THE ELECTION ACT 1963.

THE GAMBIA. Laws, statutes, etc

Election Act Amended To 1969

By instruction of the Supervisor of Elections and prepared by the Electoral Office Staff, Ministry for Local Government, Lands and Mines, for internal use only.

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CHAPTER 58

27 of 1963.
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2 of 1964
51 of 1965
5 of 1966
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An Act to amend and consolidate the law relating to elections to the House of Representatives, and to provide for elections to such local government bodies as may be prescribed and for matters connected therewith, and incidental thereto.

(1ST FEBRUARY, 1964)

PART I. PRELIMINARY

1. This Act may be cited as the Elections Act.

Interpretation

2. (1) In this Act unless the context otherwise requires:-

"administrative area" means one of the areas specified in the First Schedule to this Act;

"constituency" means one of the constituencies set out in the Second Schedule to this Act;

"Constituency Boundaries Commission" means the Constituency Boundaries Commission established under the provisions of section 37 of the Constitution; and

"Constitution" means the Constitution of The Gambia;

"election officer" includes a registering officer, an assistant registering officer, a returning officer, a registering clerk and a presiding officer;

"Head Chief" has the meaning assigned to it in the Constitution;

"Minister" means the minister for the time being responsible for the administration of this Act;

"Speaker" means the Speaker of the House of Respresentatives;

"Supervisor of Elections" means the person designated in that behalf under section 40(2) of the Constitution;

"Supreme Court" has the meaning assigned to it in the Interpretation Act.

(2) (a) Where in this Act it is provided that any notice, list, register or other document whatsoever shall be published and no specific provision is made as to the mode of publication, such publication may, in the discretion of the person responsible for the publishing of such publication, be made by posting the notice, list, register

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or other document near any post office, or police station, or court house, or other place where such publications are customarily posted in the constituency, ward, town, village or other area to it applies.

(b) Nothing in this subsection shall be deemed to prohibit the publication of any publication in the Gazette at the discretion of the Supervisor of Elections.

(3) Whenever the name of a person is required under the provisions of this Act to be placed on any list of voters or deletions or any register of voters it shall be lawful to include the name of that person's mother in such list or register at the discretion of the person charged with the compilation of such list or register, and the name of a person's mother when included in such list or register shall be deemed for all purposes to be part of such person's own name.

3. (1) The Supervisor of Elections shall:-

(a) exercise general direction and supervision over the administrative conduct of elections and shall to the best of his ability enforce on the part of all election officers fairness, impartiality, and compliance with the provision 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;

(c) execute and perform to the best of his ability all other powers, functions and duties which by this Act are conferred and imposed upon him.

(2) The Public Service Commission shall - Appoint

(a) a Deputy Supervisor of Elections, but before exercising its powers under this subsection the Public Service Commission shall consult with the Prime Minister.

(b) Every Commissioner in charge of a Division shall be, virtute officii, a registering officer and a returning officer for each and every Administrative Area.

(c) Every Administrative Officer other than a Commissioner in charge of a Division shall be, virtute officii, an assistant registering officer and an assistant returning officer for each and every Administrative area".

(3) Every registering officer shall, subject to any instructions given in that behalf by the Supervisor of Elections, appoint in writing such assistant registering officers and registering clerks to assist him in the performance of his duties as he may consider necessary.

(4) Every returning officer shall, subject to any instructions given in that behalf by the Supervisor of Elections, appoint in writing such assistant returning officers, presiding officers, enumerators and polling assistants to assist him in the performance of his duties as he may consider necessary.

(5) Subject to any instructions given in that behalf by the Supervisor of Elections an assistant registering officer and an assistant returning officer may perform all the duties of a registering officer or returning officer, as the case may be, and any reference in this Act to a registering officer or a returning officer shall unless the context otherwise requires be deemed to include a reference to an assistant registering officer or an assistant returning officer, as the case may be.

(6) The Supervisor of Elections, and registering officers and returning officers subject to any instructions given in that behalf by the Supervisor of Elections, may employ such staff as they may require to carry out their functions, powers and duties.

(7) The same person may be appointed to perform the functions of two or more classes of election officer.

(8) Every election officer shall to the best of his ability execute and perform all powers, functions and duties which by or under the provisions of this Act are conferred and imposed upon him.

(9) Election officers shall be public officers.

Representation of constituencies.

4. Each Constituency shall be represented in the House by one member elected in accordance with the provisions of this Act.

Representation of Head Chiefs.

5. The Head Chiefs shall be represented in the House of Representatives by such number of members as is specified in the Constitution.

PART II QUALIFICATIONS AND DISQUALIFICATIONS OF VOTERS

Qualifications of voters.

6. Subject to the provisions of Section 7 of this Act any person shall be entitled to have his name entered on a register of voters in a constituency who -

(a) is a citizen of The Gambia, and
(b) has attained the age of twenty-one years; and
(c) for a period of at least six months immediately preceding the date, on which the claim to be registered is made, has been resident in the constituency in which he wishes to be registered.

Disqualifications of voters.

7. (1) No person shall be entitled to have his name entered on a register of voters or, having had his name entered on a register of voters, to vote who -

(a) is, by virtue of his own act, under any acknowledgement of allegiance, obedience or adherence to a foreign Power or State; or
(b) is serving a sentence of imprisonment; or
(c) is a person adjudged to be of unsound mind or detained as a criminal lunatic under any law for the time being in force; or
(d) is a Head Chief; or
(e) is otherwise disqualified under this Act or under any other law for the time being in force.

(2) A person registered as a voter shall not be excluded from voting on any of the grounds specified in the provisions of subsection (1) of this section, but this provision shall not prevent the rejection of a vote so cast during the hearing of an election petition or affect the liability of such person to prosecution and conviction for an offence against the provisions of this or any other Act.

Voting rights of Head Chiefs.

8. Every Head Chief, unless disqualified under this Act or under any other law for the time being in force, shall be entitled to vote at the election of a member or members of the House of Representatives specified by the Constitution to be elected by the Head Chiefs.

PART III - REGISTRATION OF VOTERS

Duty of registering officers.

9. It shall be the duty of every registering officer to compile in accordance with the provisions of this Act a register of voters for each of the constituencies in his administrative area, and such registers shall contain the names of all persons entitled and desirous of being registered in such constituency.

Offence to register or vote in more than one place.

10. (1) No person shall be entitled to be registered as a voter, or to vote, in more than one constituency or in more than one place in that constituency.

(2) Any person who contravenes or attempts to contravene the provisions of this section or who knowingly makes a false statement in relation to any claim to have his or any other name inserted in a register of voters shall be guilty of an illegal practice and shall be liable on summary conviction to the same penalty and incapacity as is prescribed by the provisions of section 41 of this Act.

Previous registers deemed to have been made under this Act.

11. Every register of voters compiled or purporting to have been compiled under the provisions of the Colony Elections Ordinance as amended from time to time, the Protectorate Elections Ordinance, 1959, as amended from time to time (whether by Ordinance or by Order in Council) and as read with the Protectorate Elections (Special Provision for 1963) Ordinance, 1963, which is in operation or purposes to be in operation immediately before the coming into operation of this Act and copies of the same reproduced at any time by any means whatsoever, shall, subject to compliance by the appropriate registering officer with the provisions of section 24 of this Act as soon as may be practicable after the coming into operation of this Act, be deemed to have been made pursuant to the provisions of this Act, any difference in form, if any, notwithstanding and shall remain in operation until revised or replaced in accordance with the provisions of this Act.

12. (1) In every constituency the registering officer shall carry out a general registration of voters for such constituency in every general registration year.

(2) In every constituency the registering officer shall carry out a supplementary registration of voters for such constituency in every supplementary registration year.

(3) (a) In this Act, 'general registration year' means a year declared by the Minister, by Notice published in the Gazette, to be in respect of any constituency or constituencies a general registration year:

Provided that -

(i) the Minister shall not declare a year later than eight years after a general registration year to be a general registration year;

(ii) without prejudice to the powers of the Minister generally under this subsection, in respect of the constituencies of Bathurst North, Bathurst Central, Bathurst South, Northern Kombo and Southern Kombo the year 1967 shall be a general registration year; and

(iii) in respect of all constituencies other than those referred to in the last preceeding paragraph of this proviso or in respect of those constituencies for which the year 1967 is declared to be a general registration year under the provisions of this subsection, the year 1968, 1969 or 1970, as the Minister may decide, shall be a general registration year.

(b) In this Act, 'supplementary registration year' means in respect of any constituency the second, fourth and sixth years following a general registration year in respect of that constituency if the period between the said general registration year and the general registration year next succeding it so permits.";

(4) The first stages of a general registration or supplementary registration shall be carried out in the manner provided by the rules set out in the Third Schedule to this Act.

(5) Notwithstanding anything in this section contained the Supervisor of Elections may, at any time before publication of any list prescribed in the (Third Schedule) to this Act, at his discretion , which shall not be questioned in any proceedings, if he considers that the initial stages of any general or supplementary registration have not been properly carried out, or have not been performed in any constituency or part thereof, instruct the appropriate registering officer to rectify the matter in respect of that constituency or that part thereof whereupon the registering officer shall cause the initial stages of such general or supplementary registration in respect of that constituency or that part thereof to be carried out de novo, or carried out, as the case may be.

Ommissions and objections.

13. (1) Any person who has made a claim to be registered as a voter and whose name has been ommitted from any list of voters, or whose name being entered on a register of voters currently in force has been entered in any list of deletions (in this Act called an "appellant"), who claims to have his name inserted in the list of voters or expunged from the list of deletions, as the case may be, shall within ten days of the date on which such list was signed apply to the appropriate registering officer to have his name inserted or expunged, as the case may be, and such application shall be in the form prescribed Form 1 of the Fifth Schedule to this Act.

5th Sch.

(2) Any person whose name appears in any list of voters and who objects to his own name appearing therein or whose name appears on a current register and who objects to the name of any other person appearing on any list of voters (in this Act called an "objector") shall within ten days from the date on which such list was completed serve on the appropriate registering officer and on the person in respect of whose name objection is taken, a notice of objection which shall be in the form prescribed in Form 2 of the Fifth Schedule of this Act.

(3) For the purposes of this section notice of objection shall be served -

(a) on the registering officer by delivering the notice at his office, directed to him; and

(b) on the person whose name is objected to by delivering the notice to him.

(4) No application and no notice under the provisions of subsections (1) and (2) respectively of this section shall be received or allowed unless it is accompanied by the payment of a court fee of ten shillings which shall, subject to the provisions of section 17 (5) of this Act be paid into the general revenue of The Gambia against an official receipt.

(5) As soon after the period of ten days specified in subsection (1) of this section as may be practicable the registering officer shall prepare and publish a list of all such appeals and objections and the names and addresses of the persons who have made the same.

Opposition to an appeal.

14. (1) Any person whose name appears on a current register of voters may, if he first gives to the appellant not less than five days' notice of his intention to oppose the appellant's appeal and states in the notice his grounds for opposition, oppose an appeal made under section 13 (1).

(2) A notice under the provisions of this section shall be directed to the appellant at his address as stated in the list of appeals and objections and shall be delivered at such address.

(3) A copy of the notice shall be lodged with the revising officer for the constituency when he opens his court pursuant to the provisions of section 16 of this Act.

Revising officers.

15. The Supervisor of Elections shall appoint from time to time such revising officers (who may be registering officers) as he may deem necessary to hear and decide appeals and objections made under the provisions of section 13 of this Act.

Revising Courts.

16. As soon after the publication of the lists mentioned in section 13 of this Act as may be practicable (or such of them as may be appropriate in respect of the area for which he is appointed), a revising officer shall hold a court (hereinafter called a revising court) for the purpose of hearing and settling appeals and objections:

Provided that he shall give not less than five clear days' notice by publication of the time and place of holding such court.

Method of disposal of appeals and objections.

17. (1) The revising Officer shall produce or cause to be produced in the revising court the lists of voters, deletions, appeals and objections, and shall go through the same and shall insert in the appropriate place in the lists of voters the name of every person who is proved to the satisfaction of the revising officer to be entitled to have his name inserted therein, and shall expunge from the lists of voters the name of every person who, upon the application of an objector, is proved to the satisfaction of the revising officer to be not entitled to have his name retained in any such list, and from the list of deletions the name of every person who is proved to the satisfaction of the revising officer to be entitled to remain on a register of voters.

(2) If an objector appears neither in person, nor by counsel, nor by some person duly authorised by him in that behalf in support of his objection, the objection shall be rejected and the name of the person objected to shall be retained in the lists of voters.

(3) If an appellant or objector either in person, or by counsel, or by some other person duly authorised by him in that behalf to prosecute his appeal or objection, he shall prove service of the notice of appeal or objection and the revising officer shall then decide the appeal or objection in open court.

(4) The revising officer shall when he has determined an appeal or an objection write his initials and the date of the determination against any name struck out of any list or inserted therein, and against any mistake or omission corrected, and shall sign his

name to every page of such lists when the same are finally settled.

(5) The revising officer shall order the repayment of the court fee raised under the provisions of section 13 (4) of this Act to any successful appellant or objector.

Additional powers of revising officers.

