MONTSERRAT

CHAPTER 1.04

ELECTIONS ACT
and Subsidiary Legislation

Revised Edition
showing the law as at 1 January 2008

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Act.

This edition contains a consolidation of the following laws—

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CHAPTER 1.04

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CHAPTER 1.04

ELECTIONS ACT

(Acts 1 of 1952, 9 of 1954, 9 of 1955, 11 of 1957, 18 of 1958, 1 of 1960, 11 of 1960, S.R.O. 15/1956, S.I. 1962 No. 1084, S.R.O. 3/1967, 15 of 1970, 14 of 1975, 11 of 1980, 24 of 1982, 10 of 1984, 10 of 1991, 16 of 1994, 2 of 2000 and 16 of 2000, 2 of 2006 and Order in Council made 14 March 2001)

Commencement

[30 January 1952]

PART I

PRELIMINARY

Short title

1. This Act may be cited as the Elections Act. *(Substituted by Act 16 of 1994)*

Interpretation

2. (1) In this Act—

"Council" means the Legislative Council of Montserrat;

"dollars" means dollars in the currency of Montserrat;

"election" means an election of a member or members to the Council;

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

"electoral district" means an electoral district as constituted under section 5;

"Executive Council" means the Executive Council of Montserrat;

"Judicial and Legal Services Commission" means the Judicial and Legal Services Commission established under the West Indies Associated States Supreme Court Order, 1967;

"list of voters" means the first list of voters or the Register of Voters or the official list of voters, as herein defined, as the context requires;

"meeting" means any sitting or sittings of the Council commencing when the Council first meets after being summoned at any time and

terminating when the Council is adjourned *sine die* or at the conclusion of a session;

"minister of religion" means any person in holy orders and any other person the functions of whose principal occupation include teaching or preaching in any congregation for religious worship;

"poll book" means the book in the form set out as Form No. 16 in the Second Schedule in which the name and other particulars of every person applying to vote are consecutively entered by the poll clerk as soon as the applicant's right to vote at the polling station has been ascertained and before any such applicant is allowed to vote;

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

"polling station" means any room secured by the returning officer for the taking of the votes on polling day;

"proclamation" means a written or printed notice under the hand of the Governor, published by his order in Montserrat;

"public office" means, subject to the provisions of subsection (3) any office of emolument in the public service or any office of emolument under a municipal corporation within Montserrat;

"public officer" means the holder of any public office and includes any person appointed to act in any such office;

"public service" means the service of the Crown in a civil capacity in respect of the Government of Montserrat and includes service as a member of the Judicial and Legal Services Commission but does not include service as a Judge of the Supreme Court;

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

"returning officer" means, in relation to an electoral district, the officer appointed by the Governor in that behalf under section 9;

"revising officer" means the person appointed by the Governor for the purpose of revising and settling the list of voters for one or more electoral districts under this Act;

"session" means the meetings of the Council commencing when the Council first meets after being constituted under this Act, or after its prorogation or dissolution at any time, and terminating when the Council is next prorogued or is dissolved without having been prorogued;

"sitting" means a period during which the Council is sitting continuously without adjournment, and includes any period during which the Council is in Committee;

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

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

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

"vote" means the act of marking the ballot paper and depositing it in the ballot box (excluding any rejected ballot paper) and the terms **"a vote"** and **"votes"** shall be construed accordingly; *(Inserted by Order in Council made 14 March 2001)*

"voter" means any person who votes or is entitled to vote at an election;

"writ" means the writ for an election.

(2) For the purposes of this Act a person shall not be considered to hold a public office by reason only that he is in receipt of a pension or other like allowance in respect of public service; and if it is provided by any law for the time being in force in Montserrat that an office (not being an office constituted by this Act or the office of member of the Judicial and Legal Service Commission shall not be a public office for the purposes of this Act, this Act shall have effect accordingly as if that provision of that law were enacted herein.

(3) For the purposes of this Act a person shall not be considered to hold a public office by reason only that he is in receipt of any remuneration or allowances in respect of his tenure of the office of Minister or member of the Executive Council or member of the Council.

(4) In this Act, unless it is otherwise provided or required by the context, any reference to the holder of an office by a term designating or describing his office shall be construed as including a reference to any person who, under and to the extent of any authority in that behalf, is for the time being performing the functions of that office.

(5) Where by this Act any person is directed or power is conferred on any person or authority to appoint a person to perform the functions of an office if the holder thereof is unable to perform those functions, the validity of any performance of those functions by the person so directed or of any appointment made in exercise of that power shall not be called in question in any court on the ground that the holder of the office is not unable to perform the functions of the office.

(6) For the purposes of this Act, the resignation of the holder of any office that is required to be addressed to any person shall have effect from the time that it is received by that person.

(7) Where any power is conferred by this Act to make any proclamation, order, rules or regulations or to give any directions, the power shall be construed as including a power exercisable in like manner to

amend or revoke any such proclamation, order, rules, regulations or directions.

(8) For the avoidance of doubts it is hereby declared that any person who has vacated his seat in any body, or has vacated any office, established by this Act may, if qualified, again be appointed or elected as a member of that body, or to that office as the case may be, from time to time.

(Amended by Act 14 of 1975)

The Attorney General

3. (1) In the exercise of any powers or duties conferred upon him by this Act or any other law in force in Montserrat, unless a contrary intention is expressly stated, the Attorney General shall act in his discretion and shall not be subject to the direction or control of any other person or authority.

(2) The salary of the Attorney General, at such rate as may be prescribed by law, shall be charged on the Consolidated Fund:

Provided that the salary of the Attorney General shall not be diminished during his tenure of office.

(Inserted by Act 10 of 1984)

PART II

ELECTORAL DISTRICTS AND REGISTRATION OF VOTERS

Appointment, powers and duties of Supervisor of Elections

4. The Governor shall appoint a Supervisor of Elections who shall—

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

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

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

Single constituency

5. The Island of Montserrat shall constitute a single electorate.

(Substituted by Act 2 of 2000)

Multi-member constituency

6. (1) The nine persons receiving the highest number of votes cast, which number shall not be less than six per centum per person of the total number of votes cast at a general election of members of the Council, shall be the members of the Council.

(2) Where nine persons receiving the highest number of votes do not all receive at least six per centum of the votes cast—

(a) those persons who received at least six per centum of the votes cast shall be declared elected to be members of the Council;

(b) and all the others may stand once more within 21 days along with all the remaining candidates for the seats still unfilled in the Council and the persons receiving the highest number of votes cast, not being less than six per centum, shall be declared elected to the seats still to be filled.

(Substituted by Act 2 of 2000)

Polling divisions

7. The Supervisor of Elections may from time to time vary the number, description and boundaries of the polling divisions.

(Substituted by Act 2 of 2000)

Appointment of registering officer, etc.

8. (1) The Supervisor of Elections shall appoint a person to be the registering officer for Montserrat.

(2) The Supervisor of Elections may appoint persons as assistant registering officers to assist the registering officer in the performance of his duty under the Act.

(3) Subject to the authority, directions and control of the registering officer, an assistant registering officer shall have all the powers and may perform any of the duties of the registering officer under this Act except the examination of claims.

(4) The Supervisor of Elections may at any time revoke any appointment made by him under this section and make another appointment in place thereof.

(5) The registering officer shall have such powers and be charged with such duties as are hereinafter set out in the Act.

(6) The registering officer and every assistant registering officer shall, before entering on his duties as such, take and subscribe an oath in the form set out in the Second Schedule and shall transmit such oath to the Supervisor of Elections.

(Substituted by Act 2 of 2000)

Appointment of returning officer

9. (1) The Governor may, on the recommendation of the Supervisor of Elections, appoint a fit and proper person to be the returning officer.

(2) The Governor may at any time revoke any appointment made by him under this section and make another appointment in place thereof.

(3) Forthwith upon his appointment the returning officer shall take and subscribe an oath in the form set out as Form No. 12A in the Second Schedule and shall transmit such oath to the Supervisor of Elections.

(Amended by Act 2 of 2000)

Taking of Oaths

10. (1) Every election officer and every person who is required by Part II or Part III to take any oath may take such oath either before a Magistrate, a Justice of the Peace, the Supervisor of Elections or before any returning officer or presiding officer or poll clerk appointed in accordance with the provisions of this Act and every such Magistrate, Justice of the Peace, returning officer, presiding officer, poll clerk and the Supervisor of Elections is hereby authorized and empowered to administer any oath required by the said Part II or Part III to be made or taken by any election officer or other person.

(2) Every person who is required to take an oath in pursuance of any of the provisions of Part II or Part III may elect to make a solemn affirmation instead of taking such oath.

Remuneration of officers

11. There shall be paid to the Supervisor of Elections, each registering officer, assistant registering officer, returning officer, revising officer and to any other officers appointed under this Act such remuneration for their services and such allowances in respect of travelling and other expenses incurred by them as the Governor in Council may prescribe.

Qualification of voters

12. (1) Subject to the provisions of subsection (2), every person who—

(a) has attained the age of eighteen years; and

(b) is not a person of unsound mind so found under any law in force in Montserrat; and

(c) is a Commonwealth citizen; and

(d) has resided in Montserrat for 36 months immediately preceding the date of registration as a voter or is domiciled in Montserrat and is resident therein at the date of such registration; and

(e) is not disqualified under the provisions of this Act from being registered as a voter;

shall be entitled to be registered as a voter and, when registered, to vote at an election:

Providing that a person who is domiciled in Montserrat may, if he is not resident at the date of registration as a voter, nevertheless be registered as a voter and vote, if he is out of the country to follow a recognized course of full time study or training and obtains a certificate to that effect from the Ministry of Education. (*Amended by Acts 11 of 1980, 2 of 2000 and 16 of 2000*)

(2) No person shall be registered as a voter or be entitled to vote at an election who has been sentenced by any court in Her Majesty's dominions or in any territory under Her Majesty's protection to death, penal servitude, or imprisonment for a term exceeding twelve months, and has not either suffered the punishment to which he was sentenced or such other punishment as by competent authority may have been substituted for the same or received a free pardon from Her Majesty.

Preparation of lists in enumeration year

13. (1) Between the first day of August, and the thirty-first day of October, 1970, and between the first day of June and the thirty-first day of August in every enumeration year thereafter the Registering Officer shall cause to be prepared in and for his electoral district in accordance with the provisions of the Election Registration Regulations preliminary lists of all persons who are qualified as voters therein.

(2) In this Act the expression **"enumeration year"** means the year 1970 and the last year in each successive quinquennial period thereafter.
(Substituted by Act 15 of 1970 and amended by Act 2 of 2000)

Preliminary voters lists

14. (1) Subject to the provisions of section 13 in any year as may be determined by the Governor in Council by Order the registering officer shall prepare in relation to each polling division a preliminary list of voters. *(Substituted by Act 2 of 2000)*

(2) Every preliminary list of voters shall be prepared between the first day of June and the thirty-first day of August.

(3) Every preliminary list of voters shall contain the name, address and occupation of each person whom the registering officer believes to be qualified as a voter for the polling division to which such list related and shall not contain the name, address or occupation of any person whom the registering officer does not believe to be so qualified.
(Substituted by Act 15 of 1970)

(4) No person shall at the same time be registered in more than one polling division or more than once in the same polling division.
(Substituted by Act 2 of 2000)

Provision for continuous registration of voters

15. (1) Any person who becomes qualified to vote under section 12 of this Act may apply to the Supervisor of Elections in such form as may be prescribed by Regulations made by the Governor in Council to have his or her name included in the voters list.

(2) Within 28 days of receipt of any application under subsection (1) the Supervisor of Elections shall cause such investigation as is necessary to ascertain the eligibility of the applicant to be included in the voters list and publish a notice of such persons application on the notice board at the Court House.

(3) A notice published under this section shall for all purposes be deemed to be an entry of his or her name in the preliminary list of voters notwithstanding that no Proclamation is made under regulation 4 of the Elections Registration Regulations for the preparation of the preliminary list of voters. The provisions of the Elections Registration Regulations shall *mutatis mutandis* apply to such entry as if the entry is in the preliminary list of voters.

(4) The Governor in Council may make regulations for giving effect to the procedure for continuous registration of voters.

(Inserted by Act 16 of 1994)

Manner of preparation of electoral list in general

16. (1) Subject to the provisions of section 13 every preliminary list of voters shall be prepared—

(a) by the deletion from the existing electoral list of the names, addresses and occupations of all persons whom the registering officer has reasonable cause to believe to have died or to have ceased to be qualified as voters for such polling division;

(b) by the amendment of the existing electoral list for such polling division by the substitution thereon for the name, address or occupation of any person whom the registering officer believes to have changed his name, address or occupation, but still to be qualified for inclusion in such list, of the name, address or occupation which the registering officer believes to be the true name, address or occupation of such person at the time of the preparation of such preliminary list; and

(c) by the addition to the existing electoral list for such polling division of the names, addresses and occupations of all persons whom the registering officer has reasonable cause to believe to have become qualified for inclusion in the list of voters for such polling division since the existing electoral list therefore was revised.

(2) The regulations relating to the revision of lists in any enumeration year shall where applicable apply *mutatis mutandis* to the revision of lists in any succeeding year.

(3) In this section the expression **"existing electoral list"** means the electoral list in force immediately before the commencement of the preparation in any year of the preliminary electoral list.

(Substituted by Act 15 of 1970)

Coming into force of electoral list

17. Every list of voters shall come into force on such date as the Governor may by Proclamation published in the *Gazette* appoint and shall remain in force until the list of voters next compiled comes into force.

(Substituted by Act 15 of 1970)

Appeal

18. (1) An appeal shall lie to a Judge of the High Court of Justice sitting in Chambers (hereinafter referred to as "the Court") from any decision of a registering officer on any claim or objection which has been considered by him under this Act:

Provided, however, that no appeal shall lie where a claimant or objector has not availed himself of his opportunity as provided by this Act, of being heard by the registering officer on the claim or objection.

(2) Any claimant or objector desiring to appeal against the decision of a registering officer shall give written notice of appeal to the registering officer and to the opposite party, if any, when the decision is given or within seven days thereafter, specifying the grounds of appeal.

(3) The registering officer shall immediately forward such notice to the Registrar of the High Court of Justice together with a statement of the material facts which, in his opinion, have been established in the case, and of his decision upon the whole case and upon any point which may be specified as a ground of appeal, and shall also furnish to the Court any further information which the Court may require and which he is able to furnish, together with any relevant documents in the case.

