

Poll Book

Consecutive number given each Elector as he applies for Ballot	Particulars of Elector							Particulars of persons applying for Ballot Papers after another person has voted as such person			Objections if any made on behalf of any Candidates (Sec 36 (2) (d))	Remarks
	Name of Elector	Occupation	Post Office address	Consecutive No. of Elector on list of Electors	Form numbers of Oaths if any Elector is required to swear	(a) Record that Oath sworn or refused	(b) Record that Elector has voted	Name	Consecutive No. of Elector on list of Electors	Sec. 36 (2) (c) Record that oath sworn		

(a) If sworn insert "sworn", if refused insert "refused to be sworn".

(b) When Ballot put into Ballot Box insert "voted".

[The inclusion of this page is authorized by L.N. 96/1998]

FORM NO. 17 (Section 44 (8))

THE REPRESENTATION OF THE PEOPLE ACT

Oath of Presiding Officer after closing of the Poll

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

.....
Presiding Officer

Sworn (or affirmed) before me at.....this.....
day of.....19.....

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

FORM NO. 18 (Section 44 (8))

THE REPRESENTATION OF THE PEOPLE ACT

Oath of the Poll Clerk after Closing the Poll

I....., the undersigned, Poll Clerk for polling station No.....of the constituency of..... do swear (or do solemnly affirm) that this Poll Book for the said polling station kept under the direction of..... who has acted as presiding officer thereat has been so kept by me under his direction as aforesaid correctly and to the best of my skill and judgement: that the total number of votes recorded therein is .....and that to the best of my knowledge and belief it contains a true and exact record of the votes given at the abovementioned polling station as the said votes were taken thereat by the said presiding officer and that I have faithfully performed all other duties as Poll Clerk according to law.

.....
Poll Clerk

Sworn (or affirmed) before me at.....this.....
day of.....19...

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

[The inclusion of this page is authorized by L.N. 96/1998]

FORM No. 19 (Section 44 (9))

THE REPRESENTATION OF THE PEOPLE ACT

Statement of the Poll after counting the Ballots

Constituency of.....Polling Station No.....

Number of ballot papers received from the returning officer.		.....
Number of ballot papers cast for.....	.....	
do. do do.	.....	
do. do do.	.....	
do. do do.	.....	
do. do do.	.....	
do. do do.	.....	
do. do do.	.....	
Number of *REJECTED ballot papers.....	.....	
(*A REJECTED ballot paper means a ballot paper which has been handed by the presiding officer to an elector to cast his vote but which at the close of the poll, has been found in the ballot box unmarked or so improperly marked that it cannot be counted)		
Total number of ballot papers found in box.....	.....	
Number of unused ballot papers undetached from the books.....	.....	
Number of *SPOILED ballot papers.....	.....	
(*A SPOILED ballot paper means a ballot paper which, on polling day, has not been deposited in the ballot box, but has been found by the presiding officer to be soiled or improperly printed, or which has been handed by the presiding officer to an elector to cast his vote, and (a) has been spoiled in marking by the elector, and (b) has been handed back to the presiding officer and exchanged for another).		
Total		

Number of names on official list of electors used at the poll.....

I hereby certify that the above statement is correct.

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

day of.....19...

.....

Presiding Officer

[The inclusion of this page is authorized by L.N. 96/1998]

FORM NO. 20 (Section 44 (10))

THE REPRESENTATION OF THE PEOPLE ACT

Oath of Messenger sent to collect Ballot Boxes or any Custodian of Ballot Boxes

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

.....
Signature

Sworn (or affirmed) before me at.....this.....

day of.....19...

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

FORM NO. 20A (Section 45 (1A)) L.N. 4/1989

THE REPRESENTATION OF THE PEOPLE ACT

Notice of Appointment of a Candidate's Agent to act as an Observer

Constituency of.....
To the Returning Officer.....
For the pending election I have appointed.....
to act as an observer for the purposes specified in section 45 (1A) of the Representation of the People Act on the dates and during the periods specified below:

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

Dated at.....this.....day of.....19.....

.....
Candidate

L.N. 4/1989.

FORM NO. 20B (Section 45 (1B))

THE REPRESENTATION OF THE PEOPLE ACT

Certificate by Returning Officer of Appointment of Candidate's Agent to act as an Observer

To:

THIS IS TO CERTIFY that pursuant to a notice issued by.....

.....

candidate for the election in the constituency of..... you have been appointed as agent of the said candidate to act as an observer for the purposes specified in section 45 (1A) of the Representation of the People Act on the dates and at the times set out below:

.....

.....

.....

.....

Dated at .....this.....day of.....19.....

.....

Returning Officer for the Constituency of

This certificate must be produced to the Returning Officer on request.

[The inclusion of this page is authorized by L.N. 96/1998]

FORM NO. 21 (Section 49 (1))

THE REPRESENTATION OF THE PEOPLE ACT

Return after Poll has been taken

I hereby certify that the member elected for the constituency of

.....in pursuance of the within writ as having received the majority of votes lawfully given is

.....

(name, address and occupation as stated in Nomination Paper)

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

day of ..... 19...

.....

