SAINT LUCIA

HOUSE OF ASSEMBLY (ELECTIONS) LAWS

NO. 8 OF 1979

STATUTORY RULES AND ORDERS

NO. 32 OF 1978

GOVERNMENT OF SAINT LUCIA

SAINT LUCIA

THE HOUSE OF ASSEMBLY (ELECTIONS) ACT

NO. 8 OF 1979

Arrangement of Sections

PART I

PRELIMINARY

Section

1 Short Title
2. Interpretation
3. Commission and electoral districts

PART II

FRANCHISE AND REGISTRATION OF ELECTORS

4. Appointment of Chief Elections Officer and other officers and establishment of Registration offices
5. Duties and functions of registration and other officers
6. Qualification for voting
7. Qualification for registration
8. Electors to be Registered for one Electoral District only and to satisfy residence requirements
9. Entitlement for registration and issue of identification cards
10. Lost or defaced identification cards
11. Issue of composite identification cards
12. Verification of register
13. Disqualification for registration
14. Deletions from register
15. Publication of register
16. Register of Police electors
17. The 1979 register
18. Omissions in register
19. Claims and objections to registration
20. Revision of register

21. List to be posted at conspicuous places
22. Register to remain in force until next revision
23. Commission may direct preparation of register
24. Effect of register
25. Extension of time
26. Offences
27. Omissions by election officers
28. Polling Divisions

PART III

ADMINISTRATION

29. Returning Officers
30. Election Clerks
31. Substitute Election Clerks
32. Presiding Officers
33. Poll Clerks
34. How oath may be taken
35. Disqualification of election officers from nomination

PART IV

ELECTIONS

Arrangements for Elections

36. Issue of Writs
37. Notice of time and place for elections
38. Returning Officer to obtain lists of electors

PART V

PROCEDURE AT ELECTIONS

39. Nomination of candidates
40. Disposal of deposit
41. Uncontested elections

42. Adjournment in contested election to take poll
43. Power to adjourn polling day in case of emergency
44. Withdrawal of candidature
45. Taking of poll
46. Establishment of polling stations
47. Supplies of election material
48. Inspection of polling stations be Presiding Officer
49. Hours of taking the poll
50. Ballot boxes
51. Electors to vote only in polling division where their names appear
52. Elector to vote once in one electoral district
53. Police electors to vote in accordance with Second Schedule
54. Transfer of election officers' votes
55. Where transferred elector to vote
56. Proceedings at poll
57. Entries to be made by poll clerk
58. Admission into polling station
59. Mode of taking ballot
60. Mode of taking ballot in special cases
61. Correction of discrepancies
62. Who may be present in polling station
63. Proceedings after poll
64. Agents
65. Final Counting of votes
66. Provisions applicable where ballot boxes not returned
67. Declaration of the poll
68. Election return
69. Penalty for delay, neglect or refusal of returning officer to return elected candidate
70. Election documents to be sent to Clerk of House
71. Custody of ballot boxes

PART VI

ELECTION OFENCES

72. Intoxicating liquor not to be sold supplied or given on polling day
73. Employers to allow employees prescribed period for voting
74. Offences by election officers
75. Loudspeakers, ensigns, banners etc. prohibited on polling day
76. Order at polling stations
77. Influencing electors to vote

78. Bribery
79. Treating
80. Undue influence
81. Personation
82. Penalty for bribery, treating, under influence, personation
83. Penalty for certain illegal practices
84. Offences in respect of ballot papers
85. Secrecy
86. Offences re voting by police electors
87. Names and address of printer on election publications

PART VII

ELECTION PETITIONS

88. Petition against disputed election
89. Presentation of petition and security for costs
90. Trial of election petition
91. Voter not to disclose how he voted
92. Non-compliance with rules etc. when not to invalidate election
93. Expenses to be paid out of Consolidated Fund
94. Statutory Instruments
95. Repeal

FIRST SCHEDULE

Constituencies

SECOND SCHEDULE

Police Electors

THIRD SCHEDULE

Forms

FOURTH SCHEDULE

Symbols

I ASSENT

[L. S.] ALLEN LEWIS,
Governor-General.

5th June, 1979

SAINT LUCIA

No. 8 of 1979

AN ACT to revise the House of Assembly (Elections) Ordinance, Chapter 121; to make better provisions for the registration of electors and for the conduct of elections; and for purposes connected therewith.

[5th June, 1979]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Parliament of Saint Lucia, and by the authority of the same as follows:

PART I

PARELIMINARY

1. This Act may be cited as the House of Assembly Short Title (Elections) Act, 1979.

Interpretation

2. In this Act unless the context otherwise requires -----

"Act" means this Act and all rules, regulations and statutory instruments whatever made or continued in force by this Act;

"appointed" in relation to any date means the date fixed by the Minister by Order;

"ballot" means the taking of the vote of an elector as provided under this Act;

"ballot paper" means the ballot paper described under section 45 (2);

"Chief Elections Officer" means the person appointed under paragraph (a) of section 4 (1) or any person acting in that office;

"Commission" means the Electoral Commission appointed under section 57 (3) of the Constitution:

"Constitution" means the Constitution referred to in section 3 of the Saint Lucia Constitution Order, 1978;

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

"election documents," means the documents which the Returning Officer is required to transmit the Chief Elections Officer after an election;

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

"elector" means any person whose name is on the register or on any supplementary List subsequent thereto;

"electoral district" means a constituency established in accordance with the provisions of section 58 of the Constitution;

"House" means the House of Assembly;

“identification card’ means the identification card issued to an elector in the manner and form prescribed;

“identity card” means a card other than an identification card issued to a person by any government or statutory body;

“intoxicating liquor,” means spirit, wine, beer, cider, and stout of every description and any fermented, distilled or spirituous liquor;

“last register,” means the register for an electoral district last prepared and published under this Act;

“Minister” means the Minister to whom matters relating to the registration of voters and the election of members of the House have been assigned, due regard being had to sections 37 and 52 of the Constitution;

“official list” means the list of electors for a polling division;

“poll book” means the book in the form set out as Form No. 14 in the Third Schedule in which the name and other particulars of every person applying to vote are consecutively entered by the poll clerk as soon as the applicant’s right to vote at the polling station has been ascertained and before any such applicant is allowed to vote;

“polling day,” means the day fixed for holding the poll at an election;

“polling division,” means any polling division constituted in accordance with the provisions of section 28 of this Act;

“polling station” means any premises situated within a polling division secured by the returning officer for the taking of the votes of the electors on polling day;

“prescribed” means as provided for or contained in a statutory instrument made under this Act;

“qualifying date” means the date for the determination of the qualification of an elector under this Act which date in respect of the second half of the year 1979 and of every succeeding half year shall be

the 15th day of July and in respect of the first half of each year subsequent to the year 1979 shall be the 15th day of February;

"Register," means the register of electors for an electoral district prepared and published under this Act;

"Registration officer" means an officer appointed as such for any electoral district or any person acting in that capacity;

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

"Schedule" means a Schedule to this Act;

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

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

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

"supplementary list" means a supplementary list prepared under section 20 of this Act;

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

writ means the writ for an election.

Commission and electoral districts.

3. (1) There shall be a Commission appointed in accordance with section 57 (3) of the Constitution who shall be responsible for the registration of electors for the purpose of electing members of the House and for the conduct of election of members to the House.

(2) Subject to the provisions of section 37 of the Constitution, in the

performance of its functions under the Constitution the Commission shall exercise general direction and supervision over the administrative conduct of all elections and enforce on the part of all election officers fairness, impartiality and compliance with the provisions of this Act.

(3) The Commission shall, after consultation with the Chief Elections Officer make every appointment required to be made under the provisions of this Act.