18. A revising officer shall have the following powers in addition to any other powers given to him under this Act -

(a) to expunge from the lists of voters the name of every person who is proved to be dead;
(b) to correct any apparent errors or mistakes;
(c) on the written application of a voter, to change the original name or address of such voter to an altered name or address;
(d) to reinstate the name of any person in a list of voters struck out by mistake or to insert therein the name of any person inadvertently ommitted from the list.

Practice procdure, power etc., revising courts.

19. In all proceedings in a revising court before a revising officer, the law and rules of evidence to be complied with shall be the same as in civil cases before a magistrate, and the practice and procedure shall as nearly as may be conform to the practice and procedure on the hearing of such cases, and the revising officer shall have the same powers, jurisdiction and authority (including the power to administer an oath or affirmation) as a magistrate in such cases.

Grounds on which an appeal from revising court shall not lie.

20. No appeal or notice of appeal shall be received or allowed against the decision of a revising court on any question of fact or upon the admissibility or effect of any evidence or admission adduced or made in any case to establish any matter of fact only.

Appeals to Supreme Court.

21. (1) Any person, whose claim to have his name inserted in a list of voters has been disallowed or who has made any objection to any other person as not being entitled to have his name inserted in any such list or whose name has been expunged from any such list or whose claim to have his name expunged from any list of deletions has been disallowed and who is dissatisfied with any decision of a revising court on any point

of law material to the result of the case, may, either in person or by some person on his behalf, give to the revising officer within two days after the decision was given, a notice in writing of his desire to appeal to the Supreme Court, and such notice shall contain a short statement of the decision against which he desires to appeal:

Provided that no such notice shall be received or allowed unless it is accompanied by the payment of a court fee of two pounds which shall be paid into the general revenue of The Gambia against an official receipt.

(2) The revising officer shall thereupon state in writing the facts which in his judgement shall have been established by the evidence in the case, and which shall be material to the matter in question and his decision upon the whole case, and also his decision upon any point of law appealed against, and shall sign and date the same.

(3) The revising officer shall endorse on the case so stated as aforesaid the name of the constituency to which the same relates and the respective surnames and other names and places of abode of the appellant and of the respondent (if any) and shall transmit the case so endorsed together with the notice of the appellant to the Registrar of the Supreme Court, and also deliver a copy of the case so endored to the appellant and respondence (if any) in the appeal if either requires the same.

(4) The Registrar of the Supreme Court upon receiving a case stated as aforesaid from the revising officer shall file the same in Court and shall forthwith set down the appeal for hearing in the summary jurisdiction of the Supreme Court. Seven clear days' notice of the date of the hearing of the appeal shall be given to the appellant and respondent (if any).

(5) Every judgement or decision of the Supreme Court shall be final and conclusive in the case upon the point of law adjudicated upon.

(6) When the Supreme Court has determined an appeal, the Registrar of the Supreme Court shall forward forthwith to the revising officer a statement under his hand of the decision of the Court. Whenever by any decision of the Court any decision of the revising officer is reversed or altered so as to require an alteration or correction in a register of voters or list of deletions, the revising officer shall forthwith alter or correct such Register of voters or list of deletions accordingly and shall sign his name after the words "altered (or corrected) by Order of the Supreme Court dated the .....day of.....,19.....", which he shall write on the register of voters or list of deletions against every such alteration or correction.

The right to vote not to be affected by pending appeal.

(7) The right of any person whose name is for the time being on a register of voters to vote at an election shall not be prejudiced by any appeal pending under this part of this Act, and any vote given at an election in pursuance of that right shall be as good as if no such appeal were pending and shall not be affected by the subsequent decision of the appeal.

Costs of appeal.

(8) The Supreme Court may make such order as to the payment of the costs of any appeal either in whole or in part or in proportion or by way of contribution amongst the parties interested as to the Court seems just; and may order in its discretion the refund of the court fee to any successful appelant:

Provided that the Court shall not in any case make any order for costs against or in favour of any respondent unless he appears before the Court in support of the decision of the revising officer which is in question.

Lists only to be questioned in accordance with Act.

22. No list of voters, no list of deletions and no entry thereon shall be questioned in any proceedings (other than criminal proceedings) except in a revising court or an appeal therefrom to the Supreme Court in accordance with sections 13 to 21.

23. (1) (a) In every general registration year when the original lists of voters have been signed and dated by the revising officer or by the

registering officer where no revising officer has been appointed, such lists shall thereupon become the Master Register.

(b) The Supervisor of Elections shall cause to be made copies of the Master register, which may be referred to as "head registers" whenever it is necessary to distinguish between them and supplementary registers or registers in the collective sense.".

(2)(a) In every supplementary registration year when the original lists of voters and the lists of deletions have been finally settled, signed and dated by the revising officer or by the registering officer where no revising officer has been appointed such lists shall thereupon become the Master register for that supplementary registration year.

(b) The Supervisor of Elections shall cause to be made copies of the Master register for that supplementary registration year, which may be referred to as "supplementary registers" whenever it is necessary to distinguish between them and head registers or registers in the collective sense and shall cause the names of all persons on such lists of deletions to be struck out from the master register, the head registers or supplementary registers as the case may be.

(3) A head register and any supplementary register or registers in force may be referred to collectively as a register or a register of voters.

(4) There shall be a separate register for each constituency and in each of such registers the names of voters shall be recorded in so far as may be practicable, and, subject always to the discretion of the registering officer, in alphabetical order under the name of the town, village, ward, or such other subdivision as may be appropriate, in which the voters are entitled to vote, and the names shall be numbered serially.

(5) The registering officer may in his discretion cause separate records to be kept for men and women in any register.

24. (1) The head and supplementary registers shall be deemed to be in force as of the date of the signing of the lists of voters and list of deletions by the revising officers, and the master copy of such register shall be retained by the Supervisor of Elections.

(2) The Supervisor of Elections shall in his discretion cause to be prepared a number of copies of every Master register and Master supplementary register sufficient for foreseeable elections and for sale to members of the public; one copy of all head and supplementary registers for all constituencies in an Administrative Area shall be mad available by every registering officer in his office for inspection by members of the public during official hours, and such copies shall be brought up to date at each supplementary registration, and the registering officer shall certify on the cover of each such copies that he has done so.

(3) A head register together with its supplementary registers if any (as amended from time to time) shall remain in force until replaced by a new head register complied pursuant to a general registration.

(4) (a) Whenever a question arises as to what register (or what head or supplementary register) is or was in force at any particular time, the question shall be resolved by the Supervisor of Elections whose decision shall be final and shall not be questioned, whether in a court or otherwis

(b) If the question arises in any proceedings in a court the registering officer shall not be required to attend the court as a witness but shall at the request of the court convey his decision to the court by means of a certificate signed under his hand, addressed to the court, an such certificate shall be accompanied by an appro priate master copy of the register if the court so requires, and such certificate, and such maste copy of the register if required shall be admitte in evidence upon their receipt by the court.

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(5) The validity of any register of voters, or of any/therein, or of the method of compilation thereof shall not be questioned in any proceedings whatsoever, except in criminal proceedings:

Provided that on the trial of an election petition it may be shown that a specified person, whose name was entered on such a register and who voted at the election in question, was disqualified from, or was not qualified or entitled to vote at, that election.

Provision for failure to prepare fresh head or supplementary register.

25. If for any reason a registering officer fails to prepare a head or supplementary register of voters as required by the provisions of this Act, the head register, and its supplementary register, if any, in force at the time when the new head or supplementary register should have been prepared, shall remain in force until a new head or supplementary register is prepared.

Voter's cards 6th Sch.

26. (1) A voter's card shall be prepared for every person registered as a voter in the constituencies to which the rules set out in the Sixth Schedule of this Act apply.

(2) Notwithstanding any other provision in this Act contained, no person shall be permitted to vote in any constituency in which a system of voter's cards is in operation unless he is in possession of a valid voter's card or replacement voter's card in addition to being on the reigster for that constituency.

(3) It shall be an offence for any person to -

(a) alter, deface or destroy any current voter's card;

(b) sell or give away any voter's card whether current or obsolete;

(c) vote or attempt to vote with an obsolete voter's card not bearing his name and photograph, or with a voter's card issue to a person who has died and whose name has not been removed from the relevant registrar

and any person who commits such an offence shall be guilty of an illegal practice and shall on summary conviction be liable to the same penalty and the same incapacity as is prescribed by section 41 of the Act.

(4) Any election officer or police officer may at any time seize and retain, pending inquiry, any voter's card which such officer suspects is not valid.

Returns of death by registrars.

27. (1) In every administrative area where a system of registration of deaths is in operation the Registrar of Births and Deaths shall, duirng the months of January, April, July, and October in each year or at such time or times as the Supervisor of Elections may by writing under his hand direct, send to the Supervisor of Elections a return certified by him under his hand of the names, ages, and residences and such other information as the Supervisor of Elections may require of all persons over the age of 21 years who have died within that district since his previous return.

(2) The Supervisor of Elections shall as soon as may be practicable, delete from the appropriate master register the names of those registered voters appearing in the returns of deaths, and shall state against the deletions the reason for so doing and shall initial and date the annotation, and it shall not be necessary for the names of any person who has been dealt with under this section to be entered on any list of deletions in any supplementary registration proceedings.

Change of register.

28. (1) Notwithstanding anything in this Part contained, a registered voter may at any time, if he ceases to be ordinarily resident for a period of six months or more in the constituency in which he is registered as a voter, make application in writing to the registering officer for his name to be transferred to the register of the constituency in which he has now become ordinarily resident, and such application shall be made in accordance with the rules set out in the Sixth Schedule to this Act;

Provided that no application shall be entertained by a registering officer during such period immediately before a general election as may be notified by the Minister in the Gazette.

(2) It shall be unnecessary for the name of any person who has been dealt with under the provisions of this section to be entered on any list of voters or deletions in any supplementary registration proceedings.

(3) The Supervisor of Elections shall, as soon after the 31st December and 30th June each year as may be practicable, publish a list of the names of all voters who have -

(a) been transferred from one Constituency to another showing the Constituencies from and to which they have been transferred,

(b) been deleted from the master copies of the registers as a result of the deaths notified to him by the Registrar of Births and Deaths.

Such lists, which shall show the Constituency, serial number, card number, name, address, and occupation of the voters, shall be made available for inspection in the offices of all registering officers, in the same manner as registers are made available to members of the public under section 24(2) of the Act.

PART IV. - NOMINATION OF CANDIDATES AND CONDUCT OF ELECTIONS.

Elections rules for constituency members. 7th Sch:

29. The election of members to the House of Representatives to represent constituencies, and the nomination and testing for the linguistic qualifications required by the Constitution of candidates for such election shall be conducted in accordance with the rules set out in the Seventh Schedule to this Act.

Elections rules for Head Chiefs' members. 8th Sch:

30. (1) The election of members of the House of Representatives to be elected by the Head Chiefs, and the nomination and testing for the linguistic qualifications required by the Constitution of candidates for such election, shall be conducted in accordance with the rules set out in the Eighth Schedule to this Act.

(2) The provisions of Part V of this Act other than sections 37 and 38 thereof shall not apply in respect of any election of any member of the House of Representatives to be elected by the Head Chiefs.

Tests for linguistic qualifications not to be questioned.

31. No person shall by or in proceedings question the efficacy of any test provided for, by or under the rules set out in the Seventh Schedule to this Act to establish whether any person has or has not any linguistic qualification that may be required for membership of the House of Representatives under the Constitution, or the result of any test, or any decision of the Commission appointed under the rules set out in the Eighth Schedule to this Act on the ground that such Commission has wrongly decided that any person has or has not such linguistic qualification.

PART V. - ELECTION PETITIONS AND CIVIL PROCEEDINGS

Elections to be questioned only by petition.

32. No election and no return to the House of Representatives shall be questioned in any proceedings except by an election petition presented in accordance with this Part of this Act.

Presentation of election petition.

33. (1) A petition complaining of an undue return or undue election under the provisions of this Act (hereinafter called an election petition) may within one month from the date of the declaration of the result of the election be presented to the Supreme Court in its civil jurisdiction by any one or more of the following persons, that is to say:-

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

(b) some person who claims to have had a right to be returned or elected at such elections; or

(c) some person who alleges himself to have been a candidate at such election.

(2) At the time of the presentation of the petition or within three days afterwards, the petitioner shall give security for the payment of all costs, charges and expenses that may become payable by him to any witness summonned on his behalf or to any respondent.

(3) The security shall be of such amount and shall be given in such manner as the court may order, and in the event of failure to comply with such order no further proceedings shall be had on the petition.

Trial of election petition.

34. (1) Every election petition shall be tried by the Chief Justice sitting without jury or assessors, in open court.

(2) During the trial the Court may order -

(a) the production and inspection of any rejected ballot token, of any voter's card or counterfoil; or

(b) the inspection of any counted ballot token; or

(c) the opening of any sealed packet of used ballot tokens:

Provided that in making and carrying into effect the order, the Court shall ensure that the way in which the vote of any particular person has been given shall not be disclosed until it has been proved that the vote was given and the vote has been declared by the Court to be invalid.