Returning Officer

FORM NO. 22 (Section 60 (4) (6))

THE REPRESENTATION OF THE PEOPLE ACT

Return of Election Expenses

Payments made by candidate to persons other than his agent

(1) Personal living expenses of Candidate (not to exceed $100.)	$	c
(2) Petty expenses incurred by Candidate (not to exceed $20.)	$	c

[The inclusion of this page is authorized by L.N. 96/1998]

Expenditure incurred by Agent

Expenditure upon hire of premises			
Particulars of premises	Period for which hired	Rate per day	Total expenditure
		$ c	$ c

Expenditure on lighting in connection with hired premises	
	$

	$
Expenditure on Printing	

	$ c
Expenditure on newspaper advertising	

Expenditure on distribution of advertising material	
	$ c

Expenditure on canvassing

Names of canvassers	Amount paid to canvassers
	$ c

Expenditure on allowances to speakers

Date	Name of speaker	Meetings addressed by speaker	Amount paid to speaker
			$ c

[The inclusion of this page is authorized by L.N. 96/1998]

Expenditure on Clerks and Messengers

Expenditure on postage, stationery and miscellaneous expenses not above enumerated

$ c

Moneys, Securities or Money's worth received by Agent from any Source in connection with election

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

Declaration of Candidate

I.....of.....
a candidate at the election of a member of the House of Representatives held on the.....day of.....19.....do swear (or solemnly declare) that—

(1) I have examined the attached return and the vouchers in support thereof; and

(2) I have made no payments to any person other than my official agent in connection with my candidature except as set out in the attached return;

(3) to the best of my knowledge, information and belief the attached return is in every respect a true and accurate return of all expenditure incurred in promoting my candidature at the said election and of moneys, securities and money's worth received by my agent from any source in connection with my candidature.

.....
Signature

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

.....
Justice of the Peace

[The inclusion of this page is authorized by L.N. 96/1998]

Declaration of Official Agent

I.....of.....
at the election of a member of the House of Representatives held on the.....day of.....19.....do swear (or solemnly declare) that—

(1) to the best of my knowledge, information and belief the attached return is a true and accurate return of all expenditure incurred by any person in promoting the candidature of the said.....at the said election between the issue of the Writ for the said election and the return thereto;

(2) that I have not received from the candidate or from any club, society or organization any sum of money, securities or money's worth for promoting the said candidature between the said dates, except as set out in the return.

.....
Signature

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

.....
Justice of the Peace

FORM NO. 23 (Section 64 (2))

THE REPRESENTATION OF THE PEOPLE ACT

Oath of Returning Officer

I,....., having been appointed returning officer for the constituency of.....
do swear that I will faithfully perform all the duties of such returning officer in accordance with the provisions of the Representation of the People Act, and of any regulations made thereunder to the best of my ability.

Sworn before me

.....
Justice of the Peace

.....
Date

FORM NO. 24 (Section 65 (2))

THE REPRESENTATION OF THE PEOPLE ACT

Appointment and Oath of Election Clerk

I.....having been appointed election clerk for the constituency of.....do swear that I

will faithfully perform all the duties of such election clerk in accordance with the provisions of the Representation of the People Act, and of any regulations made thereunder to the best of my ability.

Sworn before me

.....
Justice of the Peace

.....
Date

FORM NO. 25 (Section 67 (2))

THE REPRESENTATION OF THE PEOPLE ACT

Oath of a Presiding Officer

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

SO HELP ME GOD

.....
Presiding Officer

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

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

FORM NO. 26 (Section 68 (2))

THE REPRESENTATION OF THE PEOPLE ACT

Oath of a Poll Clerk

I....., the undersigned, appointed as Poll Clerk for pollling station No.....of the constituency of .....swear (or solemnly affirm) that I will act faithfully in my capacity of Poll Clerk and also in that of Presiding Officer if required to act as such, according to law, without partiality, fear, favour or affection, and that I will keep secret the names of the candidates for whom any of the voters in the above-mentioned polling station marks his ballot paper in my presence at this election.

SO HELP ME GOD

.....
Poll Clerk

Sworn (or affirmed) before me at.....
this.....day of....., 19.....

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

SH 30 VOL. XXIII

[The inclusion of this page is authorized by L.N. 96/1998]

L.N. 27/1981

THIRD SCHEDULE (Sections 104(1), 112(1))

Military Voters

1. The Chief Electoral Officer shall supply to the Officer Commanding the regular Force in the Jamaica Defence Force (hereinafter referred to as the Chief of Staff) so many copies as he thinks necessary of each military voters list.

2. (1) For the purposes of this Schedule, the Chief of Staff shall, after consultation with the Chief Electoral Officer—

(*a*) establish such number of voting centres as he thinks necessary to ensure that all electors under his command who may be in Jamaica on the prescribed day referred to in rules 9 and 10 shall have the opportunity of voting; and

(*b*) advise the Chief Electoral Office of the voting centres so established and of the persons listed on the military voters lists who are, subject to paragraph (3), allocated to vote at each such voting centre.

(2) The allocation of electors to voting centres pursuant to paragraph (1) (*b*) shall be published in such form as the Chief of Staff thinks fit so as to ensure that each elector is made aware of the voting centre to which he is allocated.