(4) For the purposes of the election of members to the House, Saint Lucia shall be divided into seventeen electoral districts or such number of electoral districts as may be determined under section 58 of the Constitution. The names and boundaries of the seventeen electoral districts shall be as set out in the First Schedule.

PART II

FRANCHISE AND REGISTRATION OF ELECTORS

Appointment of Chief Elections Officer and other Officers; and establishment of registration offices.

4. --- (1) For the purpose of the registration of electors there shall be----

(a) a Chief Elections Officer who shall be appointed in accordance with section 88 (1) of the Constitution;

(b) the following officers:-

(i) a registration officer for each electoral district;

(ii) such number of enumerators, photographers and other persons as may be deemed necessary;

(c) such number of registration offices or centres for the electoral districts as the Commission considers necessary.

(2) For the purposes of section 88 (5) and (10) of the Constitution the prescribed age shall be the age of sixty-five years and a person shall not be qualified to be appointed Chief Elections Officer under this section if he exceeds the age of sixty-five years.

(3) Without prejudice to the provisions of section 37 of the Constitution the Constitution the Chief Elections Officer shall take all appropriate measure in accordance with this Act for the registration of electors in each electoral district and for the conduct of the election of members to the House.

(4) Every person appointed under this section shall take the prescribed oath.

Duties and functions Of registration and Other officers

(5) (1) Every officer appointed under the provisions of paragraph (b) of subsection (1) of the preceding section shall perform such duties under this Act as may be assigned to him from time to time by the Chief Elections Officer for the faithful performance of which he shall be paid such remuneration as is prescribed.

(2) A registration officer may be appointed for more than on electoral district.

(3) A registration Officer or enumerator may administer any oath To be taken under this Part of this Act and may require any Evidence, particulars or matter under the provisions of this Part to be given on oath before him.

No. 8] *House of Assembly (Elections) Act* [1979]

(4) A registration officer shall maintain his office at the registration Office designated for a specified electoral district and shall supervise any registration centres established within the electoral district for which he is appointed.

Qualification for voting

6. (1) Subject to the provisions of this Act, a person shall be entitled to vote as an elector at an election in an electoral district only if on polling day he is registered in the register to be used at that election in that electoral district.

(2) Notwithstanding the provisions of section 56, after such date as Shall be appointed being in any case not earlier than 31st December, 1980, no elector shall be permitted to vote at any election without first producing his identification card.

Qualification for Registration

7. Subject to the provisions of this Act, a person shall be qualified to be registered as an elector for an electoral district only if, on the qualifying date he----

(a) is a person who is---
   (i) a citizen of Saint Lucia ; or
   (ii) a Commonwealth citizen who has resided continuously in Saint Lucia for not less than seven years immediately preceding the qualifying date;

(b) has attained the age of 18 years;
(c) has resided continuously in that electoral district for a period of a t least two months preceding the qualifying date.

Elector to Registered for one Electoral district and only to satisfy residence require-ments

8. (1) A person shall be qualified to be registered as an elector for one electoral district only.

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

(3) In reckoning the period of residence of an elector in an electoral district, the period between the qualifying date and polling day in that district shall not be reckoned as a period of residence.

Entitlement for registration and issue of identification cards.

9. (1) Subject to the provisions of this Act, every person who is qualified to be registered as an elector for an electoral district, shall be registered in the register For that electoral district if----

(a) he is duly registered in the prescribed form at a registration office or centre within the electoral district where he resides, or at such other office or centre designated for the registration of electors under this Act; or

(b) he is duly registered by an enumerator in a house to house enumeration conducted in the electoral district in which he resides.

(2) Every person who is qualified to be registered as an elector

shall be issued at the time of his registration or as soon thereafter as may be practicable, an identification card in the prescribed form.

(4) A person to whom an identification card has been issued shall be the person entitled to the custody and possession thereof.

Lost or defaced Identification cards

10. (1) An elector whose identification card has been lost, defaced or destroyed shall be issued with another identification card upon application in the prescribed form to the Chief Elections Officer and upon payment of such fees as may be prescribed.

(2) Where the Chief Elections Officer is satisfied that an identification card is so defaced or faded as to be no longer distinguishable he may at any time issue to an elector registered under this Act a new identification card.

Issue of composite Identification cards

11. (1) For the purpose of effecting savings in costs and for the avoidance of duplication of identity cards, the Chief Elections Officer may with the approval of the Minister collaborate with any government department or public or statutory authority in the issue of identification cards.

(2) An identification card issued in pursuance of subsection (1) may contain thereon in addition to the prescribed particulars, as are required by the government department or public or statutory authority concerned.

Verification of Register

12. (1) It shall be lawful for the Chief Elections Officer

(a) to carry out by means of house to house enumeration such verification as he considers necessary for the purpose of ensuring that a person registered at a registration office or centre has been duly registered in regard to his place of residence within an electoral district; and

(b) upon reasonable grounds to require any person to produce a birth certificate or other document for the purpose of determining his qualification for registration as an elector and the particulars of the registration.

(2) Where it is observed as a result of a house-to-house enumeration that an elector registered at a registration office, or

centre does not reside at the place of residence which he submitted at the registration office or centre where he was registered, the Chief Elections Officer shall by notice published in the Gazette and in a local newspaper so notify the elector and shall after giving him an opportunity to be heard, make such correction in the register or supplementary list, as may be necessary for the proper registration of that elector.

(3) Where an elector to whom notice has been given under the provisions of the preceding subsection has failed to appear before the Chief Elections Officer to delete the name of the elector from the register of electors.

(4) Where the Chief Elections Officer is satisfied that the failure of an elector to appear as required under the provisions of subsection (2) was not due to malice or negligence on the elector's part, he shall on being satisfied as to the correctness of the elector'' place of residence register him as an elector at any time before publication of the Register.

Disqualification.

13 A person is disqualified from being registered as an elector who

(a) is a person certified to be insane or otherwise adjudged to be of unsound mind under any enactment in force in Saint Lucia; or
(b) in undergoing any sentence of imprisonment in Saint Lucia or any other part of the Commonwealth; or

(c) is under sentence of death imposed on him by a Court, in any part of the Commonwealth; or
(d) is disqualified for registration as an elector by virtue of any enactment in force in Saint Lucia by reason of his having been convicted of any offence relating to elections; or
(e) is disqualified therefrom by any other law.

Deletions from register

14 A person registered under this Act shall remain registered unless and until his name is deleted from the register by or under the authority of the Chief Elections Officer because-

(a) he has died; or
(b) he, being a person otherwise qualified as an elector, has been absent from Saint Lucia for a continuous period of three years or more; or

(c) he has become disqualified for registration under the provisions of this Act or of any other enactment.

Publication of register

15 (1) Without prejudice to the provisions of section 17, there shall be prepared, revised and published for each electoral district in accordance with this Act, a register of electoral qualified to vote at any election in that electoral district.

(2) After the publication of the register no elector shall be entitled to vote at any election in an electoral district unless his name is registered therein.

(3) Where the name of an elector which appeared in any supplementary list has through inadvertence been omitted from the register or where a name should have been deleted from the register in consequence of successful objection thereto, the Chief Elections Officer shall make the necessary additions to or deletions from the register and shall sign and stamp the same.

Register of police Electors

16 (1) without prejudice to the provisions of section 17, there shall be in relation to each electoral district a register of police electors.

(2) There shall be included in the register of police electors every Person serving in the Royal Saint Lucia Police Force on the qualifying date whom the registration officer is satisfied is not disqualified from being registered under this Act or any other enactment in force.

(3) The Chief Elections Officer shall cause the name of any person whose name appears upon the register of police electors in any electoral district to be deleted from the official list of electors for any polling division.

(3) The register of police electors shall be deemed to form part of the official list of electors for the polling station nearest to the office of the returning officer.

The 1979 register.