(3) A person called as a witness at the trial shall not be excused from answering any question relating to any offence at or connected with such election on the gounds that the answer thereto may incriminate or tend to incriminate himself, or on the grounds of privilege:

Provided that -

(i) a witness who answers truly all questions which he is required by the Court to answer shall be entitled to receive a certificate of indemnity under the hand of the Chief Justice, stating that such witness has so answered; and

(ii) an answer by a person to a question put by or before the Court shall not, except in the case of any criminal proceedings for perjury in respect of such evidence, be in any proceedings, civil or criminal, admissible in evidence against him.

(4) Subject to the provisions of this Act and without prejudice to any power to make rules of court under any other Act, the Chief Justice may from time to time make, amend, or revoke rules for regulating the

practice and procedure to be observed on election petitions, and subject to such rules, the procedure at the trial of an election petition shall, as near as circumstances will admit, be the same, and the Court shall have the same power, jurisdiction and authority as if it were trying a civil action; and witnesses shall be subpoenaed and sworn in the same manner, as near as circumstances will admit, as in the trial of a civil action in the Supreme Court, and shall be subject to the same penalties for perjury.

(5) At the conclusion of the trial, the Court shall determine whether the person of whose return or election complaint is made, or any other and what person, was duly returned or elected, or whether the election was void, and shall certify such determination to the Supervisor of Elections and the Speaker; and, upon such certificate being given, such determination shall be final and no appeal shall lie therefrom; and the election shall be confirmed, or a new election shall be held, as the case may require, in accordance with such certificate.

(6) No election officer shall be joined as a party to any election petition, and no court shall accept such a petition, except in the case of a returning officer and then only if it be shown by affidavit annexed to the petition that there was wilful misconduct on his part.

(7) (a) The Attorney-General may at any time after the presentation of an election petition freely inspect any document filed in connection therewith, or the record of the trial of such petition, and may address the court at any stage of such proceedings or during any interlocutory proceedings, and may request the court to summon any witness (which request shall be granted as of course), if he considers that the justice of the case demands any such action on his part.

(b) The Chief Justice shall cause the Attorney-General to be notified if during the trial of any election petition he considers it probable that the result of such petition may turn upon a matter of law rather than a matter of fact, and shall at a convenient time and after such adjournment as the Attorney-General may reasonably require invite him to address the court upon such matter of law.

(c) For the purposes of this subsection the expression Attorney-General shall include any barrister and solicitor or any public officer whom he may nominate to represent or assist him.

Proceedings against person who has received certificate of indemnity to be stayed.

35. (1) Where a person has received a certificate or indemnity in relation to an election, and any legal proceedings are at any time brought against him for any corrupt or illegal practice committed by him previously to the date of the certificate at or in relation to the election, the Court having cognizance of the case shall, on production of the certificate, stay the proceedings and may in its discretion award to the said person such costs as he may have been put to in the proceedings.

(2) Nothing in this section shall be deemed to relieve any person receiving a certificate of indemnity from any incapacity under any law for the time being in force in The The Gambia or from any proceedings to enforce that incapacity (other than a criminal prosecution).

Reporting of illegal and corrupt practices.

36. (1) If during the course of the trial of an election petition it shall have been shown to the satisfaction of the Court that any person whether a party or not has been guilty of an illegal or a corrupt practice the court shall at the conclusion of the trial report any such party or person to the Supervisor of Elections, specifying in such report the name, description and address of the party, and the type of illegal or corrupt practice committed:

Provided that before such report is made the Court shall give such person an opportunity of being heard and of giving and calling evidence to show why he should not be so reported.

(2) Any person so reported shall as from the date of the report be subject to the same incapacities as if on such date he had been convicted of that practice in accordance with such provision of Part VI of this Act as the case may be.

(3) Upon receiving such report the Supervisor of Elections shall forthwith cause such person's name to be struck off any register of voters on which it appears.

Vacancy of a seat in House of Representatives.

37. (1) If the Speaker has good reason to suppose that an elected member of the House of Representatives is or has become disqualified from or has ceased to be qualified for or entitled to such membership, it shall be the duty of the Speaker to consult with the Attorney-General and, if the Attorney-General advises the Speaker that in his opinion such member is or has become so disqualified or disentitled, the Speaker shall forthwith cause the Clerk of the House of Representatives to publish in the Gazette a notice of vacancy of a seat in the House of Representatives and such notice shall contain the following particulars -

(a) the name and constituency of such member;

(b) the ground or grounds on which the Speaker considers that such member is or has become so disqualified or has ceased to be so qualified or entitled;

(c) the date or approximate date on which the seat of such member is deemed to have become vacant, such date or approximate date being the date or approximate date on which the member became so disqualified or ceased to be so qualified or entitled, or if such date cannot be ascertained with reasonable certainty, the date the notice is signed by the Clerk of the House of Representatives;

(d) a note to the effect that such member if he wishes to dispute such notice may, within twenty one clear days of the publication of such notice in the Gazette, petition the Supreme Court to have such notice set aside.

(2) The provisions of subsection (1) of this section shall not apply in the case of -

(a) the death of an elected member of the House of Representatives; or

(b) the resignation of any such member if he resigns his seat by writing under his hand addressed to the Speaker;

(c) any such member being elected or appointed as Speaker; or

(d) any such member accepting appointment as a nominated member of the House of Representatives or as a Head Chief; or

(e) such member acknowledging to the Speaker or the Supervisor of Elections in writing that he agrees that he is or has become disqualified, or has ceased to be qualified or entitled to membership of the House of Representatives, in any of which alternatives the seat of such member shall automatically become vacant without further formality.

(3) Upon the publication in the Gazette of a notice of vacancy of a seat in the House of Representatives the elected member who is the subject of such notice may, if he wishes to dispute such notice, within twenty one clear days of such publication, petition the Supreme Court to set aside such notice, naming the Attorney-General as the respondent in such petition.

(4) Upon receipt of any petition submitted to the Supreme Court, the Chief Justice shall thereupon fix a date for the hearing of the petition, such date being not more than twenty one clear days from the receipt of such petition and shall cause the petitioner and the Attorney-General to be notified accordingly.

(5) (a) On the date fixed for the hearing of the petition the Supreme Court shall proceed to hear the case and shall sit continuously from day to day until the hearing is concluded, and no adjournment shall be allowed except for the purposes of necessary refreshment and rest, or in the case of the illness of the petitioner or respondent.

(b) In the hearing of a petition brought under the provisions in this section no question shall be raised or entertained except such as relates directly to the validity of the ground or grounds specified in the notice published in accordance with subsection (1) of this Section.

(6) (a) As soon as possible after the determination of the hearing of a petition brought under the provisions of this section the Supreme Court shall determine whether the seat of the petitioner is or is not vacant and the effective date of such vacancy, and shall forthwith certify such determination to the Supervisor of Elections and the Speaker, and upon such certificate being given, such determination shall be final and no appeal shall lie therefrom.

(b) The Supervisor of Elections shall cause the certificate of the Supreme Court given under this subsection to be published in the Gazette.

(7) No question, other than a question arising out of an election or a return to the House of Representatives, as to whether an elected member of the House of Representatives has or shall be deemed to have vacated his seat in the House of Representatives or is or has become disqualified from or has ceased to be qualified for or entitled to membership of the House of Representatives, shall be raised or entertained in any proceedings whatsoever except by petition presented in accordance with the provisions of this section.

(8) Subject to the provisions of this section, the Supreme Court shall regulate its own procedure in dealing with petitions brought under this section, and without prejudice to the generality of the foregoing may issue and enforce summons to witnesses, order security of such amount and in such terms as it deems fit for the payment of costs and witnesses' expenses, and may make orders as to costs.

(9) (a) If no petition is brought under the provisions of subsection (3) of this section within the time specified the Chief Justice shall forthwith certify such fact to the Supervisor of Elections and the Speaker and the seat of the member who was the subject of the notice of vacancy of a seat in the House of Representatives published in the Gazette shall thereupon be deemed to have been vacant with effect from the date specified in such notice.

(b) The Supervisor of Elections shall cause the certificate of the Supreme Court given under this subsection to be published in the Gazette.

(10) Nothing in this section shall be construed so as to prevent the Attorney-General from suing any person for the recovery of any penalty imposed by any law in force for unlawfully sitting or voting in the House of Representatives.

Non-compliance with Act.

38. Save as is otherwise provided by the Constitution in respect of elections to the House of Representatives, no election shall be invalid by reason of a non-compliance with this Act (or any Act amending or replacing this Act) or with any Act or other law which may at any time hereafter be in force, if it appears that the election was conducted fairly and in good faith and that such non-compliance is not shown to have affected the result of the election.

PART VI. OFFENCES RELATING TO ELECTIONS

Offences in respect of nomination papers, etc.

39. (1) Every person who -

(a) forges or fraudulently defaces or fraudulently destroys any nomination paper, or delivers to any person or authority to whom the nomination papers are required under this Act to be delivered, any nomination paper knowing the same to be forged; or

(b) forges or counterfeits or fraudulently defaces or fraudulently destroys any ballot token, voter's card, or counterfoil; or

(c) without due authority, supplies any ballot token or voter's card to any person; or

(d) fraudulently puts into any ballot box any object other than the ballot token which he is authorised by a law to put in; or

(e) fraudulently takes out of the screened compartment in a polling station any ballot token; or

(f) without due authority, destroys, takes, opens, or otherwise interferes with any representative symbol, ballot box or ballot token then in use for the purposes of an election.

shall be guilty of an offence, and be liable on summary conviction to imprisonment with or without hard labour for any term not exceeding six months.

(2) Any attempt to commit an offence specified in this section shall be punishable in the manner in which the offence itself is punishable.

(3) In any prosecution for an offence in relation to the nomination papers, ballot boxes, ballot tokens, voter's cards, counterfoils, representative symbols and things in use at an election, the property in such papers, tokens, boxes, voter's cards, counterfoils, representative symbols and things, may be stated to be in the Crown.

Infringement of secrecy.

40. (1) Every election officer, clerk, candidate and agent in attendance at a polling station shall maintain and aid in maintaining the secrecy of the voting in such polling station, and shall not communicate, except for some purpose authorised by law, before the poll is closed, to any person any information as to the name or number on a register of voters of any voter who has or has not applied for a ballot token or voted at that polling station.

(2) No person shall interfere with or attempt to interfere with a voter when recording his vote, or otherwise obtain or attempt to obtain in the polling station information as to the candidate for whom any voter in such polling station is about to vote or has voted, or communicate at any time to any person any information obtained in a polling station as to the candidate for whom any voter in such polling station is about to vote or has voted.

(3) No person shall directly or indirectly induce any voter to make known to any person the name or representative symbol of the candidate for whom he has voted.

(4) Every election officer, enumerator, clerk, candidate or agent in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting, and shall not communicate any information obtained at such counting as to the candidate for whom any vote is given by any particular voter.

(5) Every person who acts in contravention of any of the provisions of this section shall be guilty of an offence and be liable on summary conviction to a fine not exceeding fifty pounds or to imprisonment with or without hard labour for any term not exceeding six months:

Provided that the provisions of this section shall not extend or be construed to extend to any procedure prescribed for recording the vote or any voter who is incapacitated by blindness or other physical cause.

Punishment of persons guilty of certain illegal practices.

41. A person who -

(a) votes, or induces or procures any other person to vote, at any election, knowing that he or such person is prohibited or is not qualified or entitled by any law for the time being in force in The Gambia, from voting at such election;

(b) before or during an election, knowingly publishes any false statement of the withdrawal of a candidate at such election for the purpose of promoting or procuring the election of another candidate,

shall be guilty of an illegal practice, and on summary conviction thereof shall be liable to a fine not exceeding one hundred pounds, or to imprisonment for a term not exceeding six months, and shall be incapable, during the period of five years from the date of his conviction, of being registered as a voter or of voting at any election.

Corrupt practices.

42. (1) If any corrupt practice is committed by any candidate elected at any election held under the provisions of this Act, the election of such candidate shall be invalid.

(2) The expression "corrupt practice" as used in this Act means any of the following offences, namely bribery, treating, undue influence, and personation, as hereinafter set forth, and aiding, abetting, counselling, or procuring the commission of personation.

(3) A corrupt practice shall be deemed to be committed by a candidate if it is committed with his knowledge and consent, or by a person who is acting under the general or special authority of such candidate with reference to the election.

Bribery

43. A person shall be guilty of bribery, who -

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

(b) directly or indirectly, by himself or by any other person on his behalf, gives or procure, 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 vtoing, at any election;

(c) directly or indirectly, by himself or 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 to endeavour to procure, the return of any person at anyelection, or the vote of any voter at any election;

(d) Upon or in consequence of any such gift, loan, offer, promise, procurement, or agreement, procures or engages, or promises or endeavours to procure, the return of any person at any election or the vote of any voter at any election;

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

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

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

Provided that the provisions of this section shall not extend or be construed to extend to any money paid or agreed to be paid for or on account of any legal expenses bona fide incurred at or concerning any election.

Treating.

44. A person shall be guilty of treating, who -

(a) 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 at such election, or on account of such person or any other person having voted or refrained from voting at such election;

(b) being a voter, corruptly accepts or takes any such food, drink, entertainment or provision.

Undue influence.

45. A person shall be guilty of undue influence, 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 device or contrivance, inpedes or prevents the free use of the vote by any voter or thereby compels, induces or prevails upon any voter either to give or refrain from giving his vote at any election.