(4) When it appears to the registering officer that any notices of appeal given to him are based on similar grounds, he shall inform the Registrar of the High Court of Justice of the fact for the purpose of enabling the Court, if it thinks fit, to consolidate the appeals or to select a case as a test case.

(5) On any appeal under this section the registering officer shall be a party to the proceedings.

(6) Every appeal under this section shall be prosecuted, heard and determined in such manner as may be prescribed by rules of court, and the costs of every such appeal shall be in the discretion of the Court hearing such appeal.

(7) The right of any person whose name is for the time being on the list of voters to vote at an election shall not be prejudiced by any appeal pending under this section 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.

(8) Notice shall be sent to the registering officer by the Registrar of the High Court of Justice of the decision of the Court on any appeal under this section and the registering officer shall make such alteration in the list of voters as may be required to give effect to the decision.

(9) Rules of court for regulating the practice in respect of appeals under this section may be made by the Chief Justice of the Supreme Court.

(Substituted by Act 15 of 1970)

Registration regulations

19. (1) The Governor in Council may make regulations with respect to the registration of voters, the forms to be used therein, and the appointment of and remuneration to enumerators.

(2) Regulations made under this section may prescribe penalties for any breach thereof not exceeding $250 or six months imprisonment on summary conviction therefor.

(3) Regulations made under this section may be given retroactive effect, provided that no such retroactive effect shall be given so as to attach any criminal or civil liability to any act which was not a criminal or civil wrong at the time when such act was committed.

(Substituted by Act 15 of 1970)

PART III

ARRANGEMENTS FOR ELECTIONS

Issue of writs for holding elections

20. (1) For the purpose of every general election of members of the Council, and for the purpose of the election of members to supply vacancies caused by death, resignation or otherwise, the Governor shall issue a writ under the Public Seal of Montserrat, to the returning officer.

(2) Every such writ shall be in the form set out as Form No. 7 in the Second Schedule, and shall specify the day and place of nomination of candidates, the day on which, if necessary, the poll shall be taken, being not less than seven days after the day of such nomination, and the day on which such writ shall be returnable to the Governor.

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

(Amended by Act 2 of 2000)

Notice of place and time of nomination

21. (1) On receiving such writ, the returning officer shall publish in the *Gazette* and in one or more newspapers published in Montserrat a notice in the form set out as Form No. 8 or Form No. 8A as the case may be in the Second Schedule of the day and place fixed for the nomination of candidates.

(2) Such notice shall be published at least seven clear days before the day fixed for such nomination and the returning officer shall give further notice of the issue of such writ and of the time and place fixed for the nomination of candidates by causing notices in the said Form No. 8 or Form No. 8A as the case may be to be posted on the outer doors of any Court House, police station, church, chapel, schoolhouse or other building as he may deem necessary.

(3) Nomination papers shall be provided by the returning officer and shall be in the form set out as Form No. 9 in the Second Schedule. *(Amended by Act 2 of 2000)*

Nomination of candidates

(4) On the day and at the place so fixed for the nomination of candidates the returning officer shall attend between the hours of 10 a.m. and 1 p.m. and between the hours of 2 p.m. and 4 p.m. and receive the nomination of any duly qualified candidate for the seat to be filled.

(5) *(a)* Each candidate for election shall be nominated on a nomination paper by at least two registered voters, and his consent to nomination shall be given in writing on his nomination paper and attested by one witness:

Provided that no candidate shall be deemed not to have been validly nominated by reason only of the fact that subsequent to nomination day any person by whom his nomination paper was signed is struck off the preliminary list of voters or the Register of Voters, or has died.

(b) No person shall propose, second or assent to the nomination of more than one candidate on the same nomination day.

(c) Only the candidates, their election agents, and the persons by whom the candidates' nomination papers are signed shall have the right to be present at the nomination proceedings before the returning officer.

(d) Any person entitled to be present at nomination proceedings may challenge the validity of any other candidate's nomination paper. In addition thereto the returning officer

shall have the right on his own motion to hold a nomination paper invalid on the ground either that the particulars concerning the candidate or the persons subscribing to the nomination are not as required by law, or that the nomination paper is not subscribed as required by law. *(Substituted by Act 15 of 1970)*

Uncontested elections

(6) If at 4 p.m. only one candidate has been nominated for the seat to be filled, the returning officer shall declare that candidate elected and shall immediately thereafter certify by endorsement on the writ the return of such candidate in the form set out as Form No. 10 in the Second Schedule and shall return the writ so endorsed to the Supervisor of Elections for transmission to the Governor within the time specified for that purpose therein.

Withdrawal of candidature

(7) Any candidate duly nominated may, not less than three clear days before the day fixed for taking the poll, withdraw from his candidature by giving notice to the effect, signed by him, to the returning officer, provided that on such withdrawal there remain not less than two duly nominated candidates.

(8) If any such candidate withdraws from his candidature in accordance with subsection (7), or dies before the day fixed for the taking of the poll, the returning officer shall in the manner mentioned in subsection (9) forthwith give public notice of such withdrawal or death; and all proceedings with reference to the election shall be commenced afresh in all respects as if the writ had been received on the day of such withdrawal or death, as the case may be, and the provisions of the preceding subsections shall have effect accordingly:

Provided that no fresh nomination shall be necessary in the case of any candidate who has been validly nominated in accordance with subsection (5).

(9) Publication of the notice mentioned in subsection (8) shall be effected by the returning officer by causing notices of such withdrawal to be posted on the outer doors of the Court House, Treasury and police stations in Montserrat, and may also, if practicable, be effected by causing such notice to be published in the *Gazette* and in one or more newspapers published in Montserrat.

(Amended by Act 2 of 2000)

Deposit

22. (1) A candidate for election, or someone on his behalf, shall deposit with the returning officer, on or before the day of his nomination, the sum of $200, and, if he fails to do so, the nomination of such candidate shall be deemed to be withdrawn. (*Amended by Act 15 of 1970*)

(2) The deposit may be made in any legal tender, or, with the consent of the returning officer, in any other manner.

(3) The full amount of every deposit made under subsection (1) shall forthwith after its receipt be transmitted by the returning officer to the Accountant General.

(4) If after the deposit is made the candidature is withdrawn in accordance with the provisions of section 21(7), the deposit shall be returned by the Accountant General to the person by whom it was made; and if the candidate dies after the deposit is made and before the taking of the poll, the deposit, if made by him, shall be returned to his legal personal representative, or, if not made by him, shall be returned to the person by whom it was made.

When deposit forfeited or returned

23. (1) If a candidate who has made such deposit is not elected, and the number of votes polled by him does not exceed one-eighth of the total number of votes polled, the amount deposited shall be forfeited to the Crown; in any other case the deposit shall be returned by the Accountant General, as soon as practicable after the result of the election is declared, to the candidate, his legal personal representative, or the person by whom the deposit was made, as the case may be.

(2) For the purposes of this section the number of votes polled shall be deemed to be the number of the ballot papers (other than rejected ballot papers) counted.

Contested elections, publication of date and place, etc.

24. (1) If there shall be more candidates duly nominated than there are seats to be filled, a poll shall be taken, and in such case the returning officer shall adjourn the election to the day specified in the writ, and the poll shall be taken on such day in the manner hereinafter provided.

(2) The returning officer shall, as soon as practicable after adjourning the election, give notice, in the form set out as Form No. 11 or Form No. 11A as the case may be in the Second Schedule, by publication in one or more newspapers published in Montserrat, of the day and time on which and the addresses of the polling stations at which the poll will be taken and of the names of the candidates nominated for election and of the place where and the day and time when the number of votes given to the several candidates will be counted.

Power to adjourn poll

(3) Where the proceedings at any polling station are interrupted or obstructed by riot, or open violence, or by the occurrence of any earthquake, hurricane, flood, fire, outbreak of pestilence or outbreak of infectious disease or other calamity whether similar to the foregoing or not, the presiding officer may adjourn the proceedings till the following day and

thereafter from day to day as may be necessary and shall forthwith give notice to the returning officer.

(4) Where the poll is adjourned at any polling station—

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

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

(Amended by Act 2 of 2000)

Polling stations

25. (1) On the day named in the notice published under the provisions of 24(2) for the taking of the poll, the returning officer shall cause to be opened such number of polling stations as the Supervisor of Elections shall determine. *(Amended by Act 2 of 2000)*

(2) The returning officer shall provide each polling station with such number of compartments as he may consider necessary to enable voters to record their votes screened from observation.

(3) Unless the writ otherwise directs polling stations shall be opened at seven o'clock in the morning and shall be closed at six o'clock in the afternoon.

Division of lists

26. The returning officer shall divide the list of voters into as many separate lists as there are polling stations. *(Substituted by Act 2 of 2000)*

Presiding officers

27. (1) The Supervisor of Elections shall, subject to the approval of the Governor appoint a presiding officer to attend at each polling station to receive the votes, but he shall not so appoint any person who has been employed by or on behalf of a candidate in or about the election. The Supervisor of Elections may himself, if he thinks fit, preside at any polling station.

(2) Forthwith upon his appointment every presiding officer shall take and subscribe an oath in the form set out as Form No. 13 in the Second Schedule and shall transmit such oath to the Supervisor of Elections.

Poll clerks

28. (1) The Supervisor of Elections shall, subject to the approval of the Governor, appoint a poll clerk for every polling station in an electoral district.

(2) Forthwith upon his appointment every poll clerk shall take and subscribe an oath in the form set out as Form No. 14 in the Second Schedule and shall transmit such oath to the Supervisor of Elections.

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

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

(5) Every appointment made under subsection (3) or subsection (4) shall be immediately reported to the Supervisor of Elections by the person making the appointment.

Ballot boxes

29. (1) The Supervisor of Elections shall supply to the returning officer a number of ballot boxes equal to the number of polling stations in his electoral district.

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

(Amended by Act 2 of 2000)

Supplies of election material

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

(2) The returning officer shall provide each polling station with—

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

(b) the necessary materials to enable voters to mark the ballot papers;

(c) the necessary materials for putting the official mark on the ballot papers;

(d) at least two copies, which he shall certify, of the list of voters relating to the electoral district to which he is appointed or such part thereof as contains the names of the voters allocated to such polling station (hereinafter called "the official list of voters");

(e) at least three copies of the directions for the guidance of voters in the form set out as Form No. 15 in the Second Schedule;

(f) a blank poll book;

(g) the several forms of oaths to be administered to voters or other persons;

(h) such other things as may be necessary for conducting the election in the manner provided by this Act.

Polling and counting agent

31. (1) Each candidate may, before the commencement of the poll, appoint one polling agent to attend at a polling station and one counting agent to attend at the counting of the votes.

(2) An agent may be appointed on behalf of more than one candidate.

(3) Every appointment of an agent shall be in writing and shall state the name and address of the person appointed and shall be given, duly signed by the candidate, to the presiding officer or the returning officer as the case may be.

Taking of poll and the ballot

32. (1) The poll shall be taken by secret ballot in accordance with the provisions of sections 40, 41 and 42.

(2) The ballot of each voter shall be a printed paper in the form set out as Form No. 17 in the Second Schedule (in this Act called a ballot paper) in which the photograph, names, descriptions, and residences of the candidates alphabetically arranged in the order of their surnames and numbered accordingly shall be printed exactly as they are set out in the nomination paper. Each ballot paper shall have a number printed on the back and shall have attached to it a counterfoil with the same number printed on the face and there shall be a line of perforations between the ballot paper and the counterfoil.

(Amended by Act 2 of 2000)

Inspection of polling station

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

Voting

34. (1) Subject to the provisions of sections 36 and 37, no person shall be entitled to vote in any election unless his name appears on the list of voters and he is able to produce a passport or other document of identification with his photograph to prove that that name is his name:

Provided that where a voter is unable to produce such a photo identification he may be permitted to vote if—

(a) he is known to the presiding officer and the presiding officer certifies his identity on the prescribed form or;

(b) he is known to a voter on the voting list for that polling station and that voter certifies his identity to the presiding officer and co-signs with the presiding officer on the prescribed form.

(2) Every person whose name appears upon the official list of voters for any polling station shall, subject to compliance with the provisions of subsection (1), be entitled to vote at that polling station notwithstanding that he is not resident in that area on polling day.

(3) Any person who—

(a) certifies that a person applying to vote is the person whose name appears on the voting list when in fact he is not that person;

(b) assists by any act or omission, any person seeking to impersonate any person whose name appears on the voting list,

shall be guilty of an offence and liable on summary conviction to 2 years imprisonment.

(4) The form for certification of a prospective voter's identity shall be as follows—

I …… of ……..……., presiding officer/voter No. ……at ……polling station do hereby certify that …….. is the person appearing as voter number …….……. on the voters' list for this polling station.

…….. ……
Person identifying Presiding Officer

(Substituted by Acts 2 of 2000 and 2 of 2006)

Restriction on voting

35. No person shall vote for the election of more candidates than there are seats to be filled.

Transfer of voters in special cases

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

(2) The returning officer shall give notice in writing to every candidate of any transfer made under subsection (1) and to the presiding officer of the polling station at which the person whose name is so

transferred would have been entitled to vote but for the provisions of section 37.

(Amended by Act 2 of 2000)

Where transferred voter may vote

37. (1) Every person whose name is transferred in accordance with the provisions of section 36 from any official list of voters to another official list of voters shall vote, if he votes at all, in the polling station of which he is appointed presiding officer or poll clerk, as the case may be.

(2) Every presiding officer who issues to any person whose name has been transferred from any official list of voters to any other official list of voters any ballot paper at any polling station other than the polling station of the electoral district to which such person's name has been transferred shall be liable, on summary conviction, to a fine of $25 or to imprisonment for one month.

Proceedings at poll

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

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

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

(4) Every voter, upon entering the polling station, shall declare his name, residence and occupation. The poll clerk shall then ascertain if the name of the voter appears on the official list of voters used at the polling station. When it has been ascertained that the applicant voter is qualified to vote at the polling station, his name, address and occupation shall be entered in the poll book to be kept by the poll clerk in the form set out as Form No. 16 in the Second Schedule, a number corresponding to the consecutive number allotted to the voter on the official list of voters being prefixed to the voter's name in the appropriate column of the poll book, and the voter shall be immediately allowed to vote, unless an election officer or any agent of a candidate present at the polling station desires that he be first sworn.