17---- (1) Upon the adoption by the Commission of the existing lists in the manner provided by subsection (2) of this section ---

(a) the existing lists (with corrections) shall be deemed to have been duly prepared, revised and published in accordance with the laws in force immediately before the commencement of the Constitution;

(b) the existing lists (with corrections) shall be deemed to be the register of electors for each electoral district and shall be a permanent registration of the electors named therein subject only to such revision and corrections thereof as are authorised by this Act;

(c) the existing lists (with corrections) being then the register shall be used for all elections held during the year 1979 in the several electoral districts.

(2) The Commission may adopt the existing lists (with corrections) by publication of a notice to that effect in the Gazette.

(3) In this section---
"the existing lists" means the lists of electors for the several electoral districts entitled "Register of Electors" and "Register of Police Electors" which were prepared and revised by the person who was the Chief Registration Officer under the laws in force immediately before the commencement of the Constitution and which was signed by that person (however designated) and dated and published on the 15th May, 1979 by copies thereof being made available for inspection at the electoral office and at specified public places in the electoral d districts to which they relate.

"Corrections" means such additions to the existing lists as are authorised under section 18 of this Act.

(4) For the purposes of section 18 the register for the year 1979 shall be deemed to have been published on the date of the notice referred to in subsection (2) of this section.

Omissions in Registered

18.--- (1) where a person is lawfully in possession of an identification card and his name does not appear on the register for the electoral district in which he resides, such person may not later than 7 days after the publication of the register, apply in the prescribed form and at the appropriate registration office for the inclusion of his name in such register.

(2) The Chief Elections Officer shall promptly cause to be Published the name, address, occupation and identification number of such applicant and all objections to the inclusion of the name of the applicant in the register shall be made in the prescribed form not later than 7 days after such publication.

(3) On a date fixed and published by the Chief Elections Officer, (being a date not less than 3 days after the expiration of the period of publication of objections) the Chief Elections Officer shall determine such objections as may have been made and if he decides in favour of the applicant, shall add the name of the applicant to the register, shall sign and seal the same, and shall cause the same to be published.

Claims and Objections to registration.

19 (1) A person who is qualified to be registered as an elector for an electoral district but whose name does not appear on the Register or supplementary list shall be entitled to be registered upon making application in the prescribed form and during the prescribed period, at a registration office or centre designated for the registration of electors for that particular electoral district.

(2) Any person whose name appears on any register or Supplementary list may object in the prescribed form and during the prescribed period to the inclusion of any other name on such list.

(3) All claims for registration made by persons whose name do not appear on the register or supplementary list and all objections

to the registration of any persons whose names appear on any supplementary list duly made in the prescribed form and during the prescribed period shall be determined in accordance with this Act by the Registration Officer for the electoral district to which the register or supplementary list in question relates.

(4) Where under the provisions of this section any claim or Objection has been disallowed a Registration Officer or claimant or objector may refer the matter in the prescribed form to the Commission whose decision shall be final.

(5) Where a successful objection has been made to the registration of an elector, his name shall be deleted from the list of electors and he shall not use the identification card issued to him for any electoral purposes.

20. (1) The Chief Elections Officer shall at intervals of not more than six months commencing from the latter half of the year 1979, publish for each electoral district a supplementary list containing----

revision of register

(a) the names of all persons who have been registered as electors in each electoral district under the provisions of this Act, since the publication of the last register of electors;
(b) the names of all electors who because of a change of address have applied in the prescribed form for an alteration in registration either from one electoral district to another or within an electoral district.

(2) Not later than the 31st day of January in each year subsequent To the year 1979, the Chief Elections Officer shall cause to be revised the register of electors for each electoral district by---

(a) adding therein the names of all persons who have been registered as electors during the preceding year;
(b) deleting therefrom the names of all persons who have ceased to be entitled to registration as electors under the provisions of this Act;
(c) making such other alterations in the Register as are provided under this Act.

(3) Not later than the 31st day of March in each subsequent year, The Chief Elections Officer shall publish the register of electors for each electoral district as revised under the provisions of this section.

(4) The register of electors for each electoral district as revised under this section shall remain in force until the next revision of the register as herein provided.

(5) An elector whose name has been published under the provisions shall in case of an election in the electoral district in which he is registered be entitled to vote thereat notwithstanding that his name does not appear on the register of electors for that electoral district.

List to be posted Conspicuous places

21. Where under this Act any list of matter is required to be published, such publication shall be effected by the posting of such list or matter In a conspicuous place at the office of the Chief Elections Officer, all Public libraries, appropriate registration centres and such other places as the Commission may direct by Notice in the Gazette.

Register to Remain in force next revision.

22. (1) The register as prepared or revised under this Act shall be the register for the electoral district to which it relates and shall be Used for any election in that electoral district until the register is next revised in pursuance of section 20.

(2) If a register for an electoral district is not published within the Time required by this Act then, until the date following the day on which it is published, the previous register for that electoral district shall continue in force and where any register used at an election is a register continued in force by this subsection, this Act shall have effect in relation to that register as if it were the register revised pursuant to the provisions of section 20

Commission may direct preparation of the register

23. If as a result of any fire, disaster, calamity or otherwise the register for an electoral district has been destroyed or is unavailable, the electoral Commission may direct that a register for that electoral district shall be prepared and published by the Chief Elections Officer in accordance with the provisions of this Act and that such preparation shall commence on the day so directed.

Effect of register

24. (1) The register prepared or revised pursuant to the provisions of this Act shall be conclusive of the following questions: ---

(a) whether or not any person registered therein was on the date of publication of the register resident at the address shown;
(b) whether or not an address is in any electoral district or any particular part of an electoral district.

(2) No misnomer or inaccurate description of any person or place named in any list or register of electors, or any record or nomination paper, ballot paper, notice or other document required for the purposes of this Act shall affect the full

operation of the document with respect to that person or place in any case where the description of the person or place is such as to be understood.

Extension of time

25. Where any matter in connection with the preparation or publication of a supplementary list, a revised list or any list or register of electors under this part is omitted or not done or cannot be done at the time required by or under this part or is done before or after that time or is otherwise irregularly done in manner or form, the Minister may by Order at any time before or after the time within which such matter is required to be done, extend that time or validate any matter so done before or after the time required or so irregularly done in manner or form.

Offences

26. (1) Every person who knowing or having reasonable cause to believe that he---

(a) is not a citizen of Saint Lucia; or

(b) is not a Commonwealth citizen continuously resident in Saint Lucia for not less than seven years; or

(c) has not or will not have attained the age of 18 years on or before the qualifying date;

(d) does not have on the qualifying date the requisite residence qualifications;

(e) is subject to any legal incapacity as is mentioned in section 13;

makes any claim to be included in any list or register shall be liable on summary conviction to the fine of two hundred and fifty dollars or to imprisonment for six months.

(2) Every person who objects to the inclusion of any other person in any list or register of electors prepared in pursuance of this Act upon any grounds which he knows or has reasonable cause to believe to be false shall be liable on summary conviction to a fine of two hundred and fifty dollars or to imprisonment for six months.

(3) Every person who knowingly makes a false statement for the purpose of being registered as an elector shall be liable on summary conviction to a fine of two hundred and fifty dollars or to imprisonment for six months.

(4) Every person who in the course of the preparation or revision of any list or register of electors makes before the Chief Elections Officer or any registration officer or enumerator any

statement on oath or any sworn affirmation which he knows to be false or does not believe to be true shall be liable on summary conviction to a fine of two hundred and fifty dollars or to imprisonment for six months.