Personation.

46. A person shall be guilty of personation, who at any election applies for a ballot token in the name of some other person or tenders a vote in the name of another person, whether that name be the name of a person living or dead, or of a ficitious person, or who, having voted once at any election, applies for a ballot token or tenders a vote at the same election in his own name.

Punishment for corrupt practices.

47. Every person who is guilty of bribery, treating, undue influence or personation, or of aiding and abetting, counselling, or procuring the commission of the offence of personation, shall be laible on summary conviction to imprisonment with or without hard labour for any term not exceeding two years.

Incapacity entailed by conviction for corrupt practices.

48. Every person who is convicted of bribery, treating, undue influence or personation, or of aiding, abetting, counselling, or procuring the commission of the offence of personation shall (in addition to any other punishment) be incapable, during a period of ten years from the date of his conviction, if on such conviction he has been sentenced to imprisonment, from the date when he completes the serving of such sentence -

(a) of being registered as a voter or voting at any election held under the provisions of this Act; and

(b) of being elected as a member of the House of Representatives, (or other body to which this Act applies) or, if elected before his conviction, of retaining his seat as such member; and

(c) of holding any judicial office.

Courts to certify conviction for illegal and corrupt practices.

49. Any court convicting any person of an illegal or a corrupt practice under the provisions of this Act shall forthwith report such fact to the Supervisor of Elections who shall cause such person's name to be struck off any register on which it appears:

Provided that if on appeal the conviction is set aside the appeal court shall report such fact to the Supervisor of Elections who shall cause such person's name to be reinstated on such register of voters.

Attorney-General's fiat.

50. A prosecution for an illegal or a corrupt practice under the provisions of this Act shall not be instituted without the fiat of the Attorney-General.

Provided that a person charged with an illegal or a corrupt practice may be arrested, or a warrant for his arrest may be issued and executed, and any such person may be remanded in custody or on bail, notwithstanding that the fiat of the Attorney-General has not been obtained, but no further or other proceedings other than adjournments shall be taken until that fiat has been obtained.

Disorderly conduct at elections.

51. Any person who at any election held under this Act acts or incites others to act in a disorderly manner for the purpose of preventing or obstructing the conduct of such election shall be guilty of an offence and shall be liable on summary conviction to imprisonment with or without hard labour for any term not exceeding six months.

Cap.37 and Cap.39 not to be effected.

52. Nothing in this Act shall in any way prejudice or affect any of the provisions of the Criminal Code or of the Criminal Procedure Code, as to the offences relating to public elections or to public offices or officers.

PART VII. - GENERAL

Power of the Minister to make rules etc.

53. (1) The Minister may by order add to, rescind, vary or otherwise amend the First Schedule to this Act.

(2) The Minister may make Rules adding to, rescinding, varying or otherwise amending any of the Rules or forms set out in the Third, Fourth, Fifth, Sixth, Seventh and Eighth Schedules to this Act.

(3) The Minister may by regulations provide for elections to any local government body and all matters related thereto and without prejudice to the generality of the foregoing may apply by such regulations any of the provisions of this Act to such body and for that purpose may adapt, modify or otherwise amend such provisions so that they may be suitable for the purpose.

(4) The local government body may with the approval of the Minister make by-laws for the purposes which under the provisions of this subsection the Minister may make regulations.

Power of the Constituency Boundaries Commission.

54. The Constituency Boundaries Commission may, in pursuance of its functions under section 38 of the Constitution, but not otherwise, by order, amend the Second Schedule to this Act.

Regulations by Minister.

54A. Without prejudice to the powers contained in sections 53 and 54 of this Act, the Minister may make Regulations generally for the better carrying out of the provisions of this Act.

Supervisor of Elections.

55. Notwithstanding the provisions of sections 53 and 54 of this Act, the Supervisor of Elections may, subject to any instructions given to him in that behalf by the Minister, by order published in the Gazette vary or replace any of the forms set out in the Schedules to this Act or prescribed by any subsidiary legislation made thereunder.

Repeal and Savings.

56. The Colony Elections Ordinance, the Protectorate Elections Ordinance, 1959, and all Ordinances amending those Ordinances, and the Protectorate Elections (Special Provisions for 1963) Ordinance, 1963, are hereby repealed:

Provided that any procedures or matters undertaken or commenced under Parts III, IV, V and VI of the Protectorate Elections Ordinance, 1959, as amended and as read with the Protectorate Elections (Special Provisions for 1963) Ordinance, 1963, and not completed immediately before this Act comes into operation shall be duly completed as if such Ordinances had not been repealed.

FIRST SCHEDULE

ADMINISTRATIVE AREAS

1. Bathurst Administrative Area, consisting of the constituencies of—

Bathurst North;

Bathurst Central;

Bathurst South.

2. Kombo Saint Mary Administrative Area, consisting of the constituencies of —

Bakau;

Serrekunda.

3. Brikama Administrative Area, consisting of the constituencies of—

Northern Kombo;

Southern Kombo;

Eastern Kombo;

Western Foni;

Eastern Foni.

4. Mansakonko Administrative Area, consisting of the constituencies of —

Western Kiang;

Eastern Kiang;

Western Jarra;

Eastern Jarra;

5. Georgetown Administrative Area, consisting of the constituencies of —

Niamina;

Lower Fulladu West;

Upper Fulladu West;

Sami;

Niami;

Saloum.

6. Basse Administrative Area, consisting of the constituencies of—

Jimara;

Basse;

Tumana;

Kantora;

Sandu;

Wuli.

7. Kerewan Administrative Area, consisting of the constituencies of—

Sabach-Sanjal;

Illiassa;

Central Baddibu;

Lower Baddibu;

Jokadu;

Niumi;

SECOND SCHEDULE

CONSTITUENCIES

See pages 1975 - 1979 of Cap.58 of Vol.IV of the Laws of the Gambia.

THIRD SCHEDULE
The Elections (General and Supplementary Registration) Rules 1969

Application.

1. (1) Part A of these Rules shall apply to all Constituencies in Bathurst and Kombo St. Mary Administrative areas.

(2) Part B of these Rules shall apply to all Constituencies in the Gambia other than those specified in paragraph (1) of this rule.

2.

PART A

Notice to claimants for registration.

2. (1) In every general or supplementary registration year the Registering Officer shall cause to be published a Notice in the form of Form 1 of the annexure to these Rules, requiring all persons who claim to be entitled to be registered as voters to present their claims to him within such period as he may specify (not being less than one month in the case of a general registration and not less than two weeks in the case of a supplementary registration) from the date of publication of such Notice.

(2) Nothing in this rule shall be construed so as to prevent a registering officer from issuing separate notices in respect of any one or more constituencies on different dates during that general or supplementary registration year.

(3) The registering officer shall on application supply a form of claim free of charge to a claimant.

Forms of claim and photographs.

3. (1) Within the period specified in the notice published under the provisions of rule 2 of this Schedule any person who desires and is entitled to be registered as a voter may claim to be so registered by delivering in person to the registering officer a form of claim in the form of Form 2 of the Annexure to these Rules, and such form shall be signed by the claimant in his own handwriting:

Provided that:-

(a) any claimant who is illiterate or blind or otherwise incapacitated from writing may affix a thumb or finger print to his form in the place of his signature;

(b) any person who is registered in any Constituency other than the one specified in the Notice shall not be entitled to claim to be registered, but shall apply under Section 28 of the Act to the registering officer of the Constituency in which he is

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now registered to be transferred to the Constituency in which he now resides, and has ordinarily resided for at least six months prior to the date on which he applies for transfer.

(2) Every claimant shall supply two identical copies of a photograph of himself, portraying his head and shoulders facing the camara, bareheaded and without glasses unless normally worn, when he presents his form of claim to the registering officer, and the registering officer shall not accept any form of claim unless it is accompanied by such copies of such photographs, and he considers in his discretion that the photograph is a fair likeness of the claimant;

Provided that:-

(a) photographs supplied in accordance with this sub-rule shall be at least $1\frac{1}{2}$" x 2" in size but shall not exceed 2" x $2\frac{1}{2}$" in size, and

(b) persons supplying photographs for the purpose of this sub-rule shall not be entitled to charge therefor a fee in excess of 1/- per copy thereof, and shall be responsible for trimming the photographs within the limits of the sizes specified in paragraph (a) of this proviso.

4. (1) The registering officer (which expression shall, for the purposes of this rule, include a registering clerk) shall examine every form of claim and may call for and shall receive and consider such evidence as he may think fit touching upon the validity of such claim, and may require in his discretion such evidence to be given on oath or affirmation and may for that purpose administer such oath or affirmation.

(2) If the registering officer is satisfied that the claimant possesses the necessary qualifications, he shall enter the name of the claimant upon a list of voters whose claims he has allowed, otherwise he shall disallow the claim, and he shall mark the Form "Allowed" or "Disallowed", as the case may be, initial and date the marking and retain the form, and in the case of a disallowed claim, he shall mark the reverse of both photographs submitted by the claimant "Disallowed", and shall initial and date the marking, and return the photographs to the claimant, and no further action shall be taken on any claim, either allowed or disallowed, except as may be directed by a revising court or on appeal therefrom.

Preparation and completion of lists of voters.

5. (1) There shall be a separate list of voters for each constituency, and each such separate list may for purposes of convenience be subdivided by ward, town, village or such other area as the registering officer may decide, and the names on each subdivision of each such separate list shall be

numbered serially. In the case of a supplementary registration, lists of additions and deletions shall be subdivided in the same manner as that in which the Head register is subdivided, and the serial numbering of names added to the lists as supplementary registration shall continue in sequence from the last preceding supplementary or general registration as the case may be.

(2)In a supplemementary registration year, at the same time as he causes a list of voters to be prepared in accordance with the provisions of this rule the registering officer shall cause a list of deletions to be prepared in like manner.

(3)A list of deletions shall include the names of all persons whom the registering officer has cause to believe are dead or have ceased to be qualified or entitled to be on the register of voters, (except only those persons who are no longer qualified to be registered in the constituency on residential grounds), and for this purpose the registering officer may refer to any source of information open to him, and shall have for the purpose all the powers that are granted to him under the provision of rule 4(1) of this Schedule.

(4)A list of voters or a list of deletions shall contain the name, address and occupation of every voter therein, (or shall state "Nil" in these cases where no voters have been either registered or deleted in any particular ward, town, village or other sub-division of a Constituency), and shall contain the number of such voter's card. In the case of a list of deletions the relevant serial number on the register of voters of the person whose name has been deleted shall be included.

(5)The registering clerk shall cause to be prepared such number of copies of the list of voters or list of deletions as the registering officer shall require, being not less than three in all

(6)When a list of voters or list of deletions is complete the registering officer shall rule off, sign and date the three (or more) copies and cause two of them to be published for at least ten days following the day such list was signed and dated in the administrative area in which the constituency is situated. The remaining copy or copies shall be retained by the registering officer, and shall be made available to the Revising Officer when he holds his court in accordance with the provision of Section 16 of the Act.

(7)A registering officer may at any time correct any mistake in any list of voters, list of deletions or Register of Voters that comes to his notice.

4/.....

PART B

Instruction to be issued and issue of forms of claims.

6. (1) In every general or supplementary registration year, the registering officer shall cause instructions to be issued to Headmen of towns and villages to summon meetings (hereinafter called "registration meetions") of all persons entitled and wishing to be registered as voters, and such instructions shall specify the notice to be given of such meetings, which shall not be less than ten days, the date or dates, times and places of such meetings, and such other matters in connection therewith and relating thereto which the registering officer in his judgement considers necessary or desirable:

Provided that, if for any good reason it is found impossible to hold any of the registration meetings specified in this paragraph, or any prospective claimants are prevented by some good reason from making their claims at such meetings, the Supervisor of Elections may direct the registering officer concerned to hold a further meeting or meetings at such time and place as he may specify and the registering officer shall give such notice of such meeting or meetings, being not less than two days, as he deems necessary.

(2) Prior to the meetings specified in paragraph (1) of this rule, the registering officer shall cause to be issued to Headmen a sufficient number of forms of claim in the form of Form 2 of the Annexure to these Rules, as will enable each Headman to supply a form, free of charge, to each claimant in his town or village, and it shall be the duty of every Headman to supply a form to every claimant who applies to him for one, whether or not the Headman considers the claimant entitled to be registered as a voter:

Provided that nothing in this rule shall prevent any claimant from obtaining a form of claim, free of charge, from the registering officer of his administrative area.

(3) Nothing in this rule (but not under the proviso to paragraph (1) thereof) shall be construed so as to prevent a registering officer from issuing separate notices in respect of any one or more of any of the Constituencies to which this Part of these Rules applies on different dates during that general or supplementary registration year.

(4) The meetings referred to in the provisions of paragraph (1) of this rule shall be held in respect of each town and village at the polling stations used at the general election or by-election last preceding the registration by voters from such town or village or at such other place as the Supervisor of Elections shall direct.

Action to be taken by Headmen.

7. Every Headman on receipt of the instructions referred to in rule 6 of this Schedule shall, as soon as may be give notice of and shall summon in the customary fashion a registration meeting, and shall do his best to ensure that all his people, whether or not he considers they are entitled to be registered, are aware of such meeting.