(3) The Chief of Staff may, if he thinks the circumstances so require, by memorandum in writing request the Chief Electoral Officer to make arrangements for an elector allocated to a voting centre to be reallocated so as to vote at some other voting centre; and the Chief Electoral Officer shall if it is expedient so to do, make arrangements accordingly.

3. The Chief Electoral Officer after consultation with the Chief of Staff shall divide the military voters list, prepared under section 108 in relation to each constituency, into separate lists of persons who are to vote at, and allocated to, each voting centre.

4. The Committee shall appoint suitable persons to be military electoral officers and military polling officers who shall perform respectively in relation to a voting centre the functions of presiding officers and poll clerks.

5. The Chief Electoral Officer shall supply to the returning officer for each constituency in which a voting centre is established for delivery to the military electoral officer appointed for each voting centre in that constituency—

(*a*) so many copies as he thinks necessary of each military voters list of the persons who are to vote at, and allocated to, that voting centre;

(*b*) so soon as may be after the ballot papers are printed—

(i) a sufficient number of ballot papers to enable every elector who is entitled to vote in accordance with the provisions of this Schedule at that voting centre so to vote; and

[The inclusion of this page is authorized by L.N. 96/1998]

(ii) an equal number of envelopes addressed to the returning officer for the constituency to which the ballot papers relate and bearing thereon the words "Military Voter";

(*c*) the electoral ink;

(*d*) the prescribed equipment referred to in section 37;

(*e*) a book for the purpose of noting, by the military polling officer, matters required by this Schedule to be noted;

(*f*) the several forms of oaths to be administered to electors.

6. Every political party having a candidate in the election may appoint an agent or representative for each voting centre and such agent or representative may remain in the voting centre during the time the poll remains open and may observe the procedure therein.

7. The returning officer for a constituency shall supply the military electoral officer or the voting centre in that constituency with the materials referred to in paragraphs (*a*) to (*f*) of rule 5 in order to enable every elector who is entitled to vote at that voting centre so to vote.

8. Subject to rule 2 (3), before a person is allowed to vote at any voting centre pursuant to these Rules—

(*a*) the military polling officer shall satisfy himself that the name of the person applying to vote appears on the military voters list for that voting centre;

(*b*) the applicant shall satisfy the military electoral officer, by such means as may be available to him, of his identity, and where the military electoral officer is not so satisfied a note to that effect shall be made in the book referred to in rule 5 (*e*) and the elector shall not be allowed to vote.

9. Subject to rule 10, on the day (in these Rules referred to as the prescribed day) next but three before election day, every military electoral officer for a voting centre, on application between the hours of 8 a.m. and 4 p.m. by any elector whose name appears upon the military list for that centre, shall, on being satisfied of the applicant's identity—

[The inclusion of this page is authorized by L.N. 87/2004]

(*a*) select from the ballot papers and envelopes supplied to him a ballot paper and an envelope appropriate to the constituency upon the military voters list for which appears the name of the applicant;

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

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

(*d*) write against the name of the applicant upon the military voters list the word "voted".

10. Where the prescribed day happens to be a Sunday or a public holiday (which days are in this rule referred to as excluded days) anything required under rules 9 and 12 to be done on the prescribed day shall be considered as done in due time if done on the day (not being an excluded day) next preceding the prescribed day.

11. The provisions of sections 37, 40 and subsections (1), (2) and (3) of section 43 of the Act shall apply to the procedure for taking ballot under these Rules subject to the following modifications—

(*a*) references in those sections to—

(i) presiding officers and poll clerks shall be taken as references to military electoral officers and military polling officers;

(ii) polling stations shall be taken as references to voting centres;

(iii) poll book shall be taken as references to the book referred to in rule 5 (*e*);

(*b*) notwithstanding anything to the contrary in those sections only the persons referred to in rule 6 shall be permitted to be present in the voting centre during the time the poll remains open.

L.N. 133/1997.

11A.—(1) For the purpose of the current election, notwithstanding any requirement as to date or time contained in rule 2, 6, 7, 9 or 10, the provisions of those rules shall be deemed to be modified so as to permit persons whose names appear on the military voters list to vote on the day next but two before election day.

(2) Forthwith upon the conclusion of the poll pursuant to this rule and after complying with rule 12 (3), every military electoral officer affected by this rule shall deliver personally to the Chief Electoral Officer the ballot box for the voting centre in respect of which he was appointed military electoral officer.

(3) In this rule "current election" means the general election scheduled to be held on the eighteenth day of December, 1997, pursuant to the proclamation issued by the Governor-General.

[The inclusion of this page is authorized by L.N. 87/2004]

12.—(1) Forthwith on receiving any ballot paper in accordance with the provisions of rule 9 (*c*), an applicant for such ballot paper shall— 17/2003 S. 5.

(*a*) enter the polling compartment and mark a cross with a black lead pencil against the name of the candidate for whom he desires to vote; and

(*b*) after voting, return to the presiding officer who shall hand the applicant an envelope; and

(*c*) in the presence of the presiding officer place the ballot paper in the envelope and securely fasten the flap of the envelope; and

(*d*) subject to rule 13, place such envelope in the ballot box.