Omissions by election officers

27. A registration officer or enumerator who willfully and without reasonable excuse, omits to register the name of any person entitled to be registered is guilty of an offence and liable on summary conviction to a fine of five hundred dollars or to imprisonment for twelve months or to both such fine and imprisonment, and in addition shall forfeit his right to payment for his services as a registration officer or enumerator, as the case may be, and shall be incapable during a period of seven years from the date of his conviction:-

(a) of being qualified as an elector;
(b) of being elected a member of the House and in the event of an appeal the incapacity shall continue until the appeal is determined and thereafter, unless the conviction is quashed, remain in force for a period of seven years from the determination of the appeal unless the court hearing the appeal shall direct that the period of seven years shall run from the date of conviction

polling divisions

28. (1) Subject to the provisions of this section, each electoral district shall be divided into polling divisions

(2) Each polling division shall so far as practicable contain Approximately six hundred electors taken from the register for that electoral district which shall form the official list of electors for that polling division.

(3) Where the Commission is satisfied that by reason of congestion or the sparsity of the population or other special circumstances it is more convenient so to do, they may notwithstanding anything contained in subsection (2), constitute a polling division containing more or less than six hundred electors.

(4) In determining the boundaries of any polling division the Commission shall have regard to geographical considerations and such other factors as may affect the facilities of communication between various places within the polling division.

(5) It shall be the duty of the Commission to keep the polling divisions of each electoral district under review and to make

such alterations in such districts including the abolition or establishment of any polling division as they may consider proper having regard to the provisions of subsections (2), (3) and (4) and by Notice in the Gazette and such other manner as he sees fit publish any alterations made under this section.

(6) The Minister may make Regulations providing for the adaptation of any list of electors to any alteration of polling divisions and may make in such Regulations special provision for cases where any alteration of polling divisions is made between the publication of any list and the coming into force of any register of electors; but except in cases for which such provision is made by Regulations, an alteration of polling divisions made under the provisions of this section shall not be effective until the revision of the register pursuant to section 20 after the alteration is made.

(7) Any decision taken or act done under the foregoing provisions of this section shall be effective as from the date it is approved by the Minister.

PART III

ADMINISTRATION

Returning Officers

29. (1) The Commission shall appoint for each electoral district a returning officer who shall receive such remuneration as may be prescribed.

(2) Forthwith upon his appointment each returning officer shall take and subscribe an oath in the form set out as Form No. 2 in the Third Schedule and shall transmit such oath to the Commission.

(3) Forthwith upon taking the oath referred to in the last preceding Subsection, the returning officer shall establish an office in his electoral district or, where any person has been appointed returning officer for than one electoral district, in one of such districts or with the approval of the Commission at some convenient place outside of either of such districts and shall cause an advertisement to be inserted in the Gazette and in a local newspaper specifying the place at which he has established his office.

Election Clerk

30. (1) The Commission shall appoint an election clerk for each electoral district who shall receive such fee as may be Prescribed for each election in that district.

(2) forthwith upon his appointment, the election clerk shall take an oath in the form set out as Form No. 3 in the Third Schedule and shall transmit such oath to the returning officer.

(3) If at any time between the issue of a writ for an election and the declaration of the result of that election the returning officer dies or becomes incapable of performing his duties as such, the election clerk shall forthwith report the fact to the Commission and shall discharge all the duties and exercise all the powers of the returning officer until some other returning officer is appointed or the re4turning officer ceases to be incapable of performing his duties, as the case may be.

Substitute Election Clerks

31. (1) Forthwith upon commencing to discharge the duties of the returning officer in accordance with the provisions of the last Preceding section, the Commission shall appoint a substitute Election clerk who shall perform all the duties and exercise all the duties and exercise all the powers of the election clerk until such time as the election clerk ceases to perform the duties and to exercise the powers of the returning officer.

(2) Forthwith upon commencing to discharge the duties of the election clerk, the substitute election clerk shall take the oath required by the last preceding section to be taken by the election clerk.

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

Presiding Officer

Presiding Officers

32. (1) The Commission shall appoint a presiding officer for each polling station who shall receive such fee as may be Prescribed.

(2) Forthwith upon his appointment each presiding officer shall take and subscribe an oath in the form set out as Form No. 4 in the Third Schedule and shall transmit such oath to the returning officer.

Poll Clerks

33. (1) The Commission shall appoint a poll clerk for each polling

Station who shall receive such fee as may be prescribed.

(2) Forthwith upon his appointment every poll clerk shall take and Subscribe an oath in the form set out as Form No. 5 in the Third Schedule and shall transmit such oath to the returning officer.

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

(4) Every person appointed to act as poll clerk under the last Subsection shall forthwith take and subscribe the oath of a poll clerk.

How oath May be taken

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

Disqualification of election Officers from nomination

35. No election officer shall be entitled to nomination as a candidate for election at an election for which he is an election officer.

PART IV

ELECTIONS

Arrangements for Elections

Issue of Writs.

36. (1) For the purposes of every General Election of members of the House, and for the purposes of the election of members to fill vacancies in the House caused by death, resignation, or otherwise, the Governor-General shall issue Writs under the Public Seal of the State, addressed to the returning officers of the respective electoral districts for which members are to be returned. Such Writs shall be forwarded to the Commission for transmission to the several returning officers.

(2) Every writ shall be in the form set out as Form I in the Third Schedule and shall specify:--

(a) the day of the nomination of candidates being not less than seven and not more than fourteen days after the day of issue of the writ;

(b) the day upon which, if necessary, the poll shall be taken, being not less than seven days and not more than fourteen days after the day of the nomination of candidates;

(c) the day the writ is returnable to the Governor-General being not more than seven days after the polling day.

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

Notice of time and place for elections.

37. Upon receipt of such writ every Returning Officer shall give notice thereof, and of the day and place fixed for the nomination of candidates, by publication in the Gazette and one or more local newspapers at least seven 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 for the nomination of candidates by causing notices in the form set out as Form No. 6 in the Third Schedule to be posted or affixed in some conspicuous place near the principal door of every Court House, Police Station and

Revenue Office, and in any other place he may deem necessary.

Returning Officer to obtain lists Of electors

38. Before the day fixed for the nomination of candidates, the Chief Elections Officer shall supply the returning officer with the prescribed number of copies of the register for the time being in force by virtue of this Act.

PART V

PROCEDURE AT ELECTIONS

Nomina-

39. (1) On the day and at the place fixed for the nomination

of candidates, the returning officer shall attend at nine o'clock in the morning to receive the nomination of candidates for the seat to be filled.

tion of candidates

(2) (a) must be nominated in writing by not fewer than six registered electors of the electoral district for which he seeks to be elected; and

(b) must consent in writing to such nomination, in the form set out as Form No. 7 in the Third Schedule.

(3) The nomination of a candidate shall not be deemed to be void For the reason only that subsequent to nomination day, any person by whom his nomination paper was signed, is struck off the list of electors for the relevant electoral district.

(4) The returning officer shall at the place and time fixed in subsection (1) hereof and within three hours thereafter, receive such nomination papers prepared in accordance with this Act as many be tendered to him.

(5) Every candidate shall at the time of his nomination deliver or cause to be delivered to the returning officer a statutory declaration of his qualification made and subscribed by such candidate or, if the candidate is absent from Saint Lucia on nomination day, by his duly authorised agent, in the form Form set out as Form No. 8 or Form No. 8A, as the case may be, in the Third Schedule. If such statutory declaration is not delivered as aforesaid the nomination of such candidate shall be void.

(6) Every candidate shall at the time of his nomination deposit, or cause to be deposited, with the returning officer, the sum of two hundred and fifty dollars in cash, and if he fails to do so9, the nomination of such candidate shall be void.

Disposal of deposit

40. (1) The full amount of every deposit made under subsection (8) of the last preceding section shall forthwith after its receipt be transmitted by the returning officer to the Accountant General.

(2) The full amount of every such deposit shall be returned by the Accountant General to the person who made such deposit upon the production by him, within one month of the conclusion of the election in respect of which the deposit was made, of a certificate from the Chief Elections Officer that the candidate was elected or polled not less than one-eighth of the total

number of votes counted at the election, or died before the close of the poll on polling day.