(5) The poll clerk shall—

(a) make such entries in the poll book opposite the name of each voter as the presiding officer pursuant to the provisions of this Act directs; and

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

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

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

Who are to be admitted within polling stations

39. (1) The presiding officer shall keep order at his polling station and shall regulate the number of voters to be admitted at a time, and shall exclude all other persons except the Supervisor of Elections, the returning officer, the poll clerk, the candidates, one agent for each candidate appointed by such candidate in accordance with the provisions of section 31, the police officers on duty and the friend, if any, of a blind or otherwise incapacitated voter. *(Amended by Acts 15 of 1970 and 2 of 2000)*

Agents how to be placed

(2) The agents aforesaid 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 in by him, but so that they cannot see how any voter votes. They shall not interfere in the proceedings save in so far as they may be allowed by this Act.

Preservation of order

(3) If any person persists, after being warned, in disobeying the directions of the presiding officer or in acting in contravention of this section, it shall be lawful for the presiding officer to cause him to be removed from the polling station.

General mode of taking ballot

40. (1) Each voter shall receive from the presiding officer a ballot paper on which such officer has previously put his initials so placed as indicated in the form set out as Form No. 17 in the Second Schedule that when the ballot paper is folded the said initials can be seen without opening it, and on the counterfoil of which he has placed a number corresponding to the consecutive number on the official list of voters and entered in the poll book opposite the name of such voter.

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

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

(4) A voter who has inadvertently so dealt with the ballot paper delivered to him that it cannot conveniently be used shall restore it to the presiding officer who shall cancel it by writing the word "Spoiled" across the face of the same. The presiding officer shall then deliver another ballot paper to the voter.

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

(6) If at the closing of the poll there are any voters inside the polling station who are qualified to vote and have not been able to do so since their arrival at the polling station, the poll shall be kept open a sufficient time to enable them to vote, but no one not actually present within the polling station at the hour of closing shall be allowed to vote.

Questions which may be put to a voter

41. (1) The presiding officer may, and shall if requested by a candidate or his agent, put to the voter the following questions—

(a) Are you the same person whose name appears as "A.B." on the list of voters now in force for this polling station?

(b) Have you already voted at this election either here or elsewhere?

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

(3) If any person makes a false answer to any such question he shall be liable, on summary conviction, to imprisonment for six months.

Mode of taking ballot in special cases

42. (1) Subject to all other provisions of this Act as to proof of qualification as a voter, and as to the administration of oaths, if a person representing himself to be a particular voter applies for a ballot paper after another person has voted as such person, he shall be entitled to receive a ballot paper and to vote after taking the oath of identity, in the form set out as Form No. 18 in the Second Schedule, and otherwise establishing his identity to the satisfaction of the presiding officer.

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

(a) the name of such voter;

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

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

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

(3) The presiding officer, on the application of any voter who is incapacitated from any physical cause other than blindness or by reason of illiteracy from voting in the manner prescribed by this Act, shall require the voter making such application to make oath in the form set out as Form No. 19 in the Second Schedule of his incapacity to vote without assistance, and shall thereafter assist such voter by marking his ballot paper in the manner directed by such voter in the presence of the poll clerk and of no other person, and shall place such ballot in the ballot box.

(4) The presiding officer shall either deal with a blind voter and a voter who is unable to mark his ballot paper by reason of illiteracy in the same manner as with an otherwise incapacitated voter, or, at the request of any blind voter or a voter who is unable to mark his ballot paper by reason of illiteracy and who has taken the oath in the form set out as Form No. 20 in the Second Schedule, and is accompanied by a friend who is a voter, shall permit such friend to accompany the blind or illiterate voter, as the case may be, into the voting compartment and mark the voter's ballot paper for him. No person shall at any election be allowed to act as such friend to more than one voter.

(5) Any friend who in accordance with the provisions of subsection (4) is permitted to mark the ballot paper of a blind voter or a voter who is unable to mark his ballot paper by reason of illiteracy shall first be required to take an oath in the form set out as Form No. 21 in the Second Schedule that he will keep secret the name of the candidate for whom the ballot of such voter is marked by him, and that he has not already acted as the friend

of any other voter for the purpose of marking his ballot paper at the pending election.

(6) Whenever any voter has had his ballot paper marked as provided in subsection (3) or (4), the poll clerk shall enter in the poll book opposite the voter's name, in addition to any other requisite entry, the reason why such ballot paper was so marked.

(Amended by Act 2 of 2000)

Who may vote

43. (1) Where there is contained in the list of voters a name, address and occupation which corresponds so closely with the name, address and occupation of a person by whom a ballot paper is demanded as to suggest that the entry in such list of voters was intended to refer to him, such person shall, upon taking the oath in the form set out as Form No. 22 in the Second Schedule and complying in all other respects with the provisions of this Act, be entitled to receive a ballot paper and to vote. In any such case the name, address and occupation shall be correctly entered in the poll book and the fact that the oath has been taken shall be entered in the proper column of the poll book.

(2) A voter, if required by the presiding officer, the poll clerk, one of the candidates or an agent of a candidate, or by a voter present, shall before receiving his ballot paper take an oath in the form set out as Form No. 23 in the Second Schedule and, if he refuse to take such oath, erasing lines shall be drawn through his name on the official list of voters and in the poll book, if such name has been entered in the said book, and the words "Refused to be sworn" shall be written thereafter.

Who may be present

44. (1) In addition to the presiding officer and the poll clerk, the Supervisor of Elections, the returning officer the candidates and one agent for each candidate in each polling station, the police officers on duty, and no others, shall be permitted to remain in the polling station during the time the poll remains open:

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

(Amended by Act 2 of 2000)

(2) The agent of each candidate, on being admitted to the polling station, shall take an oath in the Form set out as Form No. 24 in the Second Schedule to keep secret the name of the candidate for whom any of the voters has marked his ballot paper in his presence.

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

Proceedings after poll

45. (1) Forthwith upon the close of the poll the presiding officer shall in the following order—

(a) seal the ballot boxes at the aperture intended for the insertion of ballot papers and at the keyhole;

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

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

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

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

(2) The ballot boxes, poll book, envelopes containing the spoiled and unused ballot papers, official list of voters and other documents used at the poll shall be transmitted to the place notified for the counting of the votes or delivered to the returning officer. The returning officer may specially appoint one or more persons for the purpose of collecting the ballot boxes and papers aforesaid from a given number of polling stations, and such person or persons shall, on delivering the ballot boxes and papers to the returning officer, take the oath in the form set out as Form No. 25 in the Second Schedule.

(3) The presiding officer shall, with the ballot boxes and papers aforesaid, transmit or deliver to the returning officer, in the envelope provided for that purpose, the keys of such ballot boxes.

(Amended by Act 15 of 1970)

The count

46. (1) The returning officer, upon receipt by him of each of the ballot boxes, shall take every precaution for its safe keeping and for preventing any person other than himself from having access thereto, sealing it if necessary under his own seal so that it cannot be opened without the seal

being broken but without effacing or covering any other seals thereto affixed. *(Amended by Act 15 of 1970)*

(2) After all the ballot boxes have been received they shall be opened for the count of votes and in the presence of such of the candidates or their agents, and if the candidates or any of them are absent, then in the presence of such as are present, and of at least two voters if none of the candidates is represented, by the returning officer, and the returning officer shall—

(a) record and count the number of votes given to each candidate (allowing the candidates and their agents full opportunity to see such votes but not the official number on the back of the ballot paper). A poll clerk and not less than two witnesses shall be supplied with tally sheets upon which they may keep their own score as each vote is called out by the returning officer;

(b) reject all ballot papers—

(i) which have not been marked for any candidate;

(ii) on which votes have been given for more candidates than there are seats to be filled;

(iii) upon which there is any writing or mark by which the voter could be identified, but no ballot paper shall be rejected on account of any writing, number or mark placed thereon by any presiding officer.

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

(4) If in the course of counting the votes the returning officer discovers that the presiding officer has omitted to affix his initials to any ballot paper as provided by section 40(1), he shall, in the presence of a poll clerk and such of the candidates or their counting agents, affix his initials to such ballot paper and shall count such ballot paper as if it had been initialled by the presiding officer in the first place, provided that he is satisfied that the ballot paper is one that has been supplied by the presiding officer, and also that every ballot paper supplied to such presiding officer has been accounted for as provided by section 45(1)*(e)*.

(5) The returning officer shall keep a record on the special form printed in the poll book of every objection, made by any candidate or his counting agent or any voter present, to any ballot paper found in a ballot box, and shall decide every question arising out of the objection. The decision of the returning officer shall be final, subject to reversal on petition questioning the election or return; and every such objection shall be

numbered, and a corresponding number placed on the face of the ballot paper and initialled by the returning officer. *(Amended by Act 15 of 1970)*

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

Declaration of the poll

(7) Providing that they have each received at least six per centum of the votes cast at the election the returning officer shall on the completion of the count, declare the nine candidates who received the largest number of votes to be elected to be members of the Council.

(8) If any one or more of the nine candidates receiving the largest number of votes fails to receive at least six per centum of the total number of votes cast at that election, the returning officer shall—

(a) declare those candidates of the nine receiving the largest number of votes who received more than six per centum of the total number of votes cast to be elected to be members of the Council; and

(b) require all the other candidates to stand once more for election to the seats in the Council which remain to be filled.

(9) Where there is an equality of votes between two or more candidates who, though they may have received six per centum of the votes, have received the least number of votes of those candidates who would otherwise under subsection (7) have been declared elected and where to declare those candidates with an equality of votes elected would result in the election of more than nine members, those receiving an equality of votes shall not be declared elected but shall be required to stand once more for election.

(Amended by Act 2 of 2000)

Maintenance of order at polling booths

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

(2) This section shall not apply—

(a) to any voters who are waiting to poll their votes at such polling station and who obey any instructions which may be given by the presiding officer or poll clerk or any police

officer for the purpose of forming a queue with other voters also so waiting; or

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

(3) Every person who contravenes or fails to comply with any of the provisions of this section shall be liable on summary conviction to a fine of $240 or to imprisonment for six months.

Influencing of voters to vote for any candidate

48. (1) During the hours that the poll is open upon polling day no person shall upon any public road or in any public place within 100 yards of any building in which a polling station is situate seek to influence any voter to vote for any candidate or to ascertain for what candidate any voter intends to vote or has voted.

(2) Every person who contravenes any of the provisions of subsection (1) shall be liable on summary conviction to a fine of $240 or to imprisonment for six months.

Election return

49. (1) The returning officer within the time specified for the return of any writ shall forward to the Supervisor of Elections—

(a) the writ with his return in the form set out as Form 26 in the Second Schedule endorsed thereon with the names of those candidates who having received the required votes, have been elected;

(b) a report of his proceedings showing the number of votes cast for each candidate at each polling station, and making such observations as the returning officer may think proper as to the state of the election papers as received from the presiding officer;

(c) the number of persons to whom, it appears from the counterfoils, ballot papers have been supplied in the electoral district;

(d) the reserve supply of undistributed blank ballot papers;

(e) the poll book used at each polling station, a packet containing the counterfoils and unused ballot papers, packets containing the ballot papers cast for the several candidates, a packet containing the spoiled ballot papers, a packet containing the rejected ballot papers and a packet containing the official lists of voters used at the polling stations, and the written appointments of candidates' agents; and

(f) all other documents used for the election.

(2) The Supervisor of Elections shall, on receiving the return of the members elected to serve in the Council, cause it to be entered, in the order in which such return is received by him, in a book to be kept by him for such purpose and thereupon immediately cause a notice to be published in the *Gazette* of the names of candidates so elected and in the order in which it was received.

(3) The Supervisor of Elections shall, on receiving the return of members elected to serve in the Legislative Council, transmit the writ with the return endorsed thereon to the Governor within the time specified in such writ. The Governor shall within seven days of the receipt of the said writ return the same to the Supervisor of Elections for safe custody in accordance with the provisions of section 50.

(4) The Supervisor of Elections shall, immediately after each general election, cause to be printed a report giving, the number of votes polled for each candidate, the number of rejected ballot papers, the number of names on the lists of voters, together with any other information that he may deem fit to include; and shall also, at the end of each year, cause to be printed a similar report on the by-elections held during the year.

(5) If any returning officer wilfully delays, neglects or refuses duly to return any person who ought to be returned to serve in the Council, and if it has been determined on the hearing of an election petition that such person was entitled to have been returned, the returning officer who has so wilfully delayed, neglected or refused duly to make such return of his election shall forfeit to the person aggrieved the sum of $500 and costs in addition to all damages sustained.

(Amended by Act 2 of 2000)

Custody of election documents

50. (1) The Supervisor of Elections shall keep the election documents referred to in section 49(1) in safe custody and shall allow no person to have access to them:

Provided that, if an election petition has been presented questioning the validity of any election or return, the Supervisor of Elections shall, on the order of a Judge of the High Court, deliver to the proper officer of that Court the documents relating to the election that is in dispute:

Provided also that after the expiration of twelve months from the day of any election it shall be lawful for the Supervisor of Elections to cause the said documents used at such election to be burnt.

(2) No such election documents in the custody of the Supervisor of Elections shall be inspected or produced except on the order of a Judge of the High Court; and an order under this subsection may be made by any such Judge upon his being satisfied by evidence on oath that the inspection or production of such election documents is required for the purpose of instituting or maintaining a prosecution for an offence in relation to an

election or for the purpose of a petition which has been filed questioning an election or return.

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

Custody of ballot boxes

51. (1) Forthwith upon making the return to the writ in accordance with the provisions of section 49, the returning officer shall cause the ballot boxes used at such election, with their locks and keys and the screens and other appliances used in the polling station to be deposited in the custody of the police officer in charge of a police station in the electoral district.