(2) No elector who votes in accordance with paragraph (1) shall permit the military electoral officer, military polling officer or any other person to see for whom he votes.

(3) At the conclusion of the poll the military electoral officer shall place in the ballot box all the counterfoils relating to ballot papers issued by him and all the military voters lists marked by him in accordance with the provisions of paragraph (*d*) of rule 9.

13.—(1) Before allowing an elector to place the envelope containing the ballot paper in the ballot box pursuant to rule 12 (1) (*d*) the military electoral officer shall, if the elector has an appropriate digit, satisfy himself that there does not appear upon such digit any substance which in his opinion is likely to prevent the adhesion of electoral ink and cause the elector to immerse such digit in the electoral ink:

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

[The inclusion of this page is authorized by L.N. 87/2004]

(2) If any elector on being required so to do fails or refuses to immerse his appropriate digit or any other digit in electoral ink the military electoral officer shall destroy the envelope and the ballot paper handed to such elector and make an entry in the book referred to in rule 5 (*e*) setting out the particulars in relation to the destruction of such envelope and ballot paper.

14. If at the hour of closing of the poll there are any electors inside the voting centre or within the immediate precincts thereof who are qualified to vote and have not been able to do so since their arrival at the voting centre, the poll shall be kept open a sufficient time to enable them to vote, but no one not actually present within the voting centre or actually identified by the military electoral officer as being within the immediate precincts aforesaid at the hour of closing shall be allowed to vote.

15.—(1) If a person representing himself to be a particular elector applies for a ballot paper after another person has voted as such person, he shall be entitled to received a ballot paper and to vote, after taking the oath of identity, in the form set out in the Schedule to these Rules, and otherwise establishing his identity to the satisfaction of the military electoral officer.

(2) In such case, the military polling officer shall enter in the book referred to in rule 5 (*e*)—

(*a*) the name of such voter;

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

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

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

16. Forthwith upon the closing of the poll the returning officer shall collect from the voting centre in his constituency—

(*a*) the ballot box;

(*b*) the prescribed equipment;

(*c*) any remaining electoral ink; and

(*d*) the book supplied to the military electoral officer,

and, within twenty-four hours after the close of the poll, deliver the articles aforesaid to the Chief Electoral Officer or his duly authorized agent for safe keeping.

17. (1) On the day next but two before election day the Chief Electoral Officer shall open the ballot boxes referred to in this Schedule and shall make up all the envelopes contained in any of such ballot boxes addressed to the returning officer for any one constituency into a parcel.

(2) The Chief Electoral Officer shall place in such parcel made up in accordance with the provisions of paragraph (1) all the counterfoils relating to the ballot papers contained in such parcel and all the military voters lists contained in such ballot boxes relating to the constituency to which the parcel relates.

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

18. Upon election day the Chief Electoral Officer shall cause to be delivered to the returning officer for each constituency the parcel referred to in rule 16 relating to such constituency.

19. Upon receipt of the parcel referred to in rule 16 the returning officer shall proceed forthwith to the nearest polling station and there, in full view of the presiding officer and of such of the candidates or of

[The inclusion of this page is authorized by L.N. 96/1998]

their agents as may be present, open the parcel and remove therefrom the envelopes and remove from such envelopes the ballot papers. He shall then count the ballot papers and counterfoils without permitting any person to see for whom any such ballot papers have been marked. The returning officer shall place all such ballot papers in the ballot box and shall mark and sign a note upon the statement of the poll of the number of ballot papers so placed by him in the ballot box and the number of counterfoils relating to those ballot papers found by him in the parcel.

SCHEDULE TO THE RULES

THE REPRESENTATION OF THE PEOPLE ACT

Oath of Identity, with Fingerprint, of Military Voter

I do swear* that I am solemnly affirm*

.....

(*Name as on military voters list*)

of.....

.....

(*Address as on military voters list*)

Registration No. .....

(*As on military voters list*)

whose name is entered on the list of electors now shown to me.

.....

Signature

*Sworn before me this day of , 19 .

*Affirmed.

[The inclusion of this page is authorized by L.N. 96/1998]

Fingerprint of elector

Right Thumb	Left Thumb	Other	Other

31/1996 Sch.

.....
Military Electoral Officer for voting

centre in the

constituency of

NOTES:

1. *Strike out what does not apply.

2. The elector shall, except where he has no finger on either hand, make in the space provided the appropriate impressions in ink— 31/1996 Sch.

   (i) with his right thumb; or

   (ii) with any other finger in place of a thumb, should he not have one thumb; or 31/1996 Sch.

   (iii) with any other two fingers in place of the thumbs, should he not have either thumb. 31/1996 Sch.

FOURTH SCHEDULE (Sections 104(1), 113(1)) L.N. 27/1981.

Police and Special Constables Voters

1. The Chief Electoral Officer shall supply to the Commissioner of Police so many copies as he thinks necessary of each Police and Special Constables voters list.