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

(4) Except as otherwise provided in this section, every such deposit shall, at the expiration of one month from the conclusion of the election in respect of which it was made, be credited to general revenue.

Adjournment in contested election to take poll

41. (1) If there shall be more than one candidate duly nominated a poll of electors shall be taken, and in such case the returning officer shall adjourn the election to the day specified in the writ, and a poll shall be taken on such day in the manner hereinafter provided.

(2) The returning officer shall, as soon as practicable after Adjourning the election, give notice of the day and time on which and the address of the polling stations within each polling division at which the poll will be taken and the names of the candidates nominated for election and of the place where and day and time when the number of votes given to the several candidates will be finally counted, by publication thereof in the *Gazette* and one local newspaper; and by causing notices to be posted in such places in the district as he may

deem necessary in the form set out as Form No. 10 in the Third Schedule.

Power to Adjourn polling polling day in case of emergency

43. (1) Subject to the provisions of sections 55 and 56 of the Constitution, where at any time between the issue of a writ under section 36 (1) of this Act and the day appointed by the the writ for the taking of the poll at any election the Governor General is satisfied that it is expedient so to do by reason of –

(a) The threat or existence of a state of war between Saint Lucia and any foreign state; or

(b) The occurrence of any riot or the existence or threatened existence of any unlawful or tumultuous assembly; or

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

(d) the likelihood that the register for all electoral districts or for any particular electoral district will not be printed before the day appointed for the taking of the poll or that any essential electoral supplies or materials will not be available in adequate quantities upon such polling day,

he may by Proclamation adjourn the taking of the poll to some other day specified in such Proclamation not being more than thirty days after the day specified in the writ issued under section 36 (1) of this Act.

(2) Any Proclamation under subsection (1) of this section made pursuant to the provisions of paragraph (c) or (d) thereof may be expressed to apply only to such electoral districts as are specified in such Proclamation in which event the poll shall be taken in any electoral districts not so specified upon the day appointed for the taking of the poll under section 36 (2) of this Act.

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

(4) Where any Proclamation under this section is made before the day which would have been nomination day if such Proclamation had not been made, nomination day shall be deemed to have been adjourned to the fifteenth day next before the day by which the taking of the poll is adjourned by such Proclamation: Provided that if such fifteenth day is a Sunday or

a public holiday nomination day shall be deemed to be adjourned to the first day not being a Sunday or a public holiday after such fifteenth day.

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

withdrawal of candid-

44. (1) Any candidate duly nominated may, not less than four 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 remains not less than one duly nominated candidate.

(2) If any such candidate withdraws from his candidature in accordance with subsection (1) hereof, or dies before the day fixed for taking the poll, the returning officer shall forthwith give public notice of such withdrawal or death in the Gazette and in one local newspaper; and if on such withdrawal or death there remains only one duly nominated candidate, the returning officer shall forthwith declare such candidate to have been elected and shall immediately thereafter certify by endorsement on the writ of election the return of such candidate in the form set out as Form No. 11 in the third Schedule and shall return the writ so endorsed to the Commission for transmission to the Governor General within the time specified therein.

Taking of poll

45. (1) The poll shall be taken in each polling station by secret ballot in accordance with the provisions of this Act.

(2) The ballot paper of each voter shall be a printed paper on which the names, addresses and occupations of the candidates alphabetically arranged in the order of their surnames and numbered accordingly shall be printed exactly as they are set out in their respective nomination papers. Opposite the name of each candidate there shall be a prescribed symbol. The ballot paper shall have a counterfoil and between the counterfoil and the stub, the whole as in the form set out as Form No. 12 in the Third Schedule.

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

(4) The symbols to be used by a political party or candidate at an election shall be one of the symbols shown in the Fourth Schedule.

(5) Where a political party has in the preceding election used a particular symbol the Chief Elections Officer shall, at the request in writing of the secretary of such political party, assign the same symbol to that party.

Establishment of polling station

46. The returning officer shall establish for each polling division such number of polling stations as the chief Elections Officer shall determine, each polling station being in premises of convenient access, with an outside door for the admission of electors and where possible, with another door through which electors may leave after they have voted and each presiding officer shall take care beforehand that his polling station provided with proper doors, barriers, tables, chairs and other convenience and that the same are properly arranged for carrying out the provisions of this Act with respect to the taking of the poll.

Supplies of election material.

47. (1) The returning officer shall furnish-

(a) to each presiding officer at least two clear days before polling day:-

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

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

(iii) the necessary materials for electors to mark their ballot papers;

(iv) at least three copies of printed directions in the form set out as Form No. 13 in the Third Schedule for the guidance of electors in voting;

(v) a copy of this Act;

(vi) three copies of the official list of electors for use at his polling station;

(vii) a ballot box;

(viii) a blank poll book;

(ix) the several forms of oaths to be administered to electors printed together on a card;

(x) the necessary polling station cards; and

(xi) the necessary envelopes and such other forms and supplies as may be authorised or furnished by the Chief elections Officer;

(c) to each candidate in an election in his electoral district a copy of the register of police electors.

(2) Until the opening of the poll the presiding officer shall keep the blank poll book, official lists of electors, forms of oaths, envelopes, ballot papers and other election supplies carefully locked up in the ballot box, and shall take every precaution for

their safe keeping and to prevent any person from having unlawful access to them.

Inspection of polling stations by presiding officer.

48. (1) 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.

(2) Before the hours fixed for the opening of the poll the presiding officer shall post up in each compartment of the polling station and in a conspicuous place outside of the polling station

one copy of the directions referred to in sub-paragraph (iv) of subsection (1) of the preceding section.

Hours of taking the poll.

49. The taking of the poll at each polling station shall be between half-past six in the morning and six o'clock in the afternoon of the same day.

Ballot boxes.

50. (1) The Chief Elections Officer shall supply to each returning officer a number of ballot boxes equal to the 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.

(3) The ballot boxes shall be of such size as to accommodate therein all the election documents which the presiding officer is required by section 63 (10) of this act, to transmit or deliver to the returning officer and all other election supplies except ink and pencil.

Electors to vote only in polling division where their names appear

51. (1) No person shall be entitled to vote in any polling division unless his name appears on the official list of electors for that polling division.

(2) A person registered as an elector shall not be prevented from voting; but this provision shall not prevent the rejection of his vote on a scrutiny or affect his liability to any penalty for voting.

Elector to vote once in one electoral district.

52 (1) No person shall at an election, vote as an elector ----

(a) in more than one electoral district or more than once in the same electoral district; or

(c) knowing that he is not qualified so to do.

(2) Any person who contravenes the provisions of subsection (1) Shall be liable summarily to imprisonment for three months.

53. Every person whose name appears upon the Register of Police Electors for any electoral district shall vote if he votes a t all, in accordance with the provisions of The Second Schedule to this Act.

Police electors to vote in accordance with second schedule.

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

Transfer of election officers' votes

(2) The returning officer shall give notice in writing to every candidate in his electoral district of any transfer made under the last presiding subsection and 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 the next succeeding section of this Act.

55. (1) Every person whose name is transferred, in accordance with the provisions of the last preceding section, from any official list for any polling station to any other such official list shall vote, if he is appointed presiding officer or poll clerk, as the case may be.

Where transferred elector to vote

(2) Every presiding officer who issues to any person whose name Has been transferred from any official list to any other official list any ballot paper at any polling station other than the polling station of the polling division to which such person's name has been transferred, shall be liable, on summary conviction, to a fine of two hundred and fifty dollars or to imprisonment for three months.