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

PART IV

ELECTION PETITIONS

Petitions against elections

52. A petition complaining of an undue return or undue election of a member of the Council (in this Act called an election petition) may be presented to the High Court 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;

(b) some person claiming to have had a right to be returned at such election;

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

Presentation of election petition and security for costs

53. (1) The following provisions shall apply with respect to the presentation of an election petition—

(a) the petition shall be presented within 21 days after the return made by the returning officer of the member to whose election the petition relates, unless it questions the return or election upon an allegation of corrupt practices and specifically alleges a payment of money or other reward to

have been made by any member, or on his account, or with his privity, since the time of such return, in pursuance or in furtherance of such corrupt practices, in which case the petition may be presented at any time within 28 days after the date of such payment;

(b) at the time of the presentation of the petition, or within three days afterwards, security for the payment of all costs, charges and expenses that may become payable by the petitioner—

(i) to any person summoned as a witness on his behalf; or

(ii) to the member whose election or return is complained of, or to any other person named as a respondent in the petition,

shall be given on behalf of the petitioner;

(c) the security shall be to an amount of $1,200 and shall be given by recognizance to be entered into by any number of sureties not exceeding four approved by the Registrar of the High Court, or by deposit of money in the Supreme Court, or partly in one way and partly in the other.

(2) Rules, not inconsistent with the provisions of this Act, as to the deposit of security and the practice and procedure for the service and hearing of election petitions and matters incidental thereto may be made by the Chief Justice.

Avoidance of election of candidate certified guilty of corrupt or illegal practice

54. If a candidate who has been elected is certified by the Judge who tried the election petition questioning the return or election of such candidate to have been personally guilty or guilty by his agents of any corrupt or illegal practice his election shall be void.

Avoidance of election for general corruption, etc.

55. Where on an election petition it is shown that corrupt or illegal practices or illegal payments or employments committed in reference to the election for the purpose of promoting or procuring the election of any person thereat have so extensively prevailed that they may be reasonably supposed to have affected the result, his election, if he has been elected, shall be void and he shall be incapable of being elected to fill the vacancy or any of the vacancies for which the election was held.

Trial of election petitions

56. Every election petition shall be tried in the same manner as an action in the High Court by a Judge sitting alone. At the conclusion of the trial the Judge shall determine whether the member of the Council whose return or

election is complained of or any, and what, other person was duly returned and elected, or whether the election was void, and shall certify such determination to the Governor, and, upon his certificate being given, such determination shall be final; and the return shall be confirmed or altered, or a writ for a new election issued, as the case may require, in accordance with such determination.

Powers of Judge

57. At the trial of an election petition the Judge shall, subject to the provisions of this Act, have the same powers, jurisdiction and authority, and witnesses shall be subpoenaed and sworn in the same manner, as nearly as circumstances admit, as in the trial of a civil action in the High Court, and such witnesses shall be subject to the same penalties for perjury.

PART V

ELECTION OFFENCES

Intoxicating liquor not to be sold or given on polling day

58. (1) No intoxicating liquor shall be sold, offered for sale, or given away at any premises to which a licence issued under the Liquor Licence Act, applies, at any time between the opening and the closing of the poll on polling day. *(Amended by Act 2 of 2000)*

(2) Any person who contravenes the provisions of this section shall be liable on summary conviction to a fine of $2,000 or to imprisonment for six months. *(Amended by Act 10 of 1984)*

Employers to allow employees time

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

(2) Any employer who, directly or indirectly, refuses, or by intimidation, undue influence, or in any other way, interferes with the granting to any voter in his employ, of such period for voting, as in this section provided, shall on summary conviction be liable to a fine of $2,000 or to imprisonment for six months. *(Amended by Act 10 of 1984)*

Offences by election officers

60. Every election officer who—

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

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

(c) refuses to permit any person whom he knows or has reasonable cause to believe to be a blind person, an illiterate person or an incapacitated person to vote in the manner provided for blind persons, illiterate persons or incapacitated persons, as the case may be; or

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

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

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

shall be guilty of an offence against this section and, on conviction on indictment, shall be liable to be imprisoned for two years. *(Amended by Act 10 of 1984)*

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

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

Flags, ribbons or favours not to be furnished or worn

(2) No person shall furnish or supply any flag, ribbon, label or like favour to or for any person with intent that it be worn or used by any person on polling day as a party badge to distinguish the wearer as the supporter of any candidate, or of the political or other opinions entertained or supposed to be entertained by such candidate, and no person shall use or wear any flag, ribbon, label or other favour, as such badge, within any electoral district on polling day. *(Amended by Act 20 of 2000)*

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

(4) Any person who contravenes any of the provisions of this section shall be liable on summary conviction to a fine of $2,000 or to imprisonment for six months. *(Amended by Act 10 of 1984 and Act 2 of 2000)*

Definition of bribery

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

(a) every person who, directly or indirectly, by himself or by any other person on his behalf, gives, lends, or agrees to give or lend, or offers, promises, or promises to procure or to endeavour to procure any money or valuable consideration to or for any voter, or to or for any person on behalf of any voter, or to or for any 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 any voter having voted or refrained from voting at any election;

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

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

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

(e) every person who advances or pays or causes to be paid, any money to or to the use of 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 such election;

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

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

(2) The foregoing 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 incurred in good faith at or concerning an election.

(3) For the purpose of this section, **"legal expenses"** includes—

(a) the payment of the agents, clerks, canvassers and messengers of candidates;

(b) payments made for the purpose of hiring vehicles for the conveyance of voters to or from a polling station;

(c) payments made for the use of any premises for a public meeting in furtherance of the candidature of any person or for the use of any committee room or office for the purpose of promoting or procuring the election of a candidate;

(d) payments made in respect of postage, stationery, printing, advertising, the distribution of advertising material and the use of any public address system.

Definition of treating

63. The following persons shall be deemed guilty of treating within the meaning of this Act—

(a) every person who corruptly, by himself or by any other person, either before, during or after an election, directly or indirectly, gives, or provides or pays, wholly or in part, the expenses of giving or providing any food, drink, entertainment or provision to or for any person for the purpose of corruptly influencing that person, or any other

person, to vote or to 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) every voter who corruptly accepts or takes any such food, drink, entertainment or provision.

Definition of undue influence

64. Every person who, directly or indirectly, by himself or by any other person on his behalf, makes use of or threatens to make use of any force, violence, or restraint, or inflicts or threatens to inflict, by himself or by any other person, any temporal or spiritual injury, damage, harm, or loss upon or against any person, in order to induce or compel such person to vote or refrain from voting or on account of such person having voted or refrained from voting at any election, or who by abduction, duress or any fraudulent contrivance, impedes or prevents the free exercise of the franchise of any voter, or thereby compels, induces or prevails upon any voter either to give or refrain from giving his vote at any election, shall be guilty of undue influence within the meaning of this Act.

Definition of personation

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

Penalty for bribery, treating or undue influence

66. Every person who is guilty of bribery, treating or undue influence, under the provisions of this Act shall, on summary conviction thereof, be liable to imprisonment for six months or to a fine of $2,000. (*Amended by Act 10 of 1984*)

Penalty for personation

67. Every person who is guilty of personation, or of aiding, abetting, counselling or procuring the commission of the offence of personation, shall, on conviction thereof on indictment, be liable to imprisonment for two years.

Disqualification for bribery, etc.

68. Every person who is convicted of bribery, treating, undue influence, or personation, or of aiding, counselling or procuring the commission of the offence of personation shall (in addition to any other punishment) be incapable during a period of seven years from the date of conviction—

(a) of being registered as a voter, or of voting at any election;

(b) of being elected a member of the Council or, if elected before his conviction, of retaining his seat as such member.

Penalty for certain illegal practices at elections

69. (1) Every person who—

(a) votes, or induces or procures any person to vote, at any election, knowing that he or such other person is prohibited by this Act, or by any law in force in Montserrat, from voting at such election;

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

(c) between the date of the publication in the *Gazette* by the returning officer of a notice in accordance with the provisions of section 21(1) and the day after polling at the election, whether in a general election or in a by-election, acts in a disorderly manner, with intent to prevent the transaction of the business of a public meeting called for the purpose of promoting the election of a candidate as a member to serve in the Council,

shall be guilty of an illegal practice, and shall, on summary conviction thereof, be liable to a fine of $2,000 and be incapable, during a period of five years from the date of conviction, of being registered as a voter or of voting at any election. *(Amended by Act 10 of 1984)*

Offence to incite or conspire to disrupt public meetings of candidates

(2) Every person who, between the date of the publication in the *Gazette* by the returning officer of a notice in accordance with the provisions of section 21(1), and the day after polling at the election, whether in a general election or in a by-election, incites, combines or conspires with others to act in a disorderly manner with intent to prevent the transaction of the business of a public meeting called for the purpose of promoting the election of a candidate as a member to serve in the Council, shall be guilty of an illegal practice and shall, on conviction on indictment thereof, be liable to imprisonment for two years, and be incapable, during a period of five years from the date of conviction, of being registered as a voter or of voting at any election.

Offences in respect of ballot papers

70. Every person who—

(a) forges or counterfeits, or fraudulently defaces or destroys, any ballot paper or any nomination paper; or

(b) without due authority supplies a ballot paper to any person; or

(c) fraudulently puts into any ballot box any paper other than the ballot paper which he is authorized by law to put in; or

(d) fraudulently takes out of the polling station any ballot paper; or

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

(f) not being duly registered as a voter, votes at an election,

shall be liable on summary conviction, if he is an election officer, to imprisonment for six months or to a fine of $2,000 and, if he is any other person, to imprisonment for three months or to a fine of $1,000.

In any information or prosecution for an offence in relation to the ballot boxes, ballot papers, and other things in use at an election, the property in such ballot boxes, ballot papers, or things may be stated to be in the returning officer at such election. *(Amended by Act 10 of 1984)*

Infringement of secrecy

71. (1) Every election officer and every agent appointed under the provisions of section 31 in attendance at a polling station shall maintain and aid in maintaining the secrecy of the voting in such station, and shall not communicate except for some purpose authorized by law, before the poll is closed, to any person any information as to the name or number on the list of voters of any voter who has or has not applied for a ballot paper or voted at that polling station, and no person shall interfere with or attempt to interfere with a voter when marking his vote or otherwise attempt to obtain in the polling station any information as to the candidate for whom any voter in such station is about to vote or has voted.

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

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

(4) Every person who acts in contravention of any of the provisions of this section shall be liable, on summary conviction, to imprisonment for six months or to a fine of $1,000. *(Amended by Act 10 of 1984)*

PART VI

MISCELLANEOUS PROVISIONS

No obligation on voter to disclose vote

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

Conclusiveness of Register of Voters

73. At any election a person shall not be entitled to vote unless his name is on the Register of Voters and every person whose name is on such Register shall, subject to the provisions of this Act, be entitled to demand and receive a ballot paper and to vote:

Provided that nothing in this section shall entitle any person to vote who is prohibited from voting by any law in force in Montserrat, or relieve such person from any penalties for which he may be liable for voting.

Power to make regulations

74. (1) The Governor in Council may make regulations generally for giving effect to the provisions of this Act and without prejudice to such general power may make regulations—

(a) with respect to the incurring of expenses and the making of payments by or on behalf of a candidate, whether before, during or after an election, on account or in respect of the conduct of such election;

(b) requiring the appointment of an election agent through or by whom all such expenses or payments as aforesaid shall be incurred or made;

(c) fixing the maximum amount of expenses and payments that may be incurred or paid, whether before, during or after an election, on account or in respect of the conduct of such election;

(d) fixing the time within which all election expenses shall be paid;

(e) requiring a return of election expenses and payments and prescribing the form in which the same shall be made and verified;

(f) prescribing the remuneration and travelling allowances and other expenses which may be paid to officers appointed under this Act;

(g) prescribing the duties of returning officers and the procedure to be followed in the performance of their duties;

(h) adding to, rescinding, varying or amending any of the forms contained in the Second Schedule; and

(i) prescribing penalties for the breach of any regulations made hereunder.

(2) Any regulations made under the provisions of subsection (1) may, in specifying any offence or offences, further specify that any such offence shall be deemed to be an illegal practice.

(3) An election petition may be presented in respect of any illegal practice declared by such regulations to be a ground for presenting such petition, and the provisions of sections 52, 53, 56 and 57 shall, subject to such regulations, apply to petitions presented in respect of illegal practices.

Expenses of elections

75. All expenses properly incurred by, and all remuneration and travelling allowances payable to, officers under this Act shall be defrayed out of the general revenue of Montserrat.

Computation of time

76. (1) In reckoning time for the purposes of this Act, Sunday shall be included but Christmas Day, Good Friday and any public holiday shall be excluded.

(2) Where anything required by this Act to be done on any day falls to be done on Sunday or on any such excluded day, that thing may be done on the next day, not being one of such excluded days.

FIRST SCHEDULE

(Repealed by Act 2 of 2000)

SECOND SCHEDULE

(Forms 1–6 inclusive deleted by Act 15 of 1970)

FORM NO. 7

(Substituted by Act 2 of 2000)

WRIT OF ELECTION

Elizabeth The Second, by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and of Our other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith.

To the returning officer of the electoral district of

WHEREAS by section 20(1) of the Elections Act, it is provided that for the purpose of every general election of members of the Council, and for the purpose of the election of members to supply vacancies caused by death, resignation or otherwise, the Governor shall issue writs of election under the Public Seal of Montserrat, addressed to the returning officers:

* AND WHEREAS I think it expedient that writs should be issued for the election of members to serve in the Council:

† AND WHEREAS the seat of an elected member has become vacant in consequence of

NOW, THEREFORE, I, ...……..... Governor of Montserrat do hereby require that you proceed to the nomination of candidates on the ..... day of .....…....., 20....., at .....……..... and thereafter, if necessary, you do on the ..... day of ....., 20..... between the hours of .....…..... o'clock in the morning and ...…….....o'clock in the afternoon, cause election to be made according to law of a member to serve in the Legislative Council of Montserrat and that you do cause the name of such member when so elected to be certified to me not later than the …….....day of ....., 20..... and in the year of Her Majesty's reign.

Governor

---

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

FORM NO. 8

(Substituted by Act 2 of 2000)

NOTICE OF NOMINATION

The Governor having issued his Writ of Election for the election of a member of the Legislative Council the returning officer will be on the .....……..... day of ....., 20..... now next ensuing between the hours of 10 a.m. and 2 p.m. and between the hours of 2 p.m. and 4 p.m. at .....……..... proceed to the nomination of a member.

Dated this ..... day of ....., 20..... .