2. (1) For the purposes of this Schedule, the Commissioner of Police shall, after consultation with the Chief Electoral Officer—

   (*a*) establish such number of voting centres as he thinks necessary to ensure that all electors under his command who may be in Jamaica on the prescribed day referred to in rules 9 and 10 shall have the opportunity of voting; and

[The inclusion of this page is authorized by L.N. 96/1998]

(*b*) advise the Chief Electoral Officer of the voting centres so established and the persons listed on the Police and Special Constables voters lists who are, subject to paragraph (3), allocated to vote at each such voting centre.

(2) The allocation of electors to voting centres pursuant to paragraph (1) (*b*) shall be published in such form as the Commissioner of Police thinks fit so as to ensure that each elector is made aware of the voting centre to which he is allocated.

(3) The Commissioner of Police may, if he thinks the circumstances so require, by memorandum in writing request the Chief Electoral Officer to make arrangements for an elector allocated to a voting centre to be reallocated so as to vote at some other voting centre; and the Chief Electoral Officer shall, if it is expedient so to do, make arrangements accordingly.

3. The Chief Electoral Officer after consultation with the Commissioner of Police shall divide the Police and Special Constables voters list, prepared under section 109 in relation to each constituency, into separate lists of persons who are to vote at, and allocated to, each voting centre.

4. The Committee shall appoint suitable persons to be police electoral officers and police polling officers who shall perform respectively in relation to a voting centre the functions of presiding officers and poll clerks.

5. The Chief Electoral Officer shall supply to the returning officer for each constituency in which a voting centre is established for delivery to the police electoral officer appointed for each voting centre in that constituency—

(*a*) so many copies as he thinks necessary of each Police and Special Constables voters list of the persons who are to vote at, and allocated to, that voting centre;

(*b*) so soon as may be after the ballot papers are printed—

(i) a sufficient number of ballot papers to enable every elector who is entitled to vote in accordance with the provisions of this Schedule at that voting centre so to vote; and

(ii) an equal number of envelopes addressed to the returning officer for the constituency to which the ballot papers relate and bearing thereon the words "Police and Special Constables Voter";

[The inclusion of this page is authorized by L.N. 96/1998]

(*c*) the electoral ink;

(*d*) the prescribed equipment referred to in section 37;

(*e*) a book for the purpose of noting, by the police polling officer, matters required by this Schedule to be noted;

(*f*) the several forms of oaths to be administered to electors.

6. Every political party having a candidate in the election may appoint an agent or representative for each voting centre and such agent or representative may remain in the voting centre during the time the poll remains open and may observe the procedure therein.

7. The returning officer for a constituency shall supply the police electoral officer of the voting centre in that constituency with the materials referred to in paragraphs (*a*) to (*f*) of rule 5 in order to enable every elector who is entitled to vote at that voting centre so to vote.

8. Subject to rule 2(3), before a person is allowed to vote at any voting centre pursuant to these Rules—

(*a*) the police polling officer shall satisfy himself that the name of the person applying to vote appears on the Police and Special Constables voters list for that voting centre;

(*b*) the applicant shall satisfy the police electoral officer, by such means as may be available to him, of his identity, and where the police electoral officer is not so satisfied a note to that effect shall be made in the book referred to in rule 5(*e*) and the elector shall not be allowed to vote.

9. Subject to rule 10, on the day (in these Rules referred to as the prescribed day) next but three before election day, every police electoral officer for a voting centre, on application between the hours of 8 a.m. and 4 p.m. by any elector whose name appears upon the Police and Special Constables voters list for that centre, shall, on being satisfied of the applicant's identity—

(*a*) select from the ballot papers and envelopes supplied to him a ballot paper and an envelope appropriate to the constituency upon the Police and Special Constables voters list for which appears the name of the applicant;

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

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

(*d*) write against the name of the applicant upon the Police and Special Constables voters list the word "voted".

[The inclusion of this page is authorized by L.N. 87/2004]

10. Where the prescribed day happens to be a Sunday or a public holiday (which days are in this rule referred to as excluded days) anything required under rules 9 and 12 to be done on the prescribed day shall be considered as done in due time if done on the day (not being an excluded day) next preceding the prescribed day.

11. The provisions of sections 37, 40 and subsections (1), (2) and (3) of section 43 of the Act shall apply to the procedure for taking ballot under these Rules subject to the following modifications—

(*a*) references in those sections to—

(i) presiding officers and poll clerks shall be taken as references to police electoral officers and police polling officers;

(ii) polling stations shall be taken as references to voting centres;

(iii) poll book shall be taken as references to the book referred to in rule 5 (*e*);

(*b*) notwithstanding anything to the contrary in those sections only the persons referred to in rule 6 shall be permitted to be present in the voting centre during the time the poll remains open.

L.N. 133/1997

11A.—(1) For the purpose of the current election, notwithstanding any requirement as to date or time contained in rule 2, 6, 7, 9 or 10, the provisions of those rules shall be deemed to be modified so as to permit persons whose names appear on the Police and Special Constables Voters List to vote on the day next but two before election day.

(2) Forthwith upon the conclusion of the poll pursuant to this rule and after complying with rule 12 (3), every police electoral officer affected by this rule shall deliver personally to the Chief Electoral Officer the ballot box for the voting centre in respect of which he was appointed police electoral officer.