56. (1) At the hour fixed for opening the poll, the presiding officer and the poll clerk shall, in the presence of the candidates, their agents, and such of the electors as are present, open the ballot box and satisfy themselves and all present that there are no ballot papers or other

Proceeding at poll.

papers therein, after which the box shall be locked and the presiding officer shall keep the key thereof; the box shall be placed on a table in full view of all present and shall be maintained there until the close of the poll.

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

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

(4) Each elector upon entering a polling station shall declare his name. The poll clerk shall ascertain whether the name of the elector appears on the official list of electors for the polling station and if it so appears he shall call out the name, address, occupation and number of the elector as stated in the official list. When this has been done, the presiding officer shall require the elector to identify himself, which the elector shall do by producing any one of the following:-

(a) his identification card issued under this Act;
(b) the duplicate of his registration, record card issued in the form set out as Form No. 5 under the House of Assembly (Elections) Regulations 1978;
(c) a photo application form issued to him in the form set out as Form No. 15 under the House of Assembly (Elections) (Amendment) Regulations, 1978
(d) his passport
(e) a driver's licence containing the elector's photograph;
(f) his membership card issued under the National Provident Regulations, 1972, or any enactment Replacing the same.

S.I. 32/1978

S.I. 41/1978

S.I 30/1972

(g) such other means of identification as the presiding officer may consider adequate.

(5) Where the provisions of the preceding subsection have been complied with, the elector's 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. 14 in the Third Schedule, a number corresponding to the registration number allotted to the elector on the official list of electors being prefixed to the elector's name in the appropriate column of the poll book.

(6) It shall be lawful for the presiding officer to put to an elector such questions as he considers necessary in order to ascertain the elector's identity and whether the elector has already voted; but save as is permitted under this Act, no inquiry shall be made as to the right of an elector to vote.

(7) Before the presiding officer issues the elector a ballot paper, he Shall, in order to ascertain whether the elector has not previously voted proceed to examine the hands and fingers of the elector and shall either-

(a) mark every elector with electoral ink to his satisfaction on the outer palmar surface of the right hand, or where the elector has no right hand, the presiding officer shall mark the elector with electoral ink to his satisfaction on the outer palmar surface of the left hand, or where there is no palmar surface in such place as the presiding officer may think fit; or

(b) require the elector to immerse his right index finger in electoral ink and where the elector has no right index finger the presiding officer shall require the elector to immerse such other finger as he, the presiding officer may determine; but the presiding officer shall not require an elector to immerse a finger in electoral ink if he is satisfied that the elector has suffered such injury to one of his fingers which is of such a nature as to make it undesirable for him to immerse any finger in such electoral ink or where there is on the fingers of such elector any substance which in the opinion of the

presiding officer, is likely to prevent the adhesion of the electoral ink and which has not been removed to his satisfaction.

(8) Where the requirements of the foregoing subsection of this section have been fulfilled, the presiding officer shall, forthwith, hand such elector a ballot paper:

Provided that where any elector refuses to comply with the foregoing provisions of this section or the presiding officer is satisfied that the elector has already been marked in accordance with the foregoing provisions of this section he shall refuse to issue to him a ballot paper.

Entries to be made by poll clerk.

57. The poll clerk shall---

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

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

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

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

(e) enter in the poll book any objection made on behalf of any candidate.

Admission into polling station.

58. (1) The presiding officer shall keep order at his polling station and shall regulate the number of voters to be admitted at a time, and shall exclude all other persons except his assistants, the candidates, not more than two agents for each candidate appointed by such candidate in writing in the form set out as form No. 15 in the Third Schedule, and the constables on duty.

(2) The agents aforesaid shall be posted in such a place that they can see each person who presents himself as an elector, hear his name as given in by him and witness the proceedings, but so that they cannot see how any elector votes. They shall not intervene in the proceedings save in so far as may be allowed by this Act.

(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.

59. (1) Each elector shall receive from the presiding officer a ballot paper on which such officer has previously put his initials so placed as indicated in the form set out as Form No. 12 in the Third Schedule that when the ballot paper is folded they can be seen without opening it and on the counterfoil of which he has placed a number corresponding to the registration number on the official list of electors allotted to the elector and entered in the poll book opposite the name of such elector.

Mode of taking ballot.

(2) (a) The presiding officer shall instruct the elector how to make his mark and shall properly fold the elector's ballot paper keeping the counterfoil, directing him to return with the ballot paper when marked, folded as shown, but shall not inquire or see for whom the elector intends to vote except when the elector is unable to vote in the manner provided by this Act on account of blindness or other physical incapacity;

(b) In instructing the elector how to make his mark the presiding officer shall only inform him to mark his ballot paper by marking with a black lead pencil which he will find in the polling compartment a cross within the space containing the name and symbol of the candidate for whom he intends to vote. For the purposes of this subsection the presiding officer shall not use a ballot paper or any other similar paper.

(3) The elector on receiving the ballot paper shall forthwith enter one of the polling compartments and there mark his

Ballot paper by making with a black lead pencil and not otherwise a cross within the space containing the name and symbol of the candidate for whom he intends to vote and he shall then fold the ballot paper as directed so that the initials to the presiding officer shall without unfolding the ballot paper place it in the ballot box in the presence of the presiding officer.

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

The presiding officer shall then deliver another ballot paper to the elector.

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

(6) If at the hour of closing of the poll there are any electors Inside the polling station who are qualified to vote and have not been able to do 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.

Mode of taking ballot in special cases.

60. (1) Subject to the provisions of this Act as to proof of qualification as an elector and as to the administration of oaths, if a person representing himself to be a particular elector applies for a ballot paper after another person has voted as such elector, 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. 16 in the Third 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 registration number on the official list of electors allotted to the voter and entered in the poll book opposite the name of such voter and the poll clerk shall enter in the poll book---

(a) the name of such voter;
(b) a note of his having voted on a second ballot paper issued under the same name;
(c) the fact of the oath of identity having been required and taken and the fact of any other oaths being so required or taken; and
(d) any objections made on behalf of any and of which of the candidates.

(3) The presiding officer, on the application of any elector who is incapacitated, from any physical cause other than blindness, from voting in the manner provided by this Act,

shall require the elector making such application to make oath in the form set out as Form No. 17 in the Third Schedule of his incapacity to vote without assistance and shall thereafter assist such elector by marking his ballot paper in the manner directed by such elector in the presence of the poll clerk and of the sworn agents of the candidates and of no other person and shall place such ballot in the ballot box.

(4) The presiding officer shall either deal with a blind elector in the same manner as with an otherwise incapacitated elector, or at the request of any blind elector who has taken the oath in the form set out as Form No. 18 in the Third Schedule and is accompanied by a friend who is an elector in the polling division, shall permit such friend to accompany the blind elector into the voting compartment and mark the elector's ballot paper for him. No person shall a any election be allowed to act as the friend of more than one blind elector.

(5) Any friend who is permitted to mark the ballot paper of a blind elector as aforesaid shall first be required to take an oath in the form set out as Form No. 19 in the Third Schedule.

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

Correction of discrepancies.

61. (1) Where there is contained in the official list of electors the Particulars of an elector which correspond so closely with those on an elector's identification card or his registration card or his registration card or photo application form by whom a ballot paper is demanded as to suggest that the entry in such official list of electors was intended to refer to him, such person shall, upon taking the oath in the form set out as Form No. 20 in the Third 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 if necessary the number shall be

correctly entered in the poll book and the fact that the oath has been taken shall be entered in the proper column of the poll book.

(2) An elector, if required by the presiding officer or the poll clerk shall, before receiving his ballot paper, take an oath in the form set out as Form No. 21 in the Third Schedule and if he refuses to take the same, erasing lines shall be drawn through his name on the official list of electors and in the poll book, if such name has been entered in the said book and the words "refused to be sworn" shall be written thereafter.