Forms of claim and photograph.

8. (1) Within the period specified under the provisions of rule 6 of this Schedule, any person who desires and is entitled to be registered as a voter may claim to be so registered by delivering in person to the registering officer a form of claim in the form of Form 2 of the Annexure to these Rules, and such form shall be signed by the claimant in his own handwriting:

Provided that:

(a) any claimant who is illiterate or blind or otherwise incapacitated from writing may affix a thumb print or finger print to his form in the place of his signature, and

(b) any person who is registered in any Constituency other than the one specified in the notice shall not be entitled to claim to be

6/.....

registered, but shall apply, under section 28 of the Act, to the registering officer of the Constituency in which he is now registered to be transferred to the Constituency in which he now resides, and has ordinarily resided in for at least six months prior to the date on which he applies for transfer.

(2) Every claimant shall supply two, identical copies of a photograph of himself, portraying his head and shoulders facing the camera, bare-headed and without glasses unless normally worn, when he presents his form of claim to the registering officer, and the registering officer shall not accept any form of claim unless it is accompanied by such copies of such photograph and he considers in his discretion that the photograph is a fair likeness of the claimant:

Provided that:

(a) photographs supplied in accordance with this sub-rule shall be at least $1\frac{1}{2}$" x 2" in size but shall not exceed 2" x $2\frac{1}{2}$" in size; and

(b) persons supplying photographs for the purpose of this sub-rule shall not be entitled to charge thereof a fee in excess of 1/- per copy thereof, and shall be responsible for trimming the photographs within the limits of the sizes specified in paragraph (a) of this proviso.

Considera-tion of claims.

9. (1) A registering officer (which expression shall for the purposes of this rule include a registering clerk) shall attend every registration meeting summoned under the provisions of rule 7 of this Schedule, and shall with the assistance of the Headman or Headmen and leaders of the adult age groups or village elders present, investigate and adjudicate upon the claims of all persons desirous of being registered as voters.

(2) A registering officer may call for and receive and consider such evidence as he may think fit touching upon the validity of such claims and may require in his discretion such evidence to be given on oath or affirmation and may for that purpose administer such oath or affirmation.

(3) If the registering officer is satisfied that a claimant possesses the necessary qualifications, he shall enter the name of the claimant upon a list of voters whose claims he has allowed, otherwise he shall disallow the claim and shall mark the form of claim "Allowed" or "Disallowed" as the case may be and initial and date such marking and retain the form, and in the case of a disallowed claim he shall mark the reverse of both photographs submitted by the claimant "Disallowed" and shall initial and date the marking, and return the photographs to the claimant and no further action shall be taken on any claim, either allowed or disallowed, except as may be decided by a revising court or on appeal therefrom.

Preparation of lists of voters.

10. (1) There shall be a separate list of voters for each town or village, the names on each such separate list being numbered serially, and the serial numbering of names added to the lists at a supplementary registration shall continue in sequence from the last preceding supplementary or general registration as the case may be.

(2) The registering clerk shall cause to be made such number of copies of such lists as the registering officer shall require, being not less than three in all.

(3) In a supplementary registration year, at the same time as he causes a list of voters to be prepared in accordance with the provisions of this rule, the registering officer shall cause a list of deletions to be prepared in like manner,

(4) A list of deletions shall include the names of all persons whom the registering officer has cause to believe are dead or have ceased to be qualified or entitled to be on the register of voters (except only those persons who are no longer qualified to be registered in the Constituency on residential grounds) and for this purpose the registering officer may refer to any source of information open to him, and shall have for the purpose all the powers that are granted to him under the provision of rule 9(2) of this Schedule.

(5) A list of voters or list of deletions shall contain the name, address and occupation of every voter therein (or shall state "Nil" in those cases where no voters have been either registered or deleted in any particular town or village), and shall contain the number of such voter's card. In the case of a list of deletions the relevant serial number on the register of voters of the person whose name has been deleted shall be included.

(6) At the end of each of the registration meetings specified in rule 7 of this Schedule, when the list of voters (and list of deletions in the case of a supplementary registration) is complete the registering officer shall rule off, sign

9/.....

and date every copy of such list, and shall hand one copy to the Headman of the town or village concerned, and shall retain the other copies as the case may be.

Inspection of lists by public.

11. On receipt of his copy of the list of voters or list of deletions appropriate to his town or village, the headman shall make the same available for inspection by members of the public during the usual hours for a period of ten days following the day such list was signed and dated.

Disposal of lists.

12. On the completion of a registration in any Constituency, the copy or copies of the lists retained by the registering officer shall be made available to the revising officer when he holds his court in accordance with the provisions of Section 16 of the Act.

Correction of errors.

13. A registering officer may at any time correct any mistake in any list of voters, list of deletions, or register of voters which comes to his notice.

Rule 2(1)

ANNEXURE TO 3RD SCHEDULE
FORM 1.

THE ELECTIONS (GENERAL AND SUPPLEMENARY) REGISTRATION RULES, 1969.
NOTICE TO PERSONS ENTITLED TO VOTE.

All persons who reside and claim to be entitled to be registered in the .....Constituency are hereby required to deliver in person and in writing their claim to me, the undersigned, at the registration centre for the Constituency within* ..... from the date of publication of this notice, that is to say before ..... p.m. on the ..... day of ..... 19 .....

Persons who:

* (a) were registered in either the general registration in 19 ....., or any subsequent supplementary registration for this Constituency, or

(b) are on a current register of voters for any other Constituency, should not make any claim under this notice. If they are registered in any other Constituency, and now reside permanently in this / constituency they should apply for / transfer under Section 28 of the Act.

Forms of claim are obtainable, free of charge, from the registration centre.

Dated this ..... day of .....19 .....

.....
Registering Officer

.....Administrative Area

Address .....

.....

* One Month in the case of general registration, two weeks in the case of a supplementary registration.
* Delete sub-paragraph (a) in the case of a general registration.

FORM 2.

THE ELECTIONS (GENERAL AND SUPPLEMENTARY) REGISTRATION RULES, 1969.

NOTICE TO PERSONS ENTITLED TO VOTE

n FORM OF CLAIM FOR GENERAL AND SUPPLEMENTARY REGISTRATION

To the Registering Officer .....Constituency

I, ...
(Surname) (First Names)

of ..... Occupation .....
(Address)

hereby claim to be registered as a voter.

I HEREBY DECLARE that :-

(a) I am a citizen of The Gambia, and

(b) I have attained the age of twenty-one years, and

(c) I have been ordinarily resident in this constituency during a period of not less than six months immediately preceding the date of this claim, and

(d) I am not registered in this or in any other Constituency, and

(e) I am not disqualified or disentitled from being registered or from voting under any law.

Dated the .....day of .....19....

Signature or thumbprint .....

Signature of Registering Officer or Registering Clerk, as witness. .....

FIFTH SCHEDULE

FORMS FOR APPEAL AND OBJECTION

FORM 1

The Elections Act

NOTICE

Under section 13 (1) of the Act

To the Registering Officer at .....

I, (full name in Block Capitals).....

.....of (address in Block Capitals).....

.....

occupation (in Block Capitals).....

do hereby give notice that I appeal from --

*(a) your disallowance of my claim to be registered as a voter in the.....

(state constituency);

*(b) your removal of my name from the register for.....

.....constituency.

* Strike out whichever alternative is not applicable.

My grounds of appeal are (state grounds).....

.....

.....

.....

.....

Dated the .....day fo..... 19.....

Signed:.....

(or mark).....

Witness (in case of an illiterate).....

Address of witness .....

.....

FORM 2

The Elections Act

NOTICE

Under Section 13(2) of the Act

A

To the Registering Officer at.....

I, (full name in Block Capitals).....

.....of (address in Block Capitals).....
.....
occupation (in Block Capitals).....
being a person---

*(a) whose name appears on the list of voters for the .....constituency;

*(b) whose name appears on the current register of voters for .....constituency;

*Strike out whichever alternative in not applicable.

do hereby give notice that I object to the name of (state name of person objected to).....
being retained on the list of voters for the.....
.....constituency.

My grounds of appeal are (state grounds).....
.....
.....

Dated the.....day of.....19.....

Signed:.....

(or mark).....

witness (in case of an illiterate).....

Address of witness.....

B

NOTICE TO THE PERSON OBJECTED TO

To: (state name of person objected to).....

I, (full name in Block Capitals).....
.....
occupation (in Block Capitals).....
being a person--

*(a) whose name appears on the list of voters for the .....
.....constituency;

*(b) whose name appears on the current register of voters of the .....constituency.

*Strike out whichever alternative is not applicable.

do hereby give notice that I object to your name being retained on the list of voters for the.....
.....constituency.

My grounds of appeal are (state grounds).....
.....

.....

.....

Dated the.....day of.....19....

Signed:.....

(or Mark).....

Witness (in case of an illiterate).....

Address of Witness.....

S I X T H S C H E D U L E

The Election (Voters' Cards) Rules 1969.

Preparation of Voter's Cards.

1. (1) Whenever a registering officer is required to carry out a general or supplementary registration of voters under the provisions of the Act, he shall, when he receives a form of claim and the copies of the photograph referred to in Part A or B of the 3rd Schedule, and if he allows such claim, cause to be prepared a voter's card in respect of such claimant, in the form of Form 2 of the Annexure to these Rules, and shall affix thereto one of the copies of the said photograph.

(2) At the same time as the voter's card is being prepared the registering officer shall cause to be prepared a counterfoil in the form of Form 1 of the Annexure to these Rules, and shall affix thereto the second of the copies of the said photograph so that the information contained in every voter's card and its counterfoil shall be identical the one with the other, except as provided for in rules 2(1) (b) and 3(1) of this Schedule.

(3) Before a voter's/....

(3) Before a voter's card is issued by the registering officer, the card and the counterfoil shall be signed by the voter in his own handwriting:
Provided that any voter who is illiterate or blind or otherwise incapacitated from writing may affix a thumb print or finger print to his card and counterfoil in the place of his signature, and such thumb or finger print shall be withessed by the registering officer.

(4) The registering officer may upon completion of the procedures specified in paragraphs (1), (2) and (3) of this rule issue the voter's card to the person concerned, or may retain the same for collection by that person on some future occasion.

(5) If upon final settlement of a list of voters by a revising court under the provisions of Section 17 of this Act there appears in such list the name of any person in respect of whom the registering officer has not prepared a voter's card and the approprate counterfoil he shall thereupon prepare such voter's card and counterfoil, and shall issue such voter's card to that person.

(6) If upon final settlement of a list of deletions by a revising court under the provisions of Section 17 of this Act there appears on such list the name of any person in respect of whom there has been prepared a voter's card and counterfoil, such voter's card shall thereupon become null and void and the registering officer shall require any person who has such voter's card to hand the same in to him for destruction, and shall endorse the counterfoil accordingly.

Replacement of Voter's Cards.

2. (1) Any voter, who has been issued with a voter's card and who claims that his voter's card has been lost, stolen, destroyed, mutilated or defaced, may apply in writing to the registering officer to replace such voter's card and the registering officer, if he is satisfied that the application is a bona fide one, shall:

A) request the voter to pay the fee of ten shillings and produce to him the Treasury receipt,

b) complete Form 3 of the Annexure to these Rules, and forward it to the Supervisor of Elections, together with the mutilated or defaced card, if such is the reason for the application, and one copy of a photograph of the voter, which need not be identical with the photograph on the original voter's card, but must be a sufficiently good likeness to satisfy the Supervisor of Elections that it can be readily identified as a photograph of the same person whose photograph is affixed to the relevant counterfoil:

Provided that the registering officer concerned may waive the fee of ten shillings if he is satified that the voter has lost his voter's card through the destruction of his dwelling by fire, and that the fire was not caused by any fault or negligence on the part of the voter.

(2) The registering officer shall not forward the Form 3 to the Supervisor of Elections until, in the case of a voter's card which has become mutilated or defaced, such voter's card has been surrendered to him for attachment to the said form.

(3) On receipt of the Form 3, the photograph and the mutilated or defaced card if such is attached, the Supervisor of Elections shall cause to be prepared a replacement voter's card, (to which he shall affix the photograph of the voter) and counterfoil which he shall send to the registering officer, together with Part B of Form 3, who shall obtain the voter's signature, thumb print or finger print on the card and counterfoil, initial the card and counterfoil and issue the card to the voter, returning the counterfoil to the Supervisor of Elections.

(4) At the time when he prepares a replacement voter's card, the Supervisor of Elections shall note the fact and the number of the new card in the relevant register of voters opposite to the name of such voter and upon the relevant counterfoils, and shall attach the mutilated or defaced card to its relevant counterfoil.

(5) No application for a replacement voter's card shall be entertained by the registering officer during such period as may be notified from time to time by the Minister in the Gazette.

(6) A replacement voter's card shall contain such particulars as were recorded on the original voter's card of the voter to whom it relates.

(7) The fee collected under the provisions of this rule shall be paid into the general revenue of The Gambia.