……..
Returning Officer

FORM NO. 8A

(Substituted by Act 2 of 2000)

NOTICE OF NOMINATION

The Governor having issued his Writ of Election for the election of all members of the Legislative Council the returning officer will be on the ……..... day of .....……......, 20..... now next ensuing between the hours of 10 a.m. and 2 p.m. and between the hours of 2 p.m. and 4 p.m. at .....……..... proceed to the nomination of a member.

Dated this ..... day of ....., 20.....… .

……..
Returning Officer

FORM NO. 9

(Substituted by Act 2 of 2000)

NOMINATION PAPER

We, the undersigned voters ..... do hereby nominate the following person as a proper person to serve as a member of the Legislative Council of Montserrat and we certify that to the best of our belief he is qualified for election as a member of the Legislative Council.

Surname	Other Name	Address	Occupation

Signatures

.....

.....

I, ... nominated in the foregoing nomination paper hereby consent to such nomination as candidate for election as a member of the Legislative Council.

Witness my hand this ..... day of ....., 20..... .

……..……..
Signature of Candidate

Signed by the said nominee in the presence of—

……..……...
Signature of Witness

_____

FORM NO. 10

(Substituted by Act 2 of 2000)

RETURN OF UNCONTESTED ELECTION

I hereby certify that the member elected to the Legislative Council of Montserrat in pursuance of the within Writ is

.....…….....

.....…….....

(Insert name, address and occupation of member elected as stated on the nomination paper.)

no other candidate(s) having been nominated.

Dated at .....……..... this ..... day of ....., 20..... .

……..
Returning Officer

FORM NO. 11

(Substituted by Act 2 of 2000)

NOTIFICATION OF ELECTION

TAKE NOTICE that a poll will be taken for the election of a member to serve in the Legislative Council.

The poll will be opened on the ..... day of ....., 20....., at the hour of ..... in the forenoon and kept open till the hour of ..... in the afternoon in the following polling stations, that is to say—

Address of Polling Stations:	Voters allotted there to:
	.....…….....
	.....…….....

The Candidates in the above election are as follows—

Candidates

.....……..... .....……..... .....……..... .....…….....

The number of votes given to the several candidates will be counted on the ..... day of ....., 20....., at the ..... of which all persons are hereby required to take notice and govern themselves accordingly.

Dated this ...….. day of ....., 20..... .

……..
Returning Officer

FORM NO. 11A

(Substituted by Act 2 of 2000)

NOTIFICATION OF ELECTION

TAKE NOTICE that a poll will be taken for the election of all members to serve in the Legislative Council. The poll will be opened on the ……..... day of ……..... 20....., at the hour of ..... in the forenoon and kept open till the hour of ..... in the afternoon in the following polling stations, that is to say—

Address of Polling Stations: Voters allotted thereto:

.....

.....

The Candidates in the above election are as follows—

Candidates

.....

.....

The number of votes given to the several candidates will be counted on the ..... day of ....., 20....., at the ...……..... of which all persons are hereby required to take notice and govern themselves accordingly.

Dated this .....day of ....., 20..... .

……..
Returning Officer

FORM NO. 12

(Substituted by Act 2 of 2000)

OATH OF REGISTRATION OFFICER

I, ...……..... do swear that I will ..……..... faithfully perform all the duties of registering officer of ……... in accordance with the provisions of the Election Act, to the best of my ability.

.....
Registering Officer

Sworn before me

.....

Date .....

FORM NO. 12A

(Substituted by Act 2 of 2000)

OATH OF RETURNING OFFICER

I, ... having been appointed returning officer of …….. do swear that I will faithfully perform all the duties of such returning officer in accordance with the provisions of the Elections Act, to the best of my ability.

……..
Returning Officer

Sworn before me

.....

Date .....

FORM NO. 13

(Substituted by Act 2 of 2000)

OATH OF PRESIDING OFFICER

I, ... the undersigned, appointed Presiding Officer for the Polling Station at.....swear that I will act faithfully in my said capacity of Presiding Officer, according to law, without partiality, fear, favour or affection, and that I will keep secret the names of the candidates for whom any of the voters in the above-mentioned Polling Station marks his ballot paper in my presence at this election.

SO HELP ME GOD

.....
Presiding Officer

Sworn before me at ……..... this .....….. day of ....., 20..... .

.....

FORM NO. 14

(Substituted by Act 2 of 2000)

OATH OF POLL CLERK

I, ... the undersigned, appointed as Poll Clerk for the Polling Station at ..... swear that I will act faithfully in my capacity of Poll Clerk and also in that of Presiding Officer if required to act as such, according to law, without partiality, fear, favour or affection, and that I will keep secret the names of the candidates for whom any of the voters in the above-mentioned Polling Station marks his ballot paper in my presence at this election.

SO HELP ME GOD

.....
Poll Clerk

Sworn before me at .....……..... this ..... day of ....., 20..... .

.....

FORM NO. 15

(Substituted by Act 2 of 2000)

DIRECTIONS FOR THE GUIDANCE OF VOTERS

1. Each voter may vote only at one polling station. The voter may vote only once for any one candidate.

2. The voter will go into one of the compartments and, with the pencil provided in the compartment, place a cross on the right hand side, opposite the names of the candidates for whom he votes, thus X.

For example: supposing there are twelve candidates standing for election the voter shall place a cross opposite the photograph and name of the candidates of his choice up to a maximum of nine candidates, thus—

Photograph	Name of Candidate	X
Photograph	Name of Candidate	
Photograph	Name of Candidate	X

and so forth up to a maximum of nine crosses.

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

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

5. If the voter places any mark on the paper by which he may afterwards be identified, or if—

(i) he votes more than once for any one candidate; or

(ii) at a by-election he votes for more than the number of candidates to be elected;

then his ballot paper will be void and will not be counted.

6. If the voter takes a ballot paper out of the polling station or deposits in the ballot box any other paper than the one given him by the presiding officer, he shall be liable on summary conviction to imprisonment for three months or to a fine of $240.

FORM NO. 16

POLL BOOK

Consecutive number given each voter as he applies for Ballot.	Particulars of Voter.							Particulars of persons applying for Ballot after another person has voted as such person			Objections if any made on behalf of any Candidates.	Remarks
	Name of Voter.	Occupation.	Postal Address.	Consecutive No. of Voter on list of Voters.	Form numbers of Oaths if any voter is required to swear.	(a) Record that Oath sworn or refused	(b) Record that voter has voted.	Name.	Consecutive No. of Voter on list of Voters.	Record that Oath sworn.		

(a) If sworn insert "sworn," and number of the Oath; if refused insert "refused to be sworn".

(b) When Ballot put into Ballot Box insert "voted."

_____

FORM NO. 17

(Substituted by Act 20 of 2000)

BALLOT PAPER

No. 6700

GENERAL ELECTION.....

Polling day ..... .

Space of initial of P.O.

---------- Do not fold beyond this line ----------

1.	Photograph	JAMES, John, P. Happy Hill Shopkeeper	
2.	Photograph	ROBINSON, Peter, F. Flemmings Carpenter	
3.	Photograph	SMITH, George, R. Salem Clerk	
4.	Photograph	DOE, John, P. Old Towne Shopkeeper	
5.	Photograph	KING, Peter, F. Olveston Painter	
6.	Photograph	BATE, George, R. Woodlands Mechanic	
7.	Photograph	MANNERS, John, P. St. Peters Accountant	
8.	Photograph	TUCKER, Peter, F. Cudjoe Head Security Guard	

9.	Photograph	DENNING, George, R. Brades Farmer	
10.	Photograph	DAVIES, James, S. St. John's Tailor	
11.	Photograph	ROBINSON, Peter, J. Lookout Electrician	
12.	Photograph	JENKINS, Henry, R. Carrs Bay Plumber	

Providing that where there are more than fifteen candidates contesting the election, the Supervisor of Elections may cause the ballot paper to be divided into two columns similar to the column in Form 17 and the names of the candidates apportioned in alphabetical order within the two columns.

FORM NO. 18

OATH OF IDENTITY OF A VOTER RECEIVING A BALLOT PAPER AFTER ANOTHER HAS VOTED IN HIS NAME

You swear that you are …….
(Name as on list of Voters)

of …… .
(Address as on list of Voters)

whose name is entered on the list of Voters now shown you.

SO HELP YOU GOD.

FORM NO. 19

OATH OF INCAPACITATED VOTER

You swear that you are incapable of voting without assistance by reason of physical incapacity.

SO HELP YOU GOD.

———————

FORM NO. 20

OATH OF BLIND OR ILLITERATE VOTER

You ..... of .....……..…….....
swear that you are incapable of voting without assistance by reason of your (inability to see) (illiteracy).

SO HELP YOU GOD.

———————

FORM NO. 21

OATH OF FRIEND OF BLIND OR ILLITERATE VOTER

1. You swear that you will keep secret the name of the candidate for whom you mark the ballot paper of the blind/illiterate voter on whose behalf you act.

2. That you have not already acted as the friend of a blind or illiterate voter for the purpose of marking his ballot paper at this election.

SO HELP YOU GOD.

———————

FORM NO. 22

OATH THAT THE VOTER IS THE PERSON INTENDED TO BE REFERRED TO IN THE LIST OF VOTERS

You swear that you are qualified to vote at this election of a member to serve in the Legislative Council and are not disqualified from voting thereat and that you verily believe that you are the person intended to be referred to by the entry in the List of

Voters used at this Polling Station, of the name .....……..... whose occupation is given as .....……..... and whose address is given as .....…….. .

SO HELP YOU GOD.

FORM NO. 23

OATH OF QUALIFICATION

You swear

1. That you are a Commonwealth citizen of the full age of 21 years.

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

3. That you are domiciled in Montserrat and were resident in Montserrat at the date of your registration as a voter.

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

5. That you are not disqualified under the provisions of the Elections Act.

6. That you are not the returning officer for this electoral district.

SO HELP YOU GOD.

Note—Paragraph 3 is alternative to paragraph 2.

FORM NO. 24

(Repealed by Act 2 of 2000)

FORM NO. 25

(Substituted by Act 2 of 2000)

OATH OF MESSENGER SENT TO COLLECT BALLOT BOXES

I, ... Messenger appointed by ....., Returning Officer do swear that the several boxes to the number of ..... which were used at the Polling Station on polling day now delivered by me to ..... were handed to me by ..... that they have not been opened by me or any other person and that they are in the same state as they were in when they came into my possession.

.....
Signature

Sworn before me at ..... this ..... day of .....……, 20..... .

.....

FORM NO. 26

(Substituted by Act 2 of 2000)

RETURN AFTER POLL HAS BEEN TAKEN

I hereby certify that the members to the Legislative Council pursuance of the within Writ as having received the majority of votes lawfully given are

.....……..... .
(name, address and occupation as stated in Nomination Paper)

……..
Returning Officer

ELECTION (CONTINUOUS REGISTRATION) REGULATIONS

ARRANGEMENT OF REGULATIONS

REGULATION

1. Short title
2. Interpretation
3. Application for registration
4. Posting of Application
5. Consideration of Application
6. Insertion in Preliminary List. Refusal to Register
7. Notice of objection
8. Notice to persons affected
9. Date of hearing
10. Hearing of objections
11. Form of proceedings
12. Decision
13. Appeal
14. Supply of forms
15. Penalty
16. Regulations to be read as one with Election Registration Regulations

SCHEDULE: Forms

ELECTION (CONTINUOUS REGISTRATION) REGULATIONS – SECTION 15

(S.R.O.s 25/1996 and 40/2000)

Commencement

[28 March 1996]

Short title

1. These Regulations may be cited as the Election (Continuous Registration) Regulations.

Interpretation

2. In these Regulations, unless the context otherwise requires—

"Act" means the Elections Act;

"applicant" means a person who applies to have his name included in the preliminary list of voters for an electoral district;

"appointed day" means the day proclaimed by the Governor for the commencement of the preparation of preliminary lists of voters under regulation 4 of the Election Registration Regulations;

"enumeration year" has the meaning assigned to it under section 13(2) of the Act.

Application for registration

3. (1) An application for registration as a voter under section 15 of the Elections Act shall be in the form set out as Form 1 in the Schedule.

(2) The applicant may lodge the completed copy of Form 1 at the office of the Supervisor of Elections or may lodge it at any post office or sub-post office in Montserrat for the purpose of disseminating to the Supervisor of Elections.

(3) An application lodged at a post office or sub-post office under paragraph (2) shall not require the affixation of postage stamps as a condition of its acceptance for dissemination.

(4) No application for registration shall be made between the first day of June and the thirty-first day of August—

(a) in an enumeration year; or

(b) in any year appointed by the Governor in Council for the preparation of preliminary lists of voters under section 14(1) of the Act.

Posting of Application

4. The Supervisor of Elections shall, within 28 days of the date of an application made under regulation 3(1) post a notice of the application in the form set out as form 2 in the Schedule on the notice board at the Court House, and at least two prominent public places in the electoral district in respect of which the application is made.

Consideration of Application

5. The Supervisor of Elections shall consider all applications made under regulation 3(1) and may require an applicant—

(a) to produce a certificate of birth, or, where not practicable, to make a Statutory declaration that he has attained the age of eighteen years; and

(b) to produce a certificate of naturalisation or to make a statutory declaration that he is a Commonwealth Citizen.

Insertion in Preliminary List

6. If the Supervisor of Elections is satisfied that an applicant is qualified to be registered as a voter, he shall enter the name of the applicant on the preliminary list of voters and shall so notify the applicant in writing within 60 days of the date of the application.

Refusal to Register

If the Supervisor of Elections determines that an applicant is not qualified to be registered as a voter, he shall, within 7 days after so determining, send to the applicant by registered post, a notice in the form set out as Form 3 in the Schedule.

Notice of objection

7. (1) A person whose name appears on a preliminary list of voters for an electoral district may object to the registration of a person as a voter by completing the form set out as Form 4 in the Schedule and returning it to the Supervisor of Elections.

(2) A notice of objection shall be made within 21 days of the date of publication of an application under regulation 4 and may be forwarded to the Supervisor of Elections in the manner set out in paragraphs (2) and (3) of regulation 3.

Notice to persons affected

8. The Supervisor of Elections shall, upon receipt of a notice of objection send by registered post—

(a) a notice in the form set out as Form 5 in the Schedule to the person whose application for registration is being objected to, and;

(b) a notice in the form set out as Form 6 in the Schedule to the person making the objection.