(3) No elector who has refused to take any oath or affirmation or answer any question as required under this Act, shall be given a ballot paper or be permitted to remain in a polling station.

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

Who may be present in polling station

62. (1) The presiding officer, the poll clerk, the candidates, not more than two agents for each candidate and the constables on duty, shall be the only persons permitted to remain in the polling station during the time the poll remains open.

(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. 22 in the Third Schedule.

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

proceedings after poll.

63. (1) Forthwith upon the close of the poll, in the presence and in full view of the poll clerk

and the candidates or their agents and if the candidates or any of them are absent, then in the presence of such as are present and of at least two electors if none of the candidates is represented, the presiding officer shall—

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

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

(c) 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;

(d) check the number of ballot papers supplied by the returning officer against the number of unused ballot papers and the number of voters whose names appear in the poll book

as having voted, in order to ascertain that all ballot papers are accounted for;

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

(f) exhibit the ballot box empty to such persons as may be present in the polling station immediately after the counting of the votes.

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

(a) which have not been supplied by him; or
(b) which have not been marked for any candidate; or
(c) on which votes have been given for more than one candidate; or
(d) upon which there is any writing or mark by which the voter could be identified, but no ballot paper shall be rejected on account of any writing, number or mark placed thereon by any presiding officer.

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

(4) If, in the course of counting the votes the presiding officer discovers that he has omitted to affix his initials to any ballot paper, as provided by subsection (1) of section 59 of this Act and as indicated in the form set out as Form No. 12 in the Third Schedule to this Act, he shall, in the presence

of the poll clerk and the agents of the candidates, affix his initials to such ballot paper and shall count such ballot paper as if it had been initiated by him in the first place, provided that he is satisfied that the ballot paper is one that has been supplied by him and that every ballot paper supplied to him be the returning officer has been accounted for as provided by paragraph (d) of subsection (1) of the section.

(5) Nothing is subsections (2), (3) or (44) of this section shall relieve the presiding officer from any to which he may have

become liable by reason of his having place any writing, number or mark, other than his initials, on any ballot paper, or for his failure to remove the counterfoil at the time of the casting of the vote to which it relates or to affix his initials to any ballot paper before handing it to any elector.

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

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

(8) The presiding officer and the poll clerk, immediately after the completion of the counting of the votes shall take and subscribe respectively the oaths in the forms set out as Form Nos. 23 and 24 in the Third Schedule which shall remain attached to the poll book.

(9) The presiding officer shall make the necessary number of copies of the statement of the poll in the form set out as Form No. 25 in the Third Schedule, one copy to remain attached to the poll book, one copy to be retained by the presiding officer and one copy for the returning officer which shall be enclosed in a special envelope supplied for the purpose, which envelope he shall seal and deliver personally or transmit to the returning officer.

(10) The poll book, the several envelopes containing the ballot papers --- unused, spoiled, rejected or counted for each

candidate --- each lot in its proper envelope, the envelope containing the official list of electors and other documents used at the poll shall then be placed in the large envelope supplied for the purpose and this envelope shall then be sealed and placed in the ballot box. The ballot box shall then be locked and sealed with the seal of the presiding officer and forthwith conveyed or delivered to the returning officer. The returning officer may specially appoint one or more persons for the purpose of collecting the ballot boxes from a given number of polling stations and such person or persons shall, take the oath in the form set out as Form No.26 in the Third Schedule.

(11) The presiding officer shall, with the ballot box, convey and deliver to the returning officer, in the envelope provided for that purpose, the key of such ballot box, the preliminary statement of the poll in the form set out as Form No. 25 in the Third Schedule and the polling station account furnished him in blank by the returning officer, having first caused it to be filled in and signed by the officials of his polling station entitled to fees and by the landlord thereof, if any.

(12) Not more than one agent for each candidate concerned shall be permitted to witness the acts of conveyance and delivery provided for in subsections (10) and (11) above.

(13) The presiding officer shall transmit to the returning officer-

(a) the ballot box;
(b) the envelope containing the key thereof;
(c) the preliminary statement of the poll; and
(d) the polling station account,

in such manner as the Chief Elections Officer shall direct.

(14) If any presiding officer shall omit to enclose within the ballot box and in the proper envelopes provided for that purpose, any of the documents mentioned in this section, he shall, in addition to any other punishment to which he may

be liable, forfeit all right to payment for his services as such officer.

(15) The returning officer upon receipt by him of each of the ballot boxes shall take every precaution for its safe-keeping and for preventing any person other than himself and his election clerk from having access thereto and in particular:-

(a) shall seal each ballot box under his own seal so that it cannot be opened without the seal being broken but without effacing or covering any other seals affixed thereto;

(b) deposit the ballot boxes in unoccupied cell at the nearest police station and having locked such cell keep the key thereof in his custody.

64. (1) Each candidate may appoint not more than two Agents to attend the preliminary and final counting of the votes by the presiding officer and the returning officer. Such appointment shall be in writing in the form set out as Form No. 15 in the Third Schedule. Agents.

(2) The names and addresses of the agents of a candidate appointed to attend the final counting of the votes shall be transmitted to the returning officer at least on clear day before the opening of the poll, and the returning officer may refuse to admit to the place where the votes are counted any agent whose name and address have not been

so transmitted notwithstanding that his appointment to be otherwise valid.

(3) Where in this Act any expressions are used requiring or authorising or inferring that any act or thing is to be done in the presence of the agents of the candidates, such agents expressions shall be deemed to refer to the presence of such agents of the candidates as may be authorised to attend at the time and place where such act or thing is being done and the non-attendance of any agent at such time and place shall not if such act or thing be otherwise duly done, in any way invalidate the act or thing done. A candidate may

himself undertake the duties which any duly appointed agent of his might have undertaken or may assist his agent in the performance of such duties and may, subject to the provisions of this Act, be present at any place at which his agent may, in accordance with this Act, attend.

Final counting of votes

65. (1) At or about half-past eight on the morning of the final count the returning officer in the presence of not more than one agent of each candidate present and so desiring shall collect and convey the ballot boxes from the police station where they were deposited, to the place specified in the Notice referred to in section 42 (2).

(2) The ballot boxes shall be opened by the returning officer at The place, date and time specified in the notice referred to in section 42(2) of this Act for the final count of votes and in the presence of such candidates or their agents as are present by the returning officer, or, where the same person is returning officer for more than one electoral district, by him or the election clerk for the electoral district concerned and the returning officer or such election clerk, as the case may be shall---

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

(b) count the votes rejected by the presiding officer (allowing the candidates and their agents to see such votes) and determine whether any of the votes so cast should be rejected;

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

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

(3) The provisions of section 63 (2) of this Act shall apply to the returning officer or election clerk as the case may be as they apply to the presiding officer except that paragraph (a) of that subsection shall take effect as if there were substituted for the word “him” the words “the presiding officer”.

(4) The provisions of section 63 (60 of this Act shall apply to the returning officer or election clerk as the case may be as they apply to the presiding officer except that for references in the subsection to the presiding officer there shall be substituted references to the returning officer or election clerk as the case may be and that the words “the final count by the returning officer or on” shall be deemed to be omitted from the subsection.

(5) The provisions of section 63 (7) of this Act shall apply to the returning officer or election clerk as the case may be as they apply to the presiding officer except----

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

(b) that the documents referred to in that subsection shall be replaced in the envelopes from which they were removed by the returning officer and such envelopes shall be

fastened by a sheet of paper being pasted over the opening thereof.

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

(7) The candidate who, on such final count of the votes, is

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

(8) Whenever on such final count of votes, an equality of votes is found to exist between any two or more candidates with the largest number of votes in an electoral district the poll shall be taken afresh in accordance with the provisions of this Act on the seventh day thereafter between those candidates.