Transfer of Voters. 3.(1) Any registered voter applying to the registering officer of the Constituency in which he is registered (hereinafter called the first Constituency) for transfer to the Constituency in which he now resides, (the second Constituency) under Section 28 of the Act, shall complete Part A of Form 4 of the Annexure to these Rules and forward it to the registering officer, together with his current voter's card and one copy of a photograph of himself, which need not be identical with the photograph on the voter's card surrendered by him but must be acceptable to the registering officer as a sufficiently good likeness of the voter as to be readily identified as a photograph of the same person whose photograph is affixed to the surrendered card:

Provided that any voter whose card has been lost, stolen or destroyed must first apply for a replacement voter's card under fule 2(1) of this Schedule which he shall present to the registering officer with his application for transfer.

(2) The/.....

(2) The registering officer of the first Constituency on receiving the application shall, after making such enquiries as he may deem fit, and if he is satisfied that the application is bona fide, complete Party B of Form 4 of the Annexure to these Rules, and Part C if the second Constituency is in his Administrative Area, and shall forward it, together with the surrendered voter's card and the photograph of the applicant, to:

a) the Supervisor of Elections, if the first and second constituencies are both in his administrative area, or

b) the Registering Officer of the second constituency if that constituency is in some other administrative area, who shall, after making such enquiries as will enable him to complete Part C of Form 4, forward it to the Supervisor of Elections.

(3) On receiving the application the Supervisor of Elections shall cause to be prepared a voter's card and counterfoil which he shall forward to the registering officer of the second Constituency together with Parts D (which he shall complete) and E of Form 4.

(4) When the registering officer of the second Constituency receives the voter's card and counterfoil he shall obtain the voter's signature, thumb or finger print on the voter's card and counterfoil, initial the card and counterfoil and issue the card to the voter and return the counterfoil to the Supervisor of Elections, together with Parts D and E (which he shall complete) of Form 4.

(5) When the card and counterfoil are prepared, the Supervisor of Elections shall:

a) affix the surrendered voter's card of the first Constituency to its relevant counterfoil, and annotate the counterfoil with the number of the card prepared in respect of the second Constituency,

b) delete the/.....

b) delete the name of the voter from the register of the first constituency, and note against the deletion the name of the Constituency to which the voter has transferred,

c) enter the voter's name, serial number and card number in the appropriate place in the second register, annotating the entry with the name of the Constituency from which the voter has been transferred.

Validity of Voters Cards.

4. A voter's card or a replacement voter's card subject to the provisions of rule 1(6) of this Schedule and provided that the voter to whom it was issued does not become disqualified from or does not cease to be qualified or entitled to be registered or to vote under the provisions of the Act, shall remain in force until a new head register of voters is next prepard for the constituency for which the voter's card was issued, whereupon it shall become null and void.

The Elections Act 1963, 6th Sch. Form 2

Card No.	Register No.
Surname	
First Name (s)	
Address or Village	
Occupation	

Voter's Card.
This card is issued to the person named herein and must be produced by the said person when casting a vote at an election in which he is qualified to vote. It is of no value to any other person and, if found should be handed in to the nearest Police Station or any Government Officer for return to the Registering Officer

PHOTOGRAPH	Sign or Thumb Print
	Date Stamp and Initials of Registering Officer.

Form 1.

The Elections Act 1963, 6th Sch. Form 1

Card No.	Register No.
Surname	
First Name (s)	
Address or Village	
Occupation	

Annexure to 6th Schedule Rule 2(1)

The Elections (Voters' Cards) Rules. 1969

Form 3

Application for Replacement of Voter's Card

Part A

(To be completed by Registering Officer).

To the Supervisor of Elections.

I have received an application from the following registered voter, of .....town*/village, in the ..... Constituency;

Serial No.	Card No.	Surname.	First Name.	Occupation.
.....	.....	.....	.....	.....

who has applied for a replacement voter's card, on the ground that the card issued to him has been lost/stolen/destroyed/mutilated/defaced*.

2. I have made full enquiries, and am satisfied that the claim is bona fide, that a replacement card should be issued, and that the applicant has:

*(a) accordingly paid the required fee of 10/- (T.R..... refers).

*(b) not paid any fee as the voter's card was destroyed in a fire not caused by negligence on the part of the applicant.

3. I enclose one copy of a photograph of the applicant, on the reverse of which I have written his name and address, and in my opinion it is a good likeness of him.

4. I am attaching hereto the mutilated*/defaced voter's card No. ..... surrendered by the applicant.

Date: ..... Signed ..... Registering officer

..... Administrative Area

*Delete as applicable.

Form 3

Part B

(To be completed by Supervisor of Elections)

To the Registering Officer .....Administrative Area

Herewith replacement voter's card No. ..... for

Serial No.	Old Card No.	Surname.	1st Name	Occupation.
.....	.....	.....	.....	.....

of ..... town*/village, in the ..... Comstituency, in accordance with your request dated .... 19 ..... Please obtain the applicant's signature or thumb print on the card and counterfoil, intial the card and counterfoil, issue the card to the applicant and return the book of counterfoils and any unused cards to me, together with the receipt below.

Date: ..... Signed .....

Supervisor of Elections.

Note: 1. *Delete as applicable.

Note 2. The card and counterfoil must be signed or thumb printed by the applicant in the same manner in which the original card was signed or thumb printed.

Form 3

Part C.

(To be completed by Registering Officer).

To the Supervisor of Elections.

I acknowledge receipt of the voter's card No. ..... detailed in Part B above, which I have issued to the voter and his acknowledgement of receipt is appended below. I return herewith the counterfoil, duly signed or thumb printed, and initialled by me together with unused cards serially numbered ..... to .....

Date: ..... Signed

.....Registering Officer

.....Administrative Area

Received Card No. .....

Signature or thumb print
of applicant

.....

Signature of Registering Officer or
Registering Clerk, as witness

.....

To be detached by the Supervisor of Elections and returned to the Registering Officer with the replacement voter's card Part C to be completed by the Registering Officer, and returned, together with Part B, to the Supervisor of Elections.

Annexure of 6th Schedule. Rule 3(1)

Form 4

The Elections (Voters' Cards) Rules, 1969

Application for Transfer
Part A.

To the Registering Officer ..... Administrative Area

I hereby apply for my name to be removed from the register of voters for the ..... Constituency, where I have ceased to reside, and in whcih my registration particulars are as follows:

Serial No.	Card No.	Surname.	1st Name.	Occupation.
.....	.....	.....	.....	.....

and for my name to be inserted on the register of voters for ..... Constituency, where I have been ordinarily resident in ..... town*/village since ..... 19 ..... and where I intend to continue to reside.

I hereby certify that I last made a claim to be registered, and my claim was allowed, at the ganeral*/supplementary registration for ..... Constituency in ..... 19 .....

I attach hereto my voter's card No. ....., and one additional copy of a photograph of myself.

Date the ..... day of ..... 19 .....

*Signature or thumb print of applicant .....

Signature of Registering Officer, as witness .....

*Delete as applicable.

*To be signed or thumb printed in the presence of the Registering Officer

(Note: the application must be signed or thumb printed by the applicant in the same manner in which the original card surrendered by him was signed or thumb printed.)

Form 4
Part B

(To be completed by the Registering Officer of the Constituency in which the applicant is registered i.e. the 1st Constituency*)

To the Registering Officer ..... Administrative Area.

I have made full enquiries and am satified that the applicant whose registration particulars are as detailed in PART A has ceased to reside in the ..... Constituency, and his name should therefore be deleted from the register of voters for that Constituency.

Date: ..... Signed .....
Registering Officer

..... Administrative Area.

Form 4
Part C

(To be completed by the Registering Officer of the Constituency, in which the applicant now cliams to reside, i,e. the 2nd Constituency.*)

To the Supervisor of Elections.

I have made full enquiries and I am satisfied that ..... (name of applicant) is the person named in PART A and portrayed in the photograph attached, and he has been ordinarily resident in ..... town*/village in the ..... Constituency since ..... ,9 ..... and is residentially qualified to be registered as a voter in that Constituency.

I consider that the additional photograph submitted by the applicant is a good likeness of him.

Date: ..... Signed .....
Registering Officer

..... Administrative Area.

Note:

*Delete as applicable.

*If the 1st and 2nd Constituencies are in the same Administrative Area the Registering Officer for that Area will complete both Parts B and C

Form 4

Part D

(To be completed by the Supervisor of Elections, detached and forwarded to the Registering Officer of the 2nd Constituency.)

To the Registering Officer,

..... Administrative Area.

I forward herewith voter's card No. ..... for issue to ..... (name of applicant) now resident in ..... town*/village in the ..... Constituency. Please obtain the applicant's signature or thumb print on the card and counterfoil, initial the card and counterfoil, issue the card to the applicant and return the book of counterfoils and any unused cards to me, together with the receipt below.

Date: ..... Signed .....

Supervisor of Elections.

Note: *1. Delete as applicable.

Note 2. The card and counterfoil must be signed or thumb printed by the applicant in the same manner in which the original card was signed or thumb printed.

Form 4

Part E

(To be completed by the Registering Officer of 2nd Constituency.

To the Supervisor of Elections.

I acknowledge receipt of the voter's card No. ..... detailed in Part D above, which I have issued to the applicant and his acknowledgement of receipt is appended below, and I return herewith the counterfoil, duly signed or thumb printed by the applicant and initialled by me together with unused cards serially numbered ..... to .....

Date: ..... Signed .....

Registering Officer

.....Administrative Area

Received Card No. .....

Signature or thumb print

of applicant .....

Signature of Registering Officer

or Registering Clerk, as witness .....

To be detached by the Supervisor of Elections and returned to the Registering Officer with the replacement voter's card Part E to be completed by the Registering Officer, and returned, together with Part D, to the Supervisor of Elections.

Constituency Elections Rules

Citation. 1. These Rules may be cited as the Constituency Elections Rules.

Notice of Elections 2. Whenever the election of a member or members of the House of Representatives is necessary, the Supervisor of Elections shall publish in the Gazette notice of that fact, and shall state in the notice the constituency or constituencies in respect of which such election is to be held--

(a) the date, which shall not be less than fifteen days after the publication of the notice in the Gazette, and the place for nomination of candidates;

(b) the date on which or the dates between which, as may be appropriate, such election shall be held, such date or the first day of such period, as the case may be, being not less than ten nor more than thirty days after the date of nomination of candidates; and

(c) the days and place at which the Chief Justice will attend for the purpose of hearing appeals against any decisions made by returning officers under rule 4 (3) of these Rules.

Action by returning officers. 3.Upon the notice required by rule 2 of these Rules being published in the Gazette every returning officer shall--

(a) give such publicity in his administrative area to such parts of such notice as affects his administrative area as he shall deem fit; and

(b) obtain from the registering officers for that administrative area such number of copies of the register of voters for every constituency concerned as he may require; and

(c) comply with the provisions of rule 4 of these Rules.

Testing of candidates before Nomination day. 4.(1) On the fourth, fifth and sixth days after the date of the publication of the notice required by rule 2 of these Rules in the Gazette the returning officer shall attend at the place fixed for the nomination as a candidates between the hours of eight o'clock in the forenoon and noon and any person intending to seek nomination as a candidate for any constituency in that returning officers administrative area may present himself to

present himself to the/.....

the returning officer and subnit himself to such test as the returning officer may deem fit for the purpose of satifying himself that such person has or has not any linguistic qualification that may be required for membership of the House of Representatives under the Constitution.

(2) If after such test, the returning officer is satisfied that such person has the requisite linguistic qualification, he shall give such person a certificate under his hand to that effect.

(3) If, after such test the returning officer is satisfied that such person has not the requisite linguistic qualification, he shall give such person a certificate under his hand to that effect, and inform him of his right to appeal under paragraph (3) of rule 5 of these Rules, and such person shall not question the grant or content of such certificate except by way of such appeal.

5. (1) At the place and on any of the days and between such hours on any such days as shall have been notified in the manner provided for in paragraph (c) of rule 2 of these Rules, any person to whom the returning officer has given a certificate under paragraph (3) of rule 4 of these Rules may appeal against the grant of such certificate by presenting himself to the Chief Justice, handing him such sertificate and submitting himself to such test as the Chief Justice may deem fit for the purpose of deciding the appeal. Appeals.

(2) If after such test, the Chief Justice is satisfied that the appellant has the requisite linguistic qualification he shall retain the certificate granted by the returning officer under paragraph (3) of rule 4 of these Rules and hand the appellant in place thereof a certificate under his hand to the effect that he has tested the appellant and that the appellant has the requisite linguisite qualification, and no other person shall, in any proceeding whatsoever, question the grant or content of any such certificate.

(3) If, after such test, the Chief Justice is satisfied that the appellant has not the requisite linguistic qualification he shall return the certificate granted by the returning officer to the appellant and refuse to grant him any certificate under his hand in the place thereof, and

ans such refusal/.....

such refusal shall not be questioned by the appellant or any other person in any proceeding whatsoever.

Nomination

6. (1) On the date and at the place appointed for the receipt of nominations, the returning officer shall attend between the hours of eight o'clock in the forenoon and four o'clock in the afternoon only and receive the nomination of any duly qualified candidate for any vacancy to be filled.

(2)(a) Every candidate for election shall be nominated by at least three voters whose names appear in the register of voters for the constituency for which he seeks to be elected.

(b)Every such nomination shall be according to Form 1 in the Annexure to these Rules and must be subscribed both by the candidate (who shall make the declaration therein set forth) and by the persons nominating him.