Date of hearing

9. Except where the Supervisor of Elections determines that the circumstances do not permit, there shall be allowed a period of at least fourteen days between the date of the notices under regulation 8 and the date set for the hearing of an objection.

Hearing of objections

10. At the hearing of an objection, any person who appears to the Supervisor of Elections to be interested, may appear and be heard in person or by another person on his behalf.

Form of proceedings

11. (1) The form of proceedings for the hearing of an objection shall be determined by the Supervisor of Elections, but a reasonable opportunity shall be given to each person interested to state his case.

(2) If at the date set for the hearing the objector does not appear, the Supervisor of Elections may dismiss the objection or may, in his discretion adjourn the proceedings and enquire of the objector as to the reasons for his failure to appear and may set another date for the hearing of the objection.

(3) If the Applicant does not appear the Supervisor of Elections may adjourn the proceedings to a later date or may hear the objection in the absence of the Applicant.

(4) The Supervisor of Elections may, if he thinks fit, require that the evidence tendered by any person be given on oath and may administer an oath for that purpose.

Decision

12. The Supervisor of Elections, upon the hearing of an objection and any reply thereto shall notify the interested persons of his decision within fourteen days of the date of the last day of the hearing.

Appeal

13. The provisions of section 18 of the Act relating to Appeals from a decision of the Registering Officer shall apply in like manner to a decision of the Supervisor of Elections under these Regulations.

Supply of forms

14. (1) The Supervisor of Elections shall supply to the post mistress of each post office and each sub-post office copies of Forms 1, 3 and 4, and the post mistress shall, on the request of any person make such forms available without fee.

(2) Notwithstanding paragraph (1), the Supervisor of Elections shall, on the application of any person, supply without fee, copies of Forms 1, 3 and 4.

Penalty

15. A person who in an application under these Regulations or who in proceedings before the Supervisor of Elections makes a statement which is false, commits an offence and upon summary conviction is liable to a fine of $2,000 or to a term of imprisonment of six months.

Regulations to be read as one with Election Registration Regulations

16. These Regulations are to be read as one with the Election Registration Regulations.

SCHEDULE

FORMS

FORM 1

(Amended by S.R.O. 40/2000)

ELECTIONS ACT

ELECTION (CONTINUOUS REGISTRATION) REGULATIONS

To: The Supervisor of Elections

1. I ..... of .....
(name of applicant) *(place of residence)*
am qualified for inclusion in the preliminary list of voters for Polling Division No .....…

2. I am (am not) over eighteen years of age having being born on the ..... day of ....., 20…. .

3. I (have) (have not) been found a person of unsound mind under the Laws of Montserrat.

4. I (am) (am not) a Commonwealth Citizen.

5. I have resided in Montserrat for the past ..... months.

6. I am domiciled in Montserrat.

7. I (have) (have not) been sentenced by a court in Her Majesty's dominions to death, penal servitude or imprisonment for a term exceeding twelve months.

8. If you were sentenced by a Court in Her Majesty's dominions as specified in item 7 above, indicate—

(a) the name of the court .....

(b) whether or not you have served the punishment to which you were sentenced, or which was substituted

therefor .....

(c) whether or not you were granted a free pardon by Her Majesty .....

.....
Signature of Applicant

.....
Date

.....
Witness

Note: 1. This form need not be witnessed unless the claimant, instead of signing makes his mark.

_____

FORM 2

(Amended by S.R.O. 40/2000)

ELECTIONS ACT

ELECTION (CONTINUOUS REGISTRATION) REGULATIONS

NOTICE OF APPLICATION FOR VOTER REGISTRATION

Take notice that ..... of
(Name of Applicant)

..... has applied to have his name included
(Place of residence)

in the preliminary list of voters .....

Any registered voter who objects to the inclusion of the name of ..... in the preliminary list of voters for the Electoral District
(Name of Applicant)

..... may, within 21 days of the date of this notice make his objection known to the Supervisor of Elections on a form obtainable from the Supervisor of Elections.

.....……..
Date

.....
Supervisor of Elections

FORM 3

(Amended by S.R.O. 40/2000)

ELECTIONS ACT

ELECTION (CONTINUOUS REGISTRATION) REGULATIONS

NOTICE OF REFUSAL TO REGISTER

To ..... of .....
(name of applicant) *(place of residence)*

Take note that your application dated the ..... day of ..... for inclusion in the preliminary list of voters ..... has been refused on the following ground(s).

☐ You are under 18 years of age.

☐ You have been found to be a person of unsound mind under the Laws of Montserrat.

☐ You are not a Commonwealth Citizen.

☐ You have not resided in Montserrat for twelve months immediately preceding the date of your application or are not domiciled in Montserrat and resident therein at the date of registration.

☐ You have been sentenced by a court in Her Majesty's Dominions to death, penal servitude, or imprisonment for a term exceeding twelve months, and have not suffered the punishment to which you were sentenced and have not been granted a pardon by Her Majesty.

.....
Supervisor of Elections

Date .....

FORM 4

(Amended by S.R.O. 40/2000)

ELECTIONS ACT

ELECTION (CONTINUOUS REGISTRATION) REGULATIONS

PRELIMINARY LIST OF VOTERS

To: The Supervisor of Elections

TAKE NOTICE that I, ...

(Name of Objector)

.....

(Occupation)

of .....

(Postal address of Objector)

am qualified for inclusion in the list of voters for Polling Division No ....., and am so included:

And that I object to the inclusion therein of .....

.....

.....

.....

(Enter Name, Occupation and Address of person objected to)

on the ground that such person is disqualified for inclusion therein by reason of

.....

.....

.....

....

Witness Signature

Date .....

NOTE: This Form need not be witnessed unless the objector, instead of signing makes his mark.

FORM 5

(Amended by S.R.O. 40/2000)

ELECTIONS ACT

ELECTION (CONTINUOUS REGISTRATION) REGULATIONS

NOTICE TO PERSONS OBJECTED TO

TAKE NOTICE that I have received objections to the inclusion of your name in the proposed list of voters for Polling Division No ..... and that the hearing of the objection will take place on the ..... day of ....., 20..... between the hours of .....……..... and ..... at ..... .

AND FURTHER TAKE NOTICE that unless you appear before me and show cause why your name should be included in the list of voters, your name may not be included therein.

Date ....
Supervisor of Elections

_____

FORM 6

ELECTIONS ACT

ELECTION (CONTINUOUS REGISTRATION) REGULATIONS

NOTICE OF HEARING OF OBJECTION

TAKE NOTICE that the objection you have made to the inclusion of the name .....……..……..
whose address is .....
and whose occupation is .....
in the list of voters for the Polling Division No ..... for the Electoral District of .....
will be heard at ..... on .....
between the hours of ..... and ..... .

AND FURTHER TAKE NOTICE that unless you appear before me to substantiate the reasons for your objection, the matter may be determined in your absence.

Dated this ..... day of ....., 20..... .

.....
Supervisor of Elections

ELECTION REGISTRATION REGULATIONS

ARRANGEMENT OF REGULATIONS

REGULATION

1. Short title
2. Interpretation
3. Form of list of voters
4. Commencement of Enumeration
5. Appointment of Enumerators
6. Qualification of enumerator
7. Removal by Registering Officer
8. Oath of office of enumerator
9. Registration notice
10. Right of entry on premises
11. House to house enquiry
12. Manner of making enquiry
13. Complete enumeration
14. Penalty
15. Rural and urban enumeration
16. Certified preliminary lists to be sent to Registering Officers
17. Enumerators to certify copies of preliminary lists
18. Distribution of certified copies of preliminary lists
19. Posting up of preliminary lists
20. Oath of enumerator on completion of work
21. Registering Officer to distribute to post offices copies of certain forms
22. Notice of revision
23. Claims to be delivered or posted to Registering Officer
24. Notice of objection to registration
25. Notice of objection to claims
26. Form No. 11
27. Dates for making objections
28. Names on more than one list
29. Notice to persons affected by objection
30. Publication of claims to insertion
31. Publication of objections to registration
32. Posting up lists of objections to claims
33. Consideration of objections
34. Consideration of claims
35. Correction of lists
36. Objection to corrections

37. Completion of lists
38. One copy of finally revised lists to be posted to Supervisor of Elections and the other kept for inspection by the public
39. Description of polling divisions and maps, and finally revised lists to be transmitted to Returning Officer
40. Insertion of names in printed lists
41. Deletion of names from printed lists
42. Publication of documents
43. Destroying or defacing documents
44. Duty of Registering Officer to supply forms
45. Supply of copies of claims, objections, etc.
46. Mode of sending notices, etc.
47. Information from householders, etc.
48. Declarations as to age and nationality
49. Hearing of claim and objections
50. Power to require evidence on oath
51. False Declaration
52. Provisions as to misnomer or inaccurate description
53. Fees for the supply of lists
SCHEDULE: Forms

ELECTION REGISTRATION REGULATIONS – SECTION 19

(S.R.O.s 16/1970, 24/1970, 16/1996, 57/1996 and 39/2000)

Commencement

[7 August 1970]

Short title

1. These Regulations may be cited as the Election Registration Regulations.

Interpretation

2. In these Regulations, unless the context, otherwise requires—

"Act" means the Elections Act;

"Schedule" means the Schedule to these Regulations.

Form of list of voters

3. The names in each list of voters shall be arranged in alphabetical order according to Form No. 1 in the Schedule, or in street order according to Form No. 2 in the said Schedule, as determined by the Supervisor of Elections, or according to such

other form as may be prescribed, and shall be numbered consecutively beginning with the number one.

Commencement of enumeration

4. The Registering Officer shall, commencing on such day (hereafter called "the appointed day") as the Governor by Proclamation may appoint in respect of an electoral district, cause to be prepared in and for such electoral district, and pursuant to the provisions of these Regulations, preliminary lists of all persons who are qualified as voters in the polling divisions comprised therein.

Appointment of enumerators

5. The Registering Officer shall, by writing in the form set out as Form No. 3 in the Schedule appoint a person to be enumerator for each polling division in the electoral district.

Qualification of enumerator

6. Each enumerator shall be qualified as a voter in the electoral district and shall preferably be a resident in the polling division for which he has been appointed.

Removal by Registering Officer

7. The Registering Officer may at any time replace any enumerator appointed by him by appointing another enumerator to act in the place and stead of the person already appointed, and any enumerator so replaced shall, upon request in writing signed by the Registering Officer, deliver or give up to the person appointed in his place or to any other authorized person, any instructions, index books or other papers and any information which he has obtained for the purpose of the performance of his duties.

Oath of office of enumerator

8. Every enumerator shall forthwith on his appointment take an oath, as such, in the form set out as Form No. 4 in the Schedule, detach it from the form of appointment and send it to the Registering Officer. The Registering Officer shall certify in the manner appearing on the said form that the enumerator has taken such oath.

Registration notice

9. The enumerator shall, immediately after his appointment, affix on two public buildings in his polling division, or if there are no public buildings in the polling division, on two other buildings having first obtained permission from the occupants, a copy of a registration notice in the form set out as Form No. 5 in the Schedule that he is about to prepare a preliminary list of qualified voters in the polling division.

Right of entry on premises

10. (1) Every enumerator may enter upon any premises in the polling division in respect of which he is appointed and there make such enquiries as in his opinion may

be necessary for the purpose of obtaining information as to the persons qualified to be registered as voters.

(2) No enumerator shall enter upon any premises—

(a) except during the hours of daylight, unless the occupier of such premises consents to his entering thereon otherwise than during such hours; and

(b) at any time when he is not wearing an enumerator's badge supplied to him by the Supervisor of Elections.

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

House to house enquiry

11. (1) Each enumerator after taking his oath, as such, shall on the appointed day, proceed to ascertain the name, address and occupation of every person qualified to vote for the election of a number of the Legislative Council in the polling division for which he has been appointed, obtaining the information he may require by a house to house enquiry. The names, addresses and occupations of all voters who are included in the enumeration in such list shall be written in duplicate in an index book in the form set out as Form No. 6 in the Schedule with the names of the voters grouped according to the initial letters of their surnames in the case of rural areas, or according to streets and house numbers in the case of urban areas, and with the surname, given names, postal address and occupation of each being fully stated.

(2) The enumerator before departing from any household in respect of which he has made an entry of persons qualified to be registered as voters shall leave at such house a copy of the entry which he has made in respect thereof, signed by himself, in the form set out as Form No. 7 in the Schedule.

Manner of making enquiry

12. (1) When making a house to house enquiry every enumerator shall wear and prominently display an enumerator's badge provided by the Supervisor of Elections as evidence of his authority to enter the premises for the purposes of a house to house enquiry.

(2) No enumerator shall when actually performing the duties of an enumerator ask any question or make any remark to any person upon any premises entered by him under these Regulations, with a view to ascertaining or to influencing the political views of such person or of any other person upon these premises.

Complete enumeration

13. Each enumerator shall exercise the utmost care in preparing the preliminary list of voters for the polling division for which he has been appointed. He shall take all necessary precautions to ensure that the list when completed contains the name,

address and occupation of every qualified voter in the polling division, and that it does not contain the name of any person who is not so qualified.

Penalty

14. Every enumerator who—

(a) wilfully and without reasonable excuse omits from the preliminary list the name of any person entitled to have his name entered therein; or

(b) enters in the said list the name of any person who is not entitled to have his name entered therein; or

(c) in the course of his duties as an enumerator asks any question or makes any remark with intent to ascertain or influence the political opinions of any person who is registrable as a voter;

shall be liable on summary conviction to a penalty not exceeding $100, and, in addition, to forfeiture of his right to payment for his services as enumerator.

Rural and urban enumeration

15. The names, addresses and occupations of all voters who are included in a preliminary list shall be written up according to Form No. 1 or Form No. 2 in the Schedule, as directed by the Registering Officer.

Certified preliminary lists to be sent to Registering Officers

16. On the completion of his list (which shall in no case be later than ten days after the appointed day), the enumerator shall certify the list in the form set out as Form No. 8 in the Schedule. Not later than the following day he shall transmit the list to the Registering Officer.

Enumerators to certify copies of preliminary lists

17. The Registering Officer shall on the receipt of the preliminary lists from the enumerators prepare and complete not later than 25 days after the appointed day four type-written copies of each of such lists. The type-written copies shall then be checked by the respective enumerators and certified in the form set out as Form No. 8 in the Schedule.