Provisions applicable where ballot boxes not returned

66. (1) If the ballot boxes are not returned to the returning officer by the time specified in the notice referred to in section 42 (2) of this Act, the Returning Officer shall adjourn the proceedings to a subsequent day, which shall not be more than a week later than polling day.

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

(3) At the time to which the proceedings are adjourned in accordance with the provisions of subsection (2) of this

section, the returning officer shall ascertain by such evidence as he is able to obtain the total number of votes cast for each candidate and shall declare elected the candidate appearing to him to have the largest number of votes.

(4) For the purposes of this section, the returning officer shall have al the powers of and be deemed to be a commissioner appointed under the **Commissions of Inquiry Ordinance**

And the provisions of **section 10** of the said Ordinance shall apply to all persons required by the returning officer to give evidence or to produce any documents before him as they apply to persons summoned to attend and give evidence or to produce documents before a commission of inquiry under the said Ordinance.

Declaration of the poll.

67. The returning officer shall, as soon as he shall have ascertained the result of the poll, forthwith publicly declare the same and announce the candidate to whom most votes have been given to be elected as the member for the electoral district.

Election return.

68. (1) The returning officer upon the fourth day next following that upon which he has made the final Count of or ascertained the number of votes given each candidate, shall deliver personally or by some person specially appointed by him to the Chief Elections Officer for transmission to the Commission---

(a) the writ with his return in the form set out as Form No. 27 in the Third Schedule endorsed thereon that the candidate having the majority of votes has been elected;

(b) a report of his proceedings in the form directed by the Chief Elections Officer;

(c) the recapitulation sheets in the form directed by the Chief Elections Officer, showing the number of votes cast for each candidate at each polling station and making such observations as the returning officer may think proper as to the state of the election

papers as received from his presiding officers;

(d) the statements of the polls;

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

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

(g) all other documents used for the election; and;

(h) an oath in the form set out as Form No. 28 in the Third Schedule.

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

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

(4) The Commission shall, on receiving the return of any member elected to serve in the House transmit the writ with the return endorsed thereon to the Governor-General within the time specified therein.

(5) The commission shall on receiving the return of any member elected to serve in the House cause it to be entered in the order in which such return is received by them in a book kept for such by them in a book kept for such purpose and shall thereupon give notice in the Gazette of the name of the candidate so elected in the order in which it was received.

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

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

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

Election documents to be sent

70. (1) The Commission shall as soon as possible after they have received the election documents referred to in subsection (1) of section 68 make up into one parcel cannot be opened without breaking the seal and send the same to the Clerk of the House of Assembly who shall keep the same in safe custody and shall allow no person to have access to the same:

Provided that if an election petition has Been presented questioning the validity of any Election or return, the said clerk shall, on the order of a Judge of the Supreme Court, deliver to the Registrar of the Supreme Court the documents relating to the election that is in dispute:

Provided also that after the expiration of Twelvemonths from the day of any election and if no petition in respect of such election is then pending it shall be lawful for the Clerk of the House of Assembly to cause the said documents used at such election to be burnt.

(2) No such election documents in the custody of the

Clerk of the House of Assembly shall be inspected or produced except under the order of a Judge of the Supreme Court; and an order under this subsection may be made by any such Judge on his being satisfied by evidence on oath that the inspection or production of 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.

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

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

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

Custody of ballot boxes

71. (1) Forthwith upon making the return to the writ in accordance with the provisions of section 68, the returning officer shall cause the ballot boxes used thereat, with their locks and

keys, to be deposited in the custody of the member of the Police Force in charge of a police station in the electoral district.

(2) Upon delivery to him of such ballot boxes, locks and keys, the custodian shall issue his receipt and shall deliver the same upon the instructions of the Chief Elections Officer or at the next ensuing election, upon request, of the returning

officer for the electoral district, issuing or taking in each case a proper receipt for the custody or delivery of the said ballot boxes, locks and keys.

PART VI

ELECTION OFFENCES

Intoxicating liquor not to be sold supplied or given on polling day. No.18 of 1969. Ch. 208.

72. (1) No intoxicating liquor shall be sold, offered for sale, supplied or given away, at any premises situated in any electoral district in which an election is being held, to which a licence issued under the Liquor Licence Act, or under the Registration of Proprietary Clubs Ordinance Or under any other enactment applies, at any time between the opening and the closing of the poll on polling day.

(2) Any person who contravenes the provisions of subsection (1) of this section shall be liable on summary conviction to a fine of five hundred dollars or to imprisonment for six months.

(3) The provisions of this section shall not apply to any port or Airport wherein liquor is sold under concession to persons therein who are about to leave Saint Lucia.

Employers to allow employees prescribed period for voting.

73. (1) Every employer shall, on polling day, allow every elector in his employ a reasonable period being not less than two hours or such other period as may be prescribed for voting and no employer shall make any deduction from the pay or other remuneration of any such elector or impose upon or exact from him any penalty by reason of his absence during such period.

(2) Any employer who, directly or indirectly, refuses, or by intimidation, undue influence, or in any other way, interferes with the granting to any elector in his employ, of the period for voting as provided in subsection (1), shall on summary conviction be liable to a fine of five hundred dollars or to imprisonment for six months.

74. (1) Every election officer who---

Offences by election officers.

(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

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

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

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

(f) willfully counts any ballot paper as being cast for any candidate, which he knows or has reasonable cause to believe was not validly cast for such candidate, shall be guilty of an offence against third section and on conviction on indictment, shall be liable to imprisonment for two years.

(2) Every election officer who whilst having any duty to perform under this Act:-

(a) attempts to persuade any person to vote for or support or to refrain from voting for or from supporting any person as a candidate for any election or as a candidate for nomination on behalf of any political party for such election, or to support any political party, or attempts to ascertain for what candidate or party any person intends to vote; or

(b) Canvasses voters for any candidate or political party, wears any emblem or garment signifying support for or opposition to any candidate or political party, is liable upon summary conviction to a fine of one thousand dollars or to imprisonment for a term of twelve months or to both such fine and such imprisonment.

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

75. (1) No person shall furnish or supply any loudspeaker, bunting, ensign, banner, standard, set of colours, or 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 flag, on polling day.

(2) No person shall furnish or supply any flag, ribbon or label to any person with intent that it be worn or used by any person within any electoral district 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 or label as such badge, within any electoral district on polling day.

(3) Nothing contained in either of the preceding subsections of This section shall be deemed to extend to the furnishing or supplying or using of any banner, flag or rosette bearing only the name of any candidate or only such name with or without the symbol allotted to such candidate, preceded by the words “Vote for”.

(4) Any person who contravenes any of the provisions of this Section shall be liable on summary conviction to a fine of one thousand dollars or to imprisonment for twelve months.

Order at polling stations

76. (1) Subject to the provisions of subsection (2) of this section during the hours when the poll is open upon election 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 electors who are waiting to poll their votes at such polling station and who obey any instructions which may be given by the the presiding officer or any constable for the purpose of forming a queue with other electors also so waiting; or

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

(3) Every person who contravenes or fails to comply with any of the provisions of this section shall be guilty of an offence against this section and shall be liable on summary conviction thereof to a fine of two hundred and fifty dollars or to imprisonment for three months or to both such fine and imprisonment.

Influencing electors to vote.

77. (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 one hundred yards of any building in which a polling station situate seek to influence any elector to vote for any candidate or to ascertain for what candidate any elector intends to vote or has voted.

(3) Every person who contravenes any of the provisions of subsection (1) of this section shall be guilty of an offence and shall be liable on summary conviction thereof to a fine of two hundred and fifty dollars or to imprisonment for three months or to both such fine and imprisonment.

Bribery.

78. 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 elector, or to or for any other person in order to induce any elector to vote or refrain form voting, or

corruptly does any such act aforesaid on account of any elector having voted or refrained from voting at any election.

(b) Every person who, directly or indirectly