(c)When a person subscribes more than one nomination paper his subscription shall be inoperative in the cases of all but the one which is first delivered.

(3)Nomination papers shall be provided by the returning officer.

(4)Every candidate at the time when he delivers his nomination paper to the returning officer shall deposit or shall cause to be deposited with the returning officer the sum of twenty-five pounds in cash and no nomination paper shall be valid until such deposit has been made:

Provided that it shall be sufficient if such sum has been deposited before nomination day with the Accountant-General at Bathurst.

(5)The deposit made under the last preceding shall be returned to the candidate if--

(a)his nomination paper has been endorsed and signed in the manner prescribed in papagraph (3) of rule 7 of these Rules; or

(b)he withdraws his nomination; or

(c)there is no contested election; or

(d) in.....

(d) in a contested election he obtains not less than one-fifth of the votes cast for the elected candidate.

In all other events the deposit shall be forfeited to the Government.

Alternative testing of candidates

7.(1) Every candidate at the time he delivers his nomination paper to the returning officer shall either--

(a) deliver, together with his nomination paper--

(i) a certificate granted to him by the returning officer under paragraph (2) of rule 4 these Rules; or

(ii) a certificate granted to him by the Appeal Authority under paragraph (2) of rule 5 of these Rules; or

(b) submit himself to such test as the returning officer may deem fit for the purpose of satisfying himself that the candidate has or has not any linguistic qualification that may be required for membership of the House of Representatives under the Constitution.

/ or if after a test under sub-paragraph (b) of paragraph (1) of this rule /

(2) If a candidate delivers one or other of the certificates mentioned in sub-paragraph (a) of paragraph (1) of this rule / the returning officer is satisfied that the candidate has the requisite linguistic qualification, he shall endorse such candidate's nomination paper with the words "Linguistically qualified" and shall sign such endorsement.

(3)If a candidate delivers neither of the certificates memtioned in sub-papagraph (a) of paragraph (1) of this rule and after a test under sub-paragraph (b) of paragraph (1) of this rule the returning officer is satisfied that the candidate has not the requisite linguistic qualification, he shall so inform him and endorse such candidate's nomination paper with the words "Linguistically not qualified" and shall sign such endorsement and such candidate shall not be eligible to be nominated in the constituency at that election or in any constituency of The Gambia at that election if that election is a general election.

(4) An endorsement/.....

(4) An endorsement made by the returning officer under paragraph (2) or paragraph (3) of this rule and duly signed by him as therein provided shall be conclusive evidence in any proceeding whatsoever of the/so endorsed and signed in / fact relation to the person on whose nomination paper the endorsement and signature appear and to the election in connection with whhhssuch nomination paper was delivered.

Nomination papers.

8. (1) When a nominated paper is delivered and has been endorsed and signed in the manner prescribed in paragraph (2) of rule 7 of these Rules, and a deposit is made in accoddance with these Rules, the candidate shall be deemed to be nominated, unless and until the returning officer decides that the nomination paper is invalid, or proof is given to the satisfaction of the returning officer of the candidate's death, or the candidate withdraws.

(2) The returning officer shall be entitled to hold a nomination paper invalid only on one of the following grounds, that is to say——

(a) that the particalars of the caddidates and other persons subscribing the paper are not as required by law; and

(b) that the paper is not subscribed as required by law.

(3) When he decides that a nomination paper is invalid, the returing officer shall endorse and sign on the paper the fact and the reasons for his decision.

Representative symbol.

9. In a contested election the returning officer shall allot to each candidate nominated a symbol (in these Rules called a representative symbol) by which the candidate shall be identified during the election, and the returning officer shall ensure, as far as he can, that no representative symbal shall have any religious significance.

Particulars of candidates to be published

10. A returning officer shall, at least five clear days before the day of election, or, if the election is to be held over a period of days before the first day of that period, publish, by displaying or causing to be displayed at the place appointed for the delivery of nomination papers and in such other manner as he may think fit, a statement of the full names of all persons who have been and stand nominated and of the persons nominating them, with their respective addresses,

descriptions/.....

descriptions and representative symbols allotted to them.

Withdrawal of candidates.

11. Any candidate may withdraw from his candidature by notice in writing signed by him, and delivered by himself or one of the persons nominating him to the returning officer not later than four O'clock in the afternoon of the seventh day before the day of election, or, where the election is to be held over a period of days, before the first day of that period.

Poll to be taken unless candidate unopposed.

12. (1) If the number of candidates remaining nominated exceeds one poll shall be taken in accordance with these Rules.

(2) If a person only is or remains nominated that person shall be declared to be elected in the statement required by rule 10 of these Rules to be published by the returning officer, and the returning officer shall forthwith certify under his hand the return of such candidate to the Supervisor of Elections.

(3) If no person is or remains nominated the Supervisor of Elections shall publish in the Gaxette a fresh notice in accordance with rule 2 of these Rules.

Polling station and information to be published.

13. (1) The returning officer shall provide in his discretion polling stations in every constituency and shall allocate voters to such polling stations:

Provided that every polling station allocated to voters from any constituency shall except in the Bathurst Administrative Area be in that constituency.

(2) The returning officer shall in the statement required to be published in accordance with rule 10 of these Rules---

(a) include notice of the date of or period during which the poll is to be taken, and shall specify the polling stations in each constituency and their situation, the voters allocated thereto, and the day or days on which and the hours between which voting is to take place at every such polling station; and

(b) in every/.....

(b) in every constituency in which a system of voters card is not in operation shall require the Headman and leaders of adult age groups of every town and village to attend upon the presiding officer appointed to preside at the polling station to which the voters of such town or village have been allocated on the day or days on and during the hours in which voting is to take place for purpose of assisting in the identification of voters.

Death of candidates.

14. (1) If, after the date appointed for the receipt of nominations, one of the candidates nominated for election in any constituency shall die before the poll has commenced, the returning officer shall, upon being satisfied of the fact of such death countermand the notice of the poll and shall forthwith certify the fact of such death under his hand to the Supervisor of Elections.

(2) Upon receipt of a certificate given under the provisions of paragraph (1) of this rule the Supervisor of Elections shall cause a fresh notice to be published in the Gaxette in accordance with the provisions of rule 2 of these Rules in respect of that constituency.

Constables, clerks, etc.

15. (1) No voter shall vote at a polling station other than the one allotted to him.

(2) Notwithstanding the provisions of paragraph (1) of this rule any constable on duty at, or any assistant to or clerk employed by the presiding officer at, any polling station so as to be prevented from voting at the polling station allotted to him shall, if he produces to such presiding officer a certificate under the hand of the returning officer stating that he is registered as a voter and any other relevant facts in support of his claim, be allowed to vote at the polling station at which he is on duty or employed, if such polling station be within the constituency for which he is registered.

(3) On the issue of any such certificate, the returning officer shall furnish a copy thereof to the presiding officer at the polling station allotted to the person to whom the certificate relates and such presiding officer shall, before the opening of the poll, endorse against the name of such person in the copies of the register of voters in use at that polling station a record of the fact that such person is entitled to vote at that polling station.

16. (1) Each/.....

Polling agents

16. (1) Each candidate nominated for election may appoint two persons, hereinafter referred to as polling agents, to attend at each polling station within the constituencies for which he is a candidate for the purpose of detecting personation.

(2) Notice in writing of the appointment, stating the names and addresses of the polling agents, together with the polling stations to which they have been assigned, shall be given by the candidate to the returning officer not later than three days before the day of election, or, where the election is to be held over a period of days, the first day of that period.

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

(4) A presiding officer shall not allow any person to act as a polling agent if that person cannot prove to him that the provisions of this rule had been complied with.

Presiding officer and staff

- ..g

/ specify that a presiding officer

17. (1) When in any constituency an election is to be held over a period of days the returning officer may / shall preside at more than one polling station in any constituency in such order as he may specify.

(2) The presiding officer shall keep order in his polling station and shall regulate the number of voters to be admitted at a time and shall exclude all other persons, except his authorised assistants and clerks, candidates and their agents, if any, and the police officers on duty and where appropriate the Headman and leaders of age groups in attendance for the purposes mentioned in paragraph (2) (b) of rule 13 of these Rules.

(3) Subject to the authority, directions and contral of the presiding officer, an authorised assistant shall have all the powers and may perform any of the duties of a presiding officer under these Rules.

18. For the/.....

Direction on Voting. 18, For the guidance of voters, notices shall be printed in conspicuous characters and posted in various places outside and inside each polling station, in the following form---

DIRECTIONS

(1) You may vote for one candidate only.

(2) Place your ballot koken in the ballot box bearing the name and symbol of the candidate for whom you wish to vote.

(3) When you have recorded your vote, leave the polling station.

Equipment for polling. 19. The returning officer shall supply every presiding officer with ---

(a) such number of ballot boxes as may be required to comply with the provisions of rule 20 of these Rules;

(b) a copy of the register of voters applicable to the constituency concerned, or such part there of as contains the names of the voters allotted to the polling station at which he is appointed to preside, certified under the hand of the registering officer or of such returning officer;

(c) a sufficient number of ballot tokens and tendered ballot tokens;

(d) such other conveniences may be necessary for taking the poll.

Preparation of polling stations. 20. (1) The returning officer shall take measures in advance to ensure that/polling station is provided before the / every commencement of the taking of the poll with proper doors, barriers, tables, chairs and other conveniences, and shall see that the same are properly arranged for carrying out the purposes of these Rules.

(2) Each polling station shall be furnished with a compartment in which ters can record their votes screened from observation but such that any person of normal hearing

 in the polling/.....

in the polling station can hear the recording of votes carried out in the manner hereinafter provided.

(3) In such compartment there shall be provided a number of ballot boxes equal in number/ of candidates standing for election and each of such ballot boxes shall be provinently marked with the name and shall bear the representative symbol and, if the candidate concerned so desires, a photograph of one of/returning officer and shall consist of a representation of the head and shoulders only of the candidate, bareheaded and without any distinguishing robes, insignia or Uniform

to the number of

/ the candidates, and every such photograph shall be approved by the

(4) Every ballot box shall be of convenient size and shall be so constructed that the ballot tokens can be introduced therein and cannot be withdrawn therefrom without the box being unsealed Each ballot box shall be provided internally with a baffle plate or device so placed that any ballot token inserted in the ballot box shall strike such plate or device before coming to rest at the bottom of the ballot box. Such plate or device shall be of such material, and shall be so disposed within the ballot box, as to emit, upon its being struck by a ballot token inserted in the ballot box, a clear and distinctive sound audible to any person of normal hearing in the polling station in which the ballot box may be.

(5) Every ballot box in any polling station shall be of similar construction to all others therein, so as to ensure, as far as is practicable, that no person of normal hearing in such polling station shall be able to distinguish by differentiation of sound the insertion of ballot tokens in any particular ballot box, and, in addition, the presiding officer shall so place the various ballot boxes within the screened compartment as to prevent, as far as is practicable, any such person being able to distinguish by direction of sound the particular ballot box into which any ballot token is inserted.

Ballot tokens

21. (1) The votes at the poll shall be cast by ballot and the ballot of each voter shall consist of a token (in these Rules called a ballot token).

(2) Except as provided in rule 26 of these Rules, all

all ballot tokens/....

ballot tokens used in any particular polling station shall be identical in all respects.

Ballot boxes.

22. The presiding officer shall —

(a) immediately before the commencement of a poll at any polling station, or in a constituency where the election is to be held over a period of days before the commencement of the poll at the first polling station in that constituency, exhibit each of the ballot boxes empty to such persons as may be present there;

(b) then in the presence of all such persons take all measures necessary to ensure that no sound other than that resulting from the impact of ballot tokens on the internal baffle plate or device in which ballot box shall issue from such ballot box;

(c) then seal up all the ballot boxes, placing his seal upon each in such a manner as to prevent any ballot box being opened without breaking the seal;

(d) then place the ballot boxes in the screened compartment of the polling station and keep them so sealed until the close of the poll at the polling station or in a constituency where the election is to be held over a period of days until the close of the poll at the last polling station for which he is appointed

Placing of candidates and agents.

23. The candidates or their agents shall be posted in such a place that they can see each person who presents himself as a voter, and hear his name as given by him, but so that they cannot see how any voter votes, but can hear any voter voting recording his vote in the manner hereinafter provided.

Method of voting

24. (1) (a) Every voter desiring to record his vote shall present himself together with, if the constituency is one in which a system of voters cards is in operation, his voter's card to the presiding officer at the polling station allotted to him, and the presiding officer, after satisfying himself that the name of such voter appears on the

the copy of the part/.....

copy of the part of the register of voters containing the names of the voters allotted to that polling station, shall deliver a ballot token to the voter:

Provided that, before delivering a ballot token to any person offering himself to vote, the presiding officer may put to him the following questions or either of them—

(i) "Are you the person whose name is on the register of voters ?" (reading the name of the voter and his address);

(ii) "Have you already voted at the present election ?" and may require him to furnish his signature or an impression of his left thumb.

(b) If any person does not answer satisfactorily any question put to him or refuses to furnish his signature or an impression of his left thumb, as in this rule provided, or if the presiding officer after examination of his thumb print or signature and, if appropriate, his voter's card and counterfoil, or, if appropriate, after such consultation as he may think necessary with the Headman or leaders of the age groups of the village concerned or any of them present, is satisfied that the person offering himself to vote is not the same person whose name is on the register of voters or, that such person has already voted at the election, the presiding officer shall refuse to give him a ballot token.

(c) Immediately before delivering a ballot token to a voter, the presiding officer shall make a mark against the name of the voter on his copy of the register of voters to voters to denote that such voter has received a ballot token.

(d) A voter shall record his vote by putting his ballot token into the box bearing the name and representative symbol of the candidate for whom he wishes he vote.

(2) Each voter shall have only one vote and no person shall at any election vote for more than one candidate nor, save as provided by paragraph (2) of rule 15 of these Rules, at any polling station other than the one allotted him.

(3) Every/.....

(3) Every voter shall vote without undue delay and shall quit the polling station as soon as he has put his ballot token in the ballot box.

(4) Only one voter shall be allowed in a screened compartment at one time and no person other than a voter who is recording his vote shall at any time be allowed therein except the presiding officer or one of his assistants who may enter only for purposes necessary for the proper conduct of the poll:

Provided that if a voter is incapacitated by blindness or other physical cause from recarding his vote without assistance he may take with him into the screened compartment one person, whom he shall select, to assist him to record his vote, but such person shall not be candidate or a candidate's agent.

Presiding officer's instructions.

25. The presiding officer shall on request give such instructions as may appear to be necessary to any voter as to the manner in which he should record his vote.

Tendered ballot tokens.

26. If a person, representing himself to be a particular voter named in a register of voters, applies for a ballot token after another person has voted as such voter, the applicant shall, upon satisfactorily answering the questions set out in the proviso to paragraph (1) (a) of rule 24 of these Rules and otherwise satisfying the presiding officer as provided in the said proviso, be entitled to receive a ballot token and record his vote in the same manner as any other voter, but the ballot token (hereinafter called a tendered ballot token) shall be of a colour differing from the other ballot tokens.

Freudulent voting.

27. (1) If after a person has passed through the screened compartment in a polling station and before he has left the polling station a candidate or his polling agent declares to the presiding officer that he has reasonable cause to believe that such person has committed an offence under paragraph (d) or paragraph (e) of subsection (1) of section 39 of the Act and undertakes to substantiate the charge in a court of law, the presiding officer may order a police officer to arrest such person, and the order of the presiding officer shall be sufficient authority for the police officer so to do.

(2) A person/.....

(2) A person in respect of whom a candidate or his polling agent makes a declaration under paragraph (1) of this rule alleging that such person has committed an offence under paragraph (e) of subsection(1) of section 39 of the Act, shall not if he hands back to the presiding officer the ballot token received by him and satisfies the presiding officer that he has taken the ballot token out of the screened compartment with no intent to defraud, be arrested but shall be allowed to vote or to leave the polling station without voting as he wishes.

(3) The presiding officer shall cause a note to be placed against the name of any person arrested under paragraph (1) or allowed to vote under paragraph (2) of this rule in the marked copy of the register of voters or portion thereof and shall if any objection be made by a candidate or his polling agent to anything done by the presiding officer under this rule, in addition, record that objection.

(4) A person arrested under the provisions of this rule shall be deemed to be a person taken into custody by a police officer for an offence in respect of which he may be arrested without a warrant.

Personation

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

Personation

(2) A person in respect of whom a candidate or his polling agent makes a declaration in accordance with the provisions of paragraph (1) of this rule shall not, by reason thereof, be prevented from voting, but the presiding officers shall cause the words "protested against for personation" to be placed against his name in the marked copy of the register of voters or portion thereof:

Provided that where a person in respect of whom such a declaration is made, admits to the presiding officer or where the presiding officer is otherwise satified that

he is not/.....

he is not the person he held himself out ot be, he shall not be permitted to vote if he has not already done so.

(3) A person arrested under the provisions of this rule shall be deemed to be a person taken into custody by a police officer for an offence in respect of which he may be arrested without a warrant.

Conduct of polling station

29. (1) The presiding officer shall to the best of his ability keep order in the polling station.

(2) If any person misconducts himself at a polling station, or fails to obey any lawful order of the presiding officer, he may, by order of the presiding officer, or by any other person authorised in writing by the presiding officer in that behalf, and the person so removed shall not, without the permission of the presiding officer, again enter the polling station during the day of the election, and any person so removed may be deemed to be a person taken into custody by a police officer for an offence in respect of which he may be arrested without a warrant:

// be removed from the polling station by any police officer,

Provided that the provisions of this paragraph shall not be exercised so as to prevent any voter who is otherwise entitled to vote at any polling station from having an opportunity of so voting.

(3) On any day on which polling is to take place in the administrative area of Bathurst, or in any constituency other than in the administrative area of Bathurst, the following shall be prohibited in that administrative area, or in that constituency, as the case may be--

(a) The holding of any public meeting or procession;

(b) the making of any speech or announcement in any public place other than with the written consent of the returning officer;

(c) the use of any loudspecker, loudhailer or instrument of public address whatsoever;

(d) drumming or singing except with the written permission of, in the administrative area of Bathurst, a

a superior police/....

a superior police officer, or, in any other constituency, the returning officer.

(4) On any day of which polling is to take place the following acts shall be prohibited within a radius of one hundred and fifty yards of any polling station--

(a) the display of any flag, banner, or slogan;

(b) canvassing;

(c) the ringing of any bell;

(d) the making of any sound which has the effect of simulating the ringing of any bell;

(e) the riding, or parking, of any bicyle.

(5) Any person who does, takes part in, organises, or connives at any act prohibited by this rule may be arrested by a police officer without warrant and shall be liable on summary conviction by a magistrate to inprisionment for a period not exceeding three months, or to a fine not exceeding twenty-five pounds, or to both such imprisionment and fine.

Closing of poll.

30. (1) In every constituency where an election is to be held on one day only the presiding officer shall at the appointed hour for the closing of the election close the polling station and cease to receive any votes and shall as soon as practicable thereafter, in the presence of the polling agents further seal each of the ballot boxes in use at his polling station so as to prevent the introduction of additional ballot tokens, and shall make up into separate packets which he shall seal--

(a) the unused ballot tokens;

(b) the marked copies of the register of voters;

(c) the unused tendered ballot tokens;

(d) the certificates furnished under rule 15 of these Rules; and

(e) the signa/.....

(i) the unused ballot tokens;

(ii) the marked copies of the register of voters;

(iii) the unused tendered ballot tokens;

(iv) the certificate furnished under rule 15 of these Rules; and

(v) the signatures and left thumb impressions taken under the proviso to paragraph (1) (a) of rule 24 of these Rules, endorsed with the names and addresses of the persons whose signature and left thumb impressions they purport to be,

and shall with all convenient speed convey the sealed ballot baxes and sealed packets to the returning officer of the constituency.

(3) A presiding officer may subject to any instructions given by the returning officer in that behalf extend in his discretion the hours of polling specified by the returning officer in the statement published pursuant to rules 10 and 13 of these Rules by a period of not more than two hours if in his opinion the number of electors waiting to vote justifies such extension, and the expression "appointed hour" shall in this rule be construed accordingly.

Counting agants.

31. (1) Each candidate may appoint one person, hereinafter referred to as a counting agent, to attend at the counting of votes.

(2) Notice in writing of the appointment, stating the name and address of the counting agent, shall be given by the candidate to the returning officer not later than one day before the day of election, or, if the election is to be held over a period of days, before the first day of that period, and the returning officer may refuse to admit to the place where the votes are counted any person purporting to be a counting agent in respect of whom such notice has not been given.

(3) If a counting agent dies or becomes by other than his own act incapable of acting as such, the candidate may appoint another counting agent in his place, and shall immediately give to the returning officer notice in writing of the name and address of the counting agent so appointed.

Counting of Votes

32. (1) The returning officer shall make arrangement

for counting/.....

for counting the votes in the presence of the counting agents as soon as practicable after the receipt of all the ballot boxes from the polling stations within the constituency and shall then break the seals on the ballot box or ballot boxes bearing the name and representative symbol of one candidate and, with the aid of his enumerators and assistants, proceed to examine and count the ballot tokens therein in accordance with rules 33 and 34 of these Rules;

Provided that in a general election counting shall not take place before the last day of polling,

(2) When all such ballot tokens have been examined and counted the returning officer shall break the seals on the ballot box or all the ballot boxes bearing the name and representative symbol of another candidate and shall in like manner examine and count the ballot tokens therein and he shall so continue, allowing time only for refreshment, until all the ballot tokens in all the ballot boxes have been examined and counted.

(3) The returning officer, his enumerators and assistants and the candidates and their respective counting agents, and no other persons, may be present at the counting of the votes.

Void ballot tokens.

33. Any object, not being an official ballot token, shall not be counted.

34. (1) The returning officer shall enclose any object which under the provisions of rule 33 of these Rules is not to be counted as a vote in a cover on which he shall endorse the word "rejected" and shall add to the endorsement the words "rejection objected to" if any objection be in fact made by a candidate or his counting agent to his decision.

(2) The returning officer shall not allow any tendered ballot token to be counted as a vote in favour of any candidate but shall enclose all tendered ballot tokens cast in favour of any candidate in a cover endorsed with the name of that candidate, and shall, when all the ballot tokens have been counted, place all such covers in a separate packet and seal it.

(3) The returning/.....

(3) The returning officer shall report to the Supervisor of Elections the number of objects rejected as votes and not counted by him, and tendered ballot tokens not counted by him, respectively, and shall, on request by any candidate for whom a rejected vote not counted has been given or his counting agent, allow such candidate or his counting agent to copy the report before it is sent to the Supervisor of Elections.

Returning officer's decision final.

35. Subject to review on an election petition questioning the election, the decision of the returning officer on any question arising in respect of any ballot token examined or counted in his electoral district shall be final.

Re-counts.

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

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

Equality of voters.

37. Where, after the counting of the votes (including any re-count) is completed, an equality of votes is found to exist between any candidates and the addition of a vote would entitle any of those candidates to be declared elected, the returning officer shall forthwith decide between these candidates by lot, and proceed as if the candidate on whom the lot falls had received an additional vote.

Declaration of result.

38. When the counting of the votes has been completed, the returning officer shall forthwith declare the candidate to whom the greatest number of votes is given, to be elected.

Election return.

39. On the completion of the counting and after the result of the poll has been declared by him, the returning officer shall forthwith—

(a) seal up the ballot tokens and documents relating to the election, and transmit them by trustworthy means to the Supervisor of Elections;

(b) certify in/.....

(b) cerify in writing the result of the election and transmit the certificate to the Supervisor of Elections;

(c) send the Supervisor of Elections a report on the election.

Publication of results.

40. The Supervisor of Elections shall--

(a) forthwith publish the result of the election in the Gazette; and

(b) retain the ballot tokens and any documents transmitted to him under seal by the returning officer for a period of six months, on the expiration of which period he shall destroy such of the documents as are not required by order of the Court for the investigation or trial of any election petition or offence and as are incapable of being so altered or defaced, either in part or as a whole, as to remove, obliterate or render indecipherable any reference to any previous voting in any election, and dispose of the ballot tokens in such manner as he thinks fit.

Saving

41. Where in these Rules any act or thing is required or authorised to be done in the presence of the candidates or polling or counting agents, the non-attendance of any candidate or agent or agents at the time and place appointed for the purpose shall not, if the act or thing is otherwise duly done, invalidate the act or thing done.

By-elections.

42. (1) Whenever the seat of any member of the House of Representatives becomes vacant for any reason and in consequence a by-election becomes necessary, the Supervisor of Elections shall publish the notice required by rule 2 of these Rules within three months of such seat becoming vacant.

(2) In exercising his discretion as to when to publish the notice required by rule 2 of these Rules within the period specified the Supervisor of Elections shall have due regard to the wishes of the Minister.

(3) In this rule a reference to a seat becoming vacant shall be construed so as to mean the date on which it is finally determined that such seat is vacant in accordance with the provisions of section 37 of the Act.

ANNEXURE

(to Seventh Schedule)

FORM . 1

CONSTITUENCY ELECTIONS RULES

NOMINATION PAPER

To the Returning Officer.....constituency

We the undersigned, being registered voters for the above-mentioned constituency, hereby nominate the under-mentioned person as a candidate for election to the House of Representatives for the said constituency.

Surname	Other names	Residence	Occupation

Name .....

Address .....

Occupation .....

Date .....

Signature .....

1. I, the undersigned am the candidate to whom this nomination paper relates and I hereby state that I am willing to stand for election to the House of Representatives as the Member for the..... constituency and that I do not stand nominated for election to the House of Representative in any other constituency.

2. I also/.....

2. I also hereby declare that I am qualified to be elected a member of the House of Representatives.

3. I also hereby declare that I am not disqualified to be elected a member of the House of Representatives for any of the reasons mentioned in the Constitution relating thereto.

(Date) .....

(Signature of Candidate) .....

EIGHTH SCHEDULE.

HEAD CHIEFS ELECTIONS RULES.

SEE PAGES 2019-2024 OF CAP. 58 OF VOL IV OF THE LAWS OF THE GAMBIA.