(3) In this rule "current election" means the general election scheduled to be held on the eighteenth day of December, 1997, pursuant to the proclamation issued by the Governor-General.

17/2003 S. 5.

12.—(1) Forthwith on receiving any ballot paper in accordance with the provisions of rule 9 (*c*), an applicant for such ballot paper shall—

(*a*) enter the polling compartment and mark a cross with a black lead pencil against the name of the candidate for whom he desires to vote; and

[The inclusion of this page is authorized by L.N. 87/2004]

(*b*) after voting, return to the presiding officer who shall hand the applicant an envelope; and

(*c*) in the presence of the presiding officer place the ballot paper in the envelope and securely fasten the flap of the envelope; and

(*d*) subject to rule 13, place such envelope in the ballot box.

(2) No elector who votes in accordance with paragraph (1) shall permit the police electoral officer, police polling officer or any other person to see for whom he votes.

(3) At the conclusion of the poll the police electoral officer shall place in the ballot box all the counterfoils relating to ballot papers issued by him and all the Police and Special Constables voters lists marked by him in accordance with the provisions of paragraph (*d*) of rule 9.

13.—(1) Before allowing an elector to place the envelope containing the ballot paper in the ballot box pursuant to rule 12 (1) (*d*) the police electoral officer shall, if the elector has an appropriate digit, satisfy himself that there does not appear upon such digit any substance which in his opinion is likely to prevent the adhesion of electoral ink and cause the elector to immerse such digit in the electoral ink:

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

(2) If any elector on being required so to do fails or refuses to immerse his appropriate digit or any other digit in electoral ink the police electoral officer shall destroy the envelope and the ballot paper handed to such elector and make an entry in the book referred to in rule 5 (*e*) setting out the particulars in relation to the destruction of such envelope and ballot paper.

14. If at the hour of closing of the poll there are any electors inside the voting centre or within the immediate precincts thereof who are qualified to vote and have not been able to do so since their arrival at the voting centre, the poll shall be kept open a sufficient time to enable them to vote, but no one not actually present within the voting centre or actually identified by the police electoral officer as being within the immediate precincts aforesaid at the hour of closing shall be allowed to vote.

15.—(1) If a person presenting himself to be a particular elector applies for a ballot paper after another person has voted as such person, he shall be entitled to receive a ballot paper and to vote, after taking

[The inclusion of this page is authorized by L.N. 87/2004]

the oath of identity, in the form set out in the Schedule to these Rules, and otherwise establishing his identity to the satisfaction of the police electoral officer.

(2) In such case, the police polling officer shall enter in the book referred to in rule 5 (*e*)—

(*a*) the name of such voter;

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

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

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

16. Forthwith upon the closing of the poll the returning officer shall collect from the voting centre in his constituency—

(*a*) the ballot box;

(*b*) the prescribed equipment;

(*c*) any remaining electoral ink; and

(*d*) the book supplied to the police electoral officer,

and, within twenty-four hours after the close of the poll, deliver the articles aforesaid to the Chief Electoral Officer or his duly authorized agent for safe keeping.

17.—(1) On the day next but two before election day the Chief Electoral Officer shall open the ballot boxes referred to in this Schedule and shall make up all the envelopes contained in any of such ballot boxes addressed to the returning officer for any one constituency into a parcel.

(2) The Chief Electoral Officer shall place in such parcel made up in accordance with the provisions of paragraph (1) and the counterfoils relating to the ballot papers contained in such parcel and all the Police and Special Constables voters lists contained in such ballot boxes relating to the constituency to which the parcel relates.

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

18. Upon election day the Chief Electoral Officer shall cause to be delivered to the returning officer for each constituency the parcel referred to in rule 16 relating to such constituency.

19. Upon receipt of the parcel referred to in rule 16 the returning officer shall proceed forthwith to the nearest polling station and there, in full view of the presiding officer and of such of the candidates or of their agents as may be present, open the parcel and remove therefrom the envelopes and remove from such envelopes the ballot papers. He shall then count the ballot papers and counterfoils without permitting any person to see for whom any such ballot papers have been marked. The returning officer shall place all such ballot papers in the ballot

[The inclusion of this page is authorized by L.N. 87/2004]

box and shall mark and sign a note upon the statement of the poll of the number of ballot papers so placed by him in the ballot box and the number of counterfoils relating to those ballot papers found by him in the parcel.

SCHEDULE TO THE RULES

THE REPRESENTATION OF THE PEOPLE ACT

Oath of Identity, with Fingerprint, of Police and Special Constables Voter

I do swear* .....that I am solemnly affirm*

.....

(Name as on Police and Special Constables voters list)

of.....

(Address as on Police and Special Constables voters list)

Registration No. .....

(As on Police and Special Constables voters list)

whose name is entered on the list of electors now shown to me.

.....

Signature

*Sworn before me this day of 19 .

*Affirmed.

Fingerprint of elector

Right Thumb	Left Thumb	Other	Other

31/1996 Sch.

.....

Police Electoral Officer for voting centre in the constituency of

NOTES:

1. *Strike out what does not apply.
2. The elector shall, except where he has no finger on either hand, make in the space provided the appropriate impressions in ink— 31/1996 Sch.
   (i) with his right thumb; or
   (ii) with any other finger in place of a thumb, should he not have one thumb; or 31/1996 Sch.
   (iii) with any other two fingers in place of the thumbs, should he not have either thumb. 31/1996 Sch.