Distribution of certified copies of preliminary lists

18. The Registering Officer shall distribute two copies of such certified lists to each enumerator, arrange one complete set of lists numerically according to polling divisions and send it to the Supervisor of Elections and keep the remaining set for himself.

Posting up of preliminary lists

19. The enumerator shall, 27 days after the appointed day affix on each of two buildings in his polling division a certified copy of the preliminary list, preference being given to public buildings, if any, in his polling division. Such lists shall remain posted up for a period of twelve days including Sundays.

(Amended by S.R.O. 16/1996)

Oath of enumerator on completion of work

20. On the completion of his work, the enumerator shall take oath in the form set out as Form No. 9 in the Schedule.

Registering Officer to distribute to post offices copies of certain forms

21. The Registering Officer shall distribute to every Post Office in his district a sufficient number of copies of the forms set out as Forms Nos. 10, 11, and 13 in the Schedule.

(Amended by S.R.O. 39/2000)

Notice of revision

22. It shall be the duty of the Registering Officer to have affixed by the enumerator at the same time as he is posting up the preliminary list one revision notice, in the form set out as Form No. 12 in the Schedule, for each list.

Claims to be delivered or posted to Registering Officer

23. Any person who claims to be entitled to be registered as a voter, and who is not entered, or is entered in an incorrect manner, or with incorrect particulars in the preliminary list, may claim to be registered, or to be registered correctly, by sending to the Registering Officer, not later than 38 days after the appointed day a claim in the form set out as Form No. 10 in the Schedule or such other form as may be prescribed, which form the claimant may secure at any Post Office. The claimant shall fill in the form and deliver it or transmit it postage free to the Registering Officer.

(Amended by S.R.O.s 16/1996 and 57/1996)

Notice of objection to registration

24. Any person whose name appears on any of the preliminary lists may object to the registration of any person whose name is included in those lists by sending to the Registering Officer notice of objection in the form set out as Form No. 11 in the Schedule or such other form as may be prescribed.

(Amended by S.R.O. 39/2000)

Notice of objection to claims

25. Any person whose name appears on any of the preliminary lists may object to the registration of any person whose name is included in the list of claimants by sending notice of objection to the Registering Officer in the form set out as Form No. 11 in the Schedule or such other form as may be prescribed.

(Amended by S.R.O. 39/2000)

Form No. 11

26. Form No. 11 in the Schedule shall consist of a postcard in duplicate, one section to be sent to the Registering Officer by registered post and the other section to the person objected to by registered post.

Dates for making objections

27. The objection to any name included in the preliminary lists shall be sent not later than 38 days after the appointed day and the objection to claims for an inclusion in the lists shall be sent not later than 44 days after the appointed day.

(Amended by S.R.O.s 16/1996, 57/1996)

Names on more than one list

28. Any voter who is aware that his name appears on more than once on the preliminary list shall forthwith notify the Registering Officer, in the form set out as Form No. 13 in the Schedule, of the polling division in which he elects to have his name retained.

(Amended by S.R.O. 39/2000)

Notice to persons affected by objection

29. The Registering Officer shall immediately after receiving any notice of objection, send by registered post a notice in the form set out as Form No. 14 in the Schedule to the person in respect of whose registration the notice of objection is given, and a notice in the form set out as Form No. 15 in the Schedule to the person making the objection.

Publication of claims to insertion

30. It shall be the duty of the Registering Officer to cause to be affixed, not later than 40 days after the appointed day to two buildings in the polling division, in the form set out as Form No. 16 in the Schedule, a list of persons living in the said polling division who claim that their names should be inserted in, or that corrections should be made to, the preliminary list. Such list shall remain posted up for a period of five days.

(Amended by S.R.O.s 16/1996, 57/1996)

Publication of objections to registration

31. It shall be the duty of the Registering Officer to cause to be affixed, not later than 40 days after the appointed day to two buildings in the polling division, a list of names of persons, appearing in the preliminary list to whose registration notice of objection has been given, in the form set out as Form No. 17 in the Schedule. Such list shall remain posted up for a period of five days.

(Amended by S.R.O.s 16/1996, 57/1996)

Posting up lists of objections to claims

32. It shall be the duty of the Registering Officer to cause to be affixed, not later than 45 days after the appointed day to two buildings in the polling division, in the form set out as Form No. 17 in the Schedule, a list of the names of persons, included

in the lists of claims for the said polling division, to whose registration notice of objection has been given. Such list shall stay posted up for a period of five days.

(Amended by S.R.O.s 16/1996, 57/1996)

Consideration of objections

33. The Registering Officer shall consider all objections of which notice has been given to him in accordance with these Regulations and for that purpose give at least five clear days' notice by registered post to the objector and to the person in respect of whose registration the notice of objection has been given, of the time and place at which the objection will be considered by him.

Consideration of claims

34. The Registering Officer shall also consider all claims of which notice is given to him in accordance with these Regulations and in respect of which no notice of objection is given, and if he considers that any claim may be allowed without further enquiry, shall give, by registered post in the form set out as Form No. 18 in the Schedule, notice to the claimant that his claim is allowed. If the Registering Officer is not satisfied that any such claim can be allowed without enquiry, he shall give at least five clear days' notice by registered post to the claimant of the time and place at which the claim will be considered by him.

Correction of lists

35. The Registering Officer shall make such additions and corrections to the preliminary lists as are required in order to carry out his decisions in respect of any objections or claims, and he shall also make such corrections in those lists, by way of the removal of duplicate entries (subject to any expression of choice by persons affected as to those entries) the expunging of the names of persons who are dead or subject to any legal incapacity, the rectification of clerical errors, and otherwise, as will ensure that those lists are complete and accurate as a register.

Objection to corrections

36. Where the Registering Officer makes any correction in the preliminary list otherwise than in pursuance of a claim or objection, or for the purposes of correcting a clerical error, he shall give notice by registered post, in the form set out as Form No. 19 in the Schedule, to the person affected by the correction and allow that person an opportunity of objecting to the correction, and if necessary, of being heard with respect thereto.

Completion of lists

37. The Registering Officer shall make all the necessary corrections of the preliminary lists as provided by regulation 35 and do everything necessary to allow the timely publication of the lists so corrected, as required by these Regulations.

One copy of finally revised lists to be posted to Supervisor of Elections and the other kept for inspection by the public

38. The Registering Officer shall certify, in the form set out as Form No. 20 in the Schedule, two sets of preliminary lists revised in accordance with the provisions of Regulation 35 and not later than 59 days after the appointed day he shall post one of such finally revised lists to the Supervisor of Elections and retain the other set in his office for inspection by the public. It shall be the duty of the Registering Officer, on the application of any person during business hours and on payment of the prescribed fee to furnish such person with copies of the finally revised lists at any time after the date on which the said lists are proclaimed to be in force.

Description of polling divisions and maps, and finally revised lists to be transmitted to Returning Officer

39. On a date to be determined by the Supervisor of Elections, the Registering Officer shall transmit to the Returning Officer a description of the boundaries of each polling division. On the Completion of his revision he shall transmit to the Returning Officer the set of the finally revised lists retained by him pursuant to the provisions of the last preceding Regulation.

Insertion of names in printed lists

40. (1) If after the finally revised lists have been printed the Registering Officer has reasonable cause to believe that the name of any voter which has been included in the preliminary lists of voters for any polling division has through inadvertence been omitted from the finally revised list for that division, the Registering Officer shall ascertain by reference to the relevant preliminary list and the enumerator's index book for that polling division or the duplicate thereof, whether the omission of that name has in fact been made. If the omission is verified he shall insert in the copies of the printed list, the name, address and occupation of the voter concerned and initial the corrections. He shall then return the corrected copies of the list to the Returning Officer and the Supervisor of Elections. He shall also notify the person whose name was omitted of the insertion. The Registering Officer shall not insert the name of any person expunged by him from the preliminary list of voters in pursuance of a decision (in respect of an objection) made by him under Regulation 35 or at any time after the seventh day next before polling day.

If the printed lists have already been distributed, the Returning Officer shall accordingly notify the persons whom he believes to be likely to be nominated as candidates or who have actually been nominated and the presiding officer for the polling division concerned.

(Amended by S.R.O. 39/2000)

(2) Notwithstanding anything to the contrary herein contained, if at any time before the coming into force of the list of voters as provided by section 17 of the Act, it shall come to the notice of the Registering Officer that there are substantial omissions (from the list of voters for a polling division for which he is Registering Officer) of the names of persons who, during the period of enumeration for that division, were entitled to be registered, he shall hold an extra revising court for the purpose of enquiring into the fact of such omissions. If after due enquiry, the Registering Officer is satisfied that such omissions occurred through the negligence of

an enumerator he shall insert or cause to be inserted in the final list of voters the names of such persons so omitted and who were, during the period of enumeration, entitled to be registered.

(Inserted by S.R.O. 24/1970)

Deletion of names from printed lists

41. (1) If, during the period between the revision of any electoral list and nomination day, a Registering Officer has reasonable cause to believe that there appears upon any finally revised list the name of any person who is not qualified for inclusion in such list or that any insertion which has been made under Regulation 40, is in respect of a person who is not entitled to be included in such list, he shall hold a special revising court to investigate such case. The Registering Officer shall give at least five days' notice by registered post to such person of the time and place at which such special revision will take place and at such time and place consider the eligibility of such person to be included in the finally revised list. If he decides that the name of such person should not be included in the finally revised list he shall delete such name therefrom and initial the deletion on all undistributed copies of the list. He shall notify the Returning Officer and the Supervisor of Elections of all such deletions.

(2) If printed lists have already been distributed the Returning Officer shall accordingly notify the persons whom he believes to be likely to be nominated as candidates or who have actually been nominated and the presiding officer for the polling division concerned. (*Amended by S.R.O. 39/2000*)

(3) No special revision under this Regulation shall be held later than the seventh day after nomination day.

Publication of documents

42. Where the Registering Officer is by these Regulations required to publish any document he shall publish the document by making the proper entries on the prescribed forms and a copy of the document available for inspection by the public in his office, and, if he thinks fit, in any manner which is, in his opinion, desirable for the purpose of bringing the contents of the document to the notice of those interested.

Any failure to publish a document in accordance with these Regulations shall not invalidate the document.

Destroying or defacing documents

43. If any person without lawful authority destroys, mutilates, defaces or removes, or makes any alteration in any notice published by the Registering Officer in connection with his registration duties, or any copies of a document which have been made available for inspection in pursuance of these Regulations, he shall be liable on summary conviction to a fine not exceeding $50.

Duty of Registering Officer to supply forms

44. The Registering Officer shall, without fee, on the application of any person, supply forms of claims and notices of objections.

Supply of copies of claims, objections, etc.

45. The Registering Officer shall, on the application of any person, allow that person to inspect, and take extracts from, or on payment of the prescribed fee, supply to that person copies of the lists of voters for any polling division and any claim or notice of objection made under these Regulations. *(Amended by S.R.O. 39/2000)*

Mode of sending notices, etc.

46. Any claim or notice of objection which is under these Regulations to be sent to the Registering Officer may be sent to him by registered post, postage free, addressed to him at his office or delivered by hand.

Information from householders, etc.

47. The Registering Officer may require any employer or any householder or any person owning or occupying any land or premises or the agent of such person, to give any information in his possession which the Registering Officer may require for the purpose of his duties as Registering Officer; and, if any person fails to give the required information, or gives false information, he shall be liable, on summary conviction to a fine not exceeding $100. Any notice requiring information under this Regulation may be sent by post. *(Amended by S.R.O. 39/2000)*

Declarations as to age and nationality

48. The Registering Officer before registering any person as a voter, may, if he thinks it necessary—

(a) require that person either to produce a certificate of birth, or, if that is not practicable, to make a statutory declaration that such person has attained the required age; and

(b) require that person to produce a certificate of naturalisation or to make a statutory declaration that he is a British subject; and

(c) require that a person produce evidence to show that he has been resident in Montserrat during the last 36 months.

Where a declaration is so required no fee shall be paid thereon. The Registering Officer shall during office hours allow any person to inspect and make a copy of any such declaration.

(Amended by S.R.O. 39/2000)

Hearing of claim and objections

49. On the consideration of any claim or objection or other matter by the Registering Officer, any person appearing to the Registering Officer to be interested may appear and be heard either in person or by any other person, other than counsel, on his behalf.

Power to require evidence on oath

50. The Registering Officer may, at the request of any person interested, or if he thinks fit without such request, on the consideration of any claim, or objection, or

other matter, require that the evidence tendered by any person should be given on oath and may administer an oath for the purpose.

False declaration

51. Any person who in the course of revision of any preliminary list makes before a Registering Officer any statement upon oath or any solemn affirmation which he knows to be false, or does not believe to be true, shall be guilty of an offence and upon summary conviction thereof shall be liable to be imprisoned for a term not exceeding six months.

Provisions as to misnomer or inaccurate description

52. No misnomer or inaccurate description of any person or place on any list or on any notice shall prejudice the operation of these Regulations as respects that person or place, provided that the person or place is so designated as to be commonly understood.

Fees for the supply of lists

53. Finally revised lists and printed lists of voters shall be supplied to members of the public during business hours on payment therefor of a fee of 5 cents per page:

Provided, however, that any person validly nominated as a candidate for an election shall be entitled to receive free of charge two complete copies of the printed lists of voters for the electoral district for which he has been nominated.

SCHEDULE

FORMS

FORM NO. 1

(Regulation 3)

ELECTIONS ACT

ELECTION REGISTRATION REGULATIONS

PRELIMINARY LIST OF VOTERS

Polling Division No. .....

Comprising the Area .....
.....

The following names have been enumerated during a recent house to house visitation in the above-mentioned polling division by the enumerator.

Any notice of correction, or addition, or objection to this list must be sent to the Registering Officer not later than the ..... day of ....., 20..... .

Consecutive Number	NAME *(Family name first)*	Occupation	Postal Address	Remarks
	A B			

On the last age of each separate copy of the list prepared, the enumerator will endorse a certificate according to Form No. 8.

_____

FORM NO. 2

(Regulation 3)

ELECTIONS ACT

ELECTION REGISTRATION REGULATIONS

PRELIMINARY LIST OF VOTERS

Polling Division No. .....

Comprising the Area .....
.....

The following names have been enumerated during a recent house to house visitation in the above-mentioned polling division by the enumerator.