28 2002
S. 11.

FIFTH SCHEDULE (Sections 104 (1) and 113A (1))

Election Workers Voters

1. The Chief Electoral Officer shall supply to the returning officer for each constituency so many copies, as he thinks necessary, of the election workers voters list for that constituency.

2.—(1) For the purposes of this Schedule, a returning officer shall, after consultation with the Chief Electoral Officer and the candidates and with the approval of the Committee—

(*a*) establish such number of voting centres as he thinks necessary to ensure that all electors on the election workers voters list have an opportunity to vote; and

(*b*) advise the Chief Electoral Officer of the voting centres so established and the persons listed on the election workers voters list who are, subject to paragraph (3), allocated to vote at each voting centre.

(2) The allocation of electors to voting centres pursuant to paragraph (1) (*b*) shall be published in such form as the returning officer thinks fit so as to ensure that each elector is made aware of the voting centre to which he is allocated.

(3) The returning officer may, if he thinks the circumstances so require, by memorandum in writing request the Chief Electoral Officer to make arrangements for an elector allocated to a voting centre to be reallocated to vote at some other voting centre; and the Chief Electoral Officer shall, if it is expedient so to do, make arrangements accordingly.

3. The Chief Electoral Officer, after consultation with a returning officer, shall divide the election workers voters list, prepared under section 113A in relation to each constituency, into separate lists of persons who are to vote at, and allocated to, each voting centre.

4. The Committee shall appoint suitable persons to be election workers, electoral officers and polling clerks who shall perform respectively in relation to a voting centre the functions of presiding officers and poll clerks.

5. The Chief Electoral Officer shall supply to the returning officer for each constituency in which a voting centre is established for the delivery to the relevant electoral officer appointed for each voting centre in that constituency—

(*a*) so many copies as he thinks necessary of each election workers voters list of the persons who are to vote at, and allocated to, that voting centre;

[The inclusion of this page is authorized by L.N. 88/2003]

(*b*) so soon as may be after the ballot papers are printed—

(i) a sufficient number of ballot papers to enable every elector who is entitled to vote in accordance with the provisions of this Schedule at that voting centre to do so; and

(ii) an equal number of envelopes addressed to the returning officer for the constituency to which the ballot papers relate and bearing thereon the words "Election Worker Voter";

(*c*) the electoral ink;

(*d*) the prescribed equipment referred to in section 37;

(*e*) a book for the purpose of noting, by the relevant polling officer, matters required by this Schedule to be noted;

(*f*) the several forms of oaths to be administered to electors.

6. Every candidate in the election may appoint an agent or representative for each voting centre and such agent or representative may remain in the voting centre during the time the poll remains open and may observe the procedure therein, including the counting of the ballots cast.

7. The returning officer for a constituency shall supply the relevant electoral officer of the voting centre in that constituency with the materials referred to in paragraphs (*a*) to (*f*) of rule 5 in order to enable every elector who is entitled to vote at that voting centre to do so.

8. Subject to rule 2 (3), before a person is allowed to vote at any voting centre pursuant to these Rules—

(*a*) the relevant polling officer shall satisfy himself that the name of the person applying to vote appears on the election workers voters list for that voting centre;

(*b*) the applicant shall satisfy the relevant electoral officer, by such means as may be available to him, of his identity, and where the relevant electoral officer is not satisfied, a note to that effect shall be made in the book referred to in rule 5 (*e*) and the applicant shall not be allowed to vote.

9. Subject to rule 10, on the day (in these Rules referred to as the prescribed day) next but three before election day, the relevant electoral officer for a voting centre, on application between the hours of 8 a.m. and 4 p.m. by any elector whose name appears on the election workers voters list for that centre, shall, on being satisfied of the applicant's identity in accordance with the provisions of this Act—

[The inclusion of this page is authorized by L.N. 87/2004]

(*a*) select from the ballot papers and envelopes supplied to him a ballot paper and an envelope appropriate to the constituency in relation to which the name of the applicant appears on the election workers voters list;

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

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

(*d*) write against the name of the applicant upon the election workers voters list the word "voted".

10. Where the prescribed day happens to be a Sunday or a public holiday (which days are in this rule referred to as excluded days) anything required under rules 9 and 12 to be done on the prescribed day shall be considered as done in due time if done on the day (not being an excluded day) next preceding the prescribed day.

11. The provisions of sections 37, 40 and 43 (1), (2) and (3) of the Act shall apply to the procedure for taking ballot under these Rules subject to the following modifications—

(*a*) references in those sections to—

(i) presiding officers and poll clerks shall be taken as references to the relevant electoral officers and polling officers;

(ii) polling stations shall be taken as references to voting centers;

(iii) poll book shall be taken as references to the book referred to in rule 5 (*e*);

(*b*) notwithstanding anything to the contrary in those sections only the persons referred to in rule 6 shall be permitted to be present at the voting centre during the time the poll remains open, which time shall include the period for the counting of all ballots cast.

12.—(1) Forthwith on receiving any ballot paper in accordance with the provisions of rule 9 (*c*), an applicant for such ballot paper shall—

(*a*) enter the polling compartment and mark a cross with a black lead pencil against the name of the candidate for whom he desires to vote; and

(*b*) after voting, return to the presiding officer who shall hand the applicant an envelope; and

(*c*) in the presence of the presiding officer place the ballot paper in the envelope and securely fasten the flap of the envelope; and

(*d*) subject to rule 13, place such envelope in the ballot box.

(2) No elector who votes in accordance with paragraph (1) shall permit the relevant electoral officer, polling clerk or any other person to see for whom he votes.

(3) At the conclusion of the poll the relevant electoral officer shall place in the ballot box all the counterfoils relating to ballot papers issued by him and all the election workers voters lists marked by him in accordance with the provisions of paragraph (*d*) of rule 9.

13.—(1) Before allowing an elector to place the envelope containing the ballot paper in the ballot box pursuant to rule 12 (1) (*d*), the relevant electoral officer shall, if the elector has an appropriate digit, satisfy himself that there does not appear upon such digit any substance which in his opinion is likely to prevent the adhesion of electoral ink and cause the elector to immerse such digit in the electoral ink:

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

(2) If any elector on being required so to do, fails or refuses to immerse his appropriate digit or any other digit in the electoral ink, the relevant electoral officer shall destroy the envelope and the ballot paper handed to such elector and make an entry in the book referred to in rule 5 (*e*) setting out the particulars in relation to the destruction of such envelope and ballot paper.

14. If at the hour of closing of the poll there are any electors inside the voting centre or within the immediate precincts thereof who are qualified to vote and have not been able to do so since their arrival at the voting centre, the poll shall be kept open a sufficient time to enable them to vote, but no one not actually present within the voting centre or actually identified by the relevant electoral officer as being within the immediate precincts aforesaid at the hour of closing shall be allowed to vote.

15.—(1) If a person representing himself to be a particular elector applies for a ballot paper after another person has voted as such person, he shall be entitled to receive a ballot paper and to vote, after taking the oath of identity, in the form set out in the Schedule to these Rules and otherwise establishing his identity to the satisfaction of the relevant electoral officer.

(2) In such case the relevant polling officer shall enter in the book referred to in rule 5 (*e*)—

(*a*) the name of such voter;

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

[The inclusion of this page is authorized by L.N. 88/2003]

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

(*d*) any objections made on behalf of any, and of which, of the candidates.

16. Forthwith upon the closing of the poll the returning officer shall collect from the voting centre in his constituency—

(*a*) the ballot box;

(*b*) the prescribed equipment;

(*c*) any remaining electoral ink; and

(*d*) the book supplied to the relevant electoral officer,

and within twenty-four hours after the close of the poll, deliver the articles aforesaid to the Chief Electoral Officer or his duly authorized agent for safe keeping.

17.—(1) On the day next but two before election day the Chief Electoral Officer shall open the ballot boxes referred to in this Schedule and shall make up all the envelopes in any such ballot boxes addressed to the returning officer for any one constituency into a parcel.

(2) The Chief Electoral Officer shall place in such parcel made up in accordance with the provisions of paragraph (1) all the counterfoils relating to the ballot papers contained in such parcel and all the election workers voters lists contained in such ballot boxes relating to the constituency to which the parcel relates.

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

18. Upon election day the Chief Electoral Officer shall cause to be delivered to the returning officer for each constituency the parcel referred to in rule 16 relating to such constituency.

19. Upon receipt of the parcel referred to in rule 16 the returning officer shall proceed forthwith to the nearest polling station and there, in full view of the presiding officer and of such of the candidates or of their agents as may be present, open the parcel and remove therefrom the envelopes and remove the ballot papers from such envelopes. He shall then count the ballot papers and counterfoils without permitting any person to see for whom any such ballot papers have been marked. The returning officer shall place all such ballot papers in the ballot box and shall mark and sign a note upon the statement of the poll of the number of ballot papers so placed by him in the ballot box and the number of counterfoils relating to those ballot papers found by him in the parcel.

[The inclusion of this page is authorized by L.N. 88/2003]

SCHEDULE TO THE RULES

The Representation of the People Act

Oath of Identity, with Fingerprint, of Election Workers Voter

I do swear* ..... that I am solemnly affirm*

.....

(Name as on election workers voters list)

of.....

.....

(Address as on election workers voters list)

Registration No. .....

(As on election workers voters list)

whose name is entered on the list of electors now shown to me.

.....

Signature

*Sworn before me this day of , 20 .

*Affirmed.

Fingerprint of elector

Right Thumb	Left Thumb	Other	Other

.....

Electoral Workers Electoral Officer for voting centre in the constituency of

NOTES:

1. *Strike out what does not apply.
2. The elector shall, except where he has no finger on either hand, make in the space provided the appropriate impressions in ink—
   (i) with his right thumb; or
   (ii) with any other finger in place of a thumb, should he not have one thumb; or
   (iii) with any other two fingers in place of the thumbs, should he not have either thumb.

[The inclusion of this page is authorized by L.N. 88/2003]