Any notice of correction, or addition, or objection to this list must be sent to the Registering Officer not later than the ..... day of ....., 20..... .

Name of Street and Street Number	Name of Voter *(Family name first)*	Occupation	Consecutive Number
	A B		

On the last page of each separate copy of the list prepared, the enumerator will endorse a certificate according to Form No. 8.

_____

FORM NO. 3

(Regulation 5)

ELECTIONS ACT

ELECTION REGISTRATION REGULATIONS

APPOINTMENT OF AN ENUMERATOR

To ..... whose occupation is .....
and whose address is .....……..... .

In pursuance of the provisions of regulation 5 of the Election Registration Regulations, I, the undersigned, in my capacity as Registering Officer do hereby appoint you to be enumerator for polling division No. ..... to prepare a list of voters qualified to vote in the said polling division in accordance with provisions of the ELECTIONS ACT, and the said Regulations.

Given under my hand at .....
this ..... day of ....., 20..... .

.....
Registering Officer

_____

FORM NO. 4

(Regulation 8)

ELECTIONS ACT

ELECTION REGISTRATION REGULATIONS

OATH OF AN ENUMERATOR

I, the undersigned ..... appointed enumerator for polling division No. ..... do solemnly swear that I will act faithfully in my capacity as enumerator, without partiality, fear, favour or affection, and in every respect according to law.

SO HELP ME GOD

.....
Enumerator

.....……....
Date

CERTIFICATE OF THE ENUMERATOR HAVING TAKEN THE OATH OF OFFICE

I, the undersigned, do hereby certify that on the ..... day of ....., 20…..... the enumerator abovenamed made and subscribed before me the above set forth oath.

In testimony whereof I have issued this certificate under my hand.

.....
Registering Officer
(as the case may be)

.....
Date

FORM NO. 5

(Regulation 9)

ELECTIONS ACT

ELECTION REGISTRATION REGULATIONS

REGISTRATION NOTICE

TAKE NOTICE that,

(a) The boundaries of polling division No. ..... are as follows—

.....

.....

(b) The enumeration of all qualified persons will begin on the ..... day of …….....…, 20..... and will be completed on the ……..… day of ....., 20..... ;

(c) The enumerator for the above polling division is .....

(d) Every person not disqualified on any of the grounds set out in the next paragraph of this notice is qualified to be registered as a voter if he or she—

(i) is a Commonwealth Citizen of the age of 18 years or upwards; and

(ii) has resided in Montserrat for 36 months at least previous to the date of registration or is domiciled in Montserrat and is resident therein at the date of such registration;

(e) No person shall be entitled to be registered as a voter in any electoral district who—

(i) has been sentenced by a Court in any (by whatever name called) for a term exceeding twelve months, and has not either suffered the punishment to which he was sentenced or such other punishment as may by competent authority have been substituted therefor or received a free pardon; or

(ii) is a person adjudged to be of unsound mind or detained as a criminal person of unsound mind under any law in force in Montserrat; or

(iii) is disqualified for registration as a voter by any law in force in Montserrat relating to offences connected with elections;

(f) The preliminary list of qualified persons for the above polling division will be posted up in this polling division for a period of twelve (12) days beginning on the ..... day of ....., 20....…. .

Date ....
Registering Officer

FORM NO. 6

(Regulation 11(i))

ELECTIONS ACT

ELECTION REGISTRATION REGULATIONS

INDEX BOOK

Polling Division No. .....
(insert name of Polling Division, if any)

comprising .....
(Insert the description of the boundaries of Polling Division)

.....

.....

Consecutive Number	NAME *(Family name first)*	Occupation	Postal Address	Remarks
	A B			

FORM NO. 7

(Regulation 11(2))

ELECTIONS ACT

ELECTION REGISTRATION REGULATIONS

COPY OF ENTRY MADE IN INDEX BOOK

Household of .....……..... Polling Division No. .....

Address .....

The following is a copy of the entry which I have this day made, in respect of your household, of the persons qualified to vote in the above Polling Division, for election of a member of the Legislative Council.

Any notice of correction or addition or objection to this entry must be sent to the Registering Officer on or before ..... .

Date .....……..... Signed .....
Enumerator

Number	NAME *(Family name first)*	Occupation	Postal Address
	A B		

FORM NO. 8

(Regulations 16 and 17)

ELECTIONS ACT

ELECTION REGISTRATION REGULATIONS

CERTIFICATE OF ENUMERATOR

I, ...…, Enumerator for Polling Division No. ..... certify that the above is a true copy of the preliminary list for the said Polling Division.

Dated this ..... day of ....., 20..... .

.....
Enumerator

FORM NO. 9

(Regulation 20)

ELECTIONS ACT

ELECTION REGISTRATION REGULATIONS

OATH OF ENUMERATOR UPON COMPLETION OF HIS WORK

I, ...……....., the undersigned enumerator appointed to prepare the preliminary lists of voters for Polling Division No. ..... do solemnly swear that it contains as complete and as correct a list of the qualified voters as I have been able to prepare for the above-mentioned Polling Division and that I have performed all my duties according to all instructions, rules and regulations.

SO HELP ME GOD.

Sworn before me at .....…….....

this ..... day of ....., 20..... .

....
Registering Officer Enumerator

_____

FORM NO. 10

(Regulations 21 and 23)

ELECTIONS ACT

ELECTION REGISTRATION REGULATIONS

NOTICE OF CLAIM

To the Registering Officer .....……

TAKE NOTICE that I, ...…….....
(Name of Claimant)

of .....….....
(Place of Residence)

.....….....
(Occupation)

am qualified for inclusion in the preliminary list for Polling Division No. ..... and that my name, address and occupation have been *(omitted from) (wrongly stated in) such list and that I hereby claim that such list be amended *(by the insertion of my name, address and occupation therein) (by the correction of the particulars therein relating to my name, address and occupation).

** Strike out bracketed words not applicable*

Dated ....
Signature of Claimant

.....
Witness

NOTE: This Form need not be witnessed unless the claimant instead of signing, makes his mark.

(Other side)

ELECTIONS ACT

ELECTION REGISTRATION REGULATIONS

To the Registering Officer.....

.....

(Address of Registering Officer's Office)

_____

FORM NO. 11

(Regulations 21, 24, 25 and 26)

ELECTIONS ACT

ELECTION REGISTRATION REGULATIONS

NOTICE OF OBJECTION

To the Registering Officer .....

TAKE NOTICE, that I, ...
(Name of Objector)

.....
(Occupation)

of .....
(Postal address of Objector)

am qualified for inclusion therein in the list of voters for Polling Division No. ..... and am so included:

And that I object to the inclusion therein of .....
.....
.....

(Enter Name, Occupation and Address of person objected to)

on the ground that such person is disqualified for inclusion therein by reason of .....
..... .

....
Witness Signature

Date .....

NOTE: This Form need not be witnessed unless the objector instead of signing makes his mark.

(To be printed on back of Form)

(Form No.11) Registered

NOTICE OF OBJECTION

To the Registering Officer

.....

at .....

(Address of Registering Officer)

(This card to be posted or left at the nearest Registering Officer's office.)

FORM NO. 12

(Regulation 22)

ELECTIONS ACT

ELECTION REGISTRATION REGULATIONS

REVISION NOTICE

TAKE NOTICE, that—

(a) the boundaries of Polling Division No. ……..... are as follows: ....……...;

(b) the preliminary list of qualified person for the above Polling Division will be revised on the ..... day of ..……..... at .....……..... at ..... o'clock;

(c) any qualified person whose name, address or occupation has been omitted from or incorrectly stated in the preliminary list may give notice in writing in the form set out as Form No. 10 in the Schedule to the Registering Officer at .....……..... claiming that his name, address or occupation be inserted in the list or that the entry relating thereto be corrected, as the case may be;

(d) any qualified person whose name appears in more than one preliminary list is hereby required to give notice in writing in the form set out as Form No. 13 in the Schedule to the Registering Officer at ……. .....…….....;

(i) electing for which polling division he desires to be registered; and

(ii) specifying the other polling divisions in the preliminary list for which his name appears; and

(iii) requiring the Registering Officer to cause his name to be deleted from such other preliminary list;

(e) any qualified person whose name appears in the preliminary list may give notice in writing in the form set out as Form No. 11 in the Schedule to the Registering Officer at ....……..…….....
objecting to the inclusion in the list of any other person on the ground that that other person is not a qualified person;

(f) the last day for giving the notices referred to in paragraphs *(c), (d)* or *(e)* will be the ..... day of ……., 20..... ;

(g) copies of the forms mentioned above may be obtained at any post office.

Date ....
Registering Officer

_____

FORM NO. 13

(Regulations 21 and 28)

ELECTIONS ACT

ELECTION REGISTRATION REGULATIONS

NOTICE OF RESIDENCE

TAKE NOTICE, that I, ...
(Name)

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

whose name appears in two preliminary lists namely—

for Polling Division No ..... and for Polling Division No ..... do hereby elect to be registered for Polling Division No. .....

Dated at ..... this ..... day of ....., 20..... .

.....
Signature of Voter

(Reverse side of Form)

ELECTIONS ACT

ELECTION REGISTRATION REGULATIONS

NOTICE OF RESIDENCE

To the Registering Officer .....
at .....

_____

FORM NO. 14

(Regulation 29)

ELECTIONS ACT

ELECTION REGISTRATION REGULATIONS

NOTICE TO PERSONS OBJECTED TO

TAKE NOTICE, that I have received objections to the inclusion of your name, address and occupation in the proposed list of voters for Polling Division No. ..... and that the revision of the said list will take place on the .....…….. day of .....……..., 20....., between the hours of ..... and ..... at ..... .

AND TAKE FURTHER NOTICE that unless you appear before me and show cause why your name *(should not be deleted from) (should be included in) the list of voters, your name *(may be deleted therefrom) (may not be included therein).

Date ....…….....
Registering Officer

** Strike out bracketed words not applicable*

(Reverse side of the Form)

(Form No. 14) (Frank)

ELECTIONS ACT

ELECTION REGISTRATION REGULATIONS

NOTICE TO PERSONS OBJECTED TO

To be sent to all Persons objected to.

.....
.....

(Name and Address)

_____

FORM NO. 15

(Regulation 29)

ELECTIONS ACT

ELECTION REGISTRATION REGULATIONS

NOTICE OF HEARING OBJECTION

TAKE NOTICE that the objection you have made to the inclusion of the name of .....
whose address is .....
and whose occupation is .....
in the list of voters for the Polling Division No. .....
will be heard at ..... on ..... between the hours of .....…….... and ..... .

AND FURTHER TAKE NOTICE that unless you appear before me to substantiate the reasons for your objection the matter may be determined in your absence.

Dated this ..... day of ..... 20.....

.....
Registering Officer

FORM NO. 16

(Regulation 30)

ELECTIONS ACT

ELECTION REGISTRATION REGULATIONS

LIST OF CLAIMS

TAKE NOTICE that the persons (hereinafter referred to as claimants) whose names, addresses and occupations are set out in Part I of the Schedule to this notice have claimed in accordance with the provisions of the aforesaid Act that the preliminary list of qualified persons resident in Polling Division No. .....……..... should be amended by the insertion therein of their names, addresses and occupations as set out in Part I of the Schedule to this notice, and the persons whose names, addresses and occupations are set out in Part II of the Schedule to this notice have claimed in accordance with the provisions of the aforesaid Act that the entries in the preliminary list of qualified persons resident in Polling Division No. ..... relating to their names, addresses, or occupations as the case may be should be amended to conform with the names, addresses and occupations as set out in Part II of the Schedule to this notice.

AND FURTHER TAKE NOTICE that any qualified person who objects to the inclusion of the name of any claimant in the preliminary list upon the ground that such claimant is not qualified for inclusion therein may send in an objection to such inclusion not later than the ..... day of .....……..... and attend at .....……..... on the ..... day of ..... at ..... a.m. and then and there show cause why the name of such claimant should not be included in the list.

PART I **SCHEDULE**

NAME	POSTAL ADDRESS	OCCUPATION

PART II

NAME	POSTAL ADDRESS	OCCUPATION

Date ....
Registering Officer

FORM NO. 17

(Regulations 31 and 32)

ELECTIONS ACT

ELECTION REGISTRATION REGULATIONS

LISTS OF OBJECTIONS

TAKE NOTICE that the persons whose names, addresses and occupations are specified in the first column of the Schedule to this notice have objected to the inclusion in the list of voters for Polling Division No ..... of the Electoral District of ..... of the persons whose names, addresses and occupations are specified in the second column of the Schedule to this notice upon the grounds specified in the third column of the Schedule to this notice:

AND FURTHER TAKE NOTICE that unless any person specified in the second column of the Schedule to this notice attends at the place and time specified for the revision of the list and shows cause why his name should not be deleted therefrom his name may be so deleted.

SCHEDULE

First Column	Second Column	Third Column

Date ....
Registering Officer

FORM NO. 18

(Regulation 34)

ELECTIONS ACT

ELECTION REGISTRATION REGULATIONS

NOTICE OF INSERTION OR CORRECTION

TAKE NOTICE that, your claim *(for insertion) (relating to correction of particulars) in the list of voters for Polling Division No. ..... has been granted.

Dated at ..... this ..... day of ....., 20.....

.....
Registering Officer

** Strike out bracketed words not applicable*

FORM NO. 19

(Regulation 36)

ELECTIONS ACT

ELECTION REGISTRATION REGULATIONS

NOTICE OF INTENTION TO MAKE CORRECTIONS OR INSERTIONS

TAKE NOTICE that I intend to make corrections in your registration in the list of voters for Polling Division No. ..... . The corrections are as follows:
.....
.....
.....

If you object to the above corrections being made your objections will be heard by me at .....……..... on ..... between the hours of ..... and ..... .

AND FURTHER TAKE NOTICE that unless you appear before me for your objection

to be heard the aforesaid corrections will be made.

Dated at ..... this day ..... day of .....…, 20..... .

.....
Registering Officer

_____

FORM NO. 20

(Regulation 3)

ELECTIONS ACT

ELECTION REGISTRATION REGULATIONS

CERTIFICATE OF REGISTERING OFFICER

I, ..., Registering Officer certify that the above is a true copy of the finally revised voters lists for Montserrat.

Dated this ..... day of ....., 20..... .

.....….....
Registering Officer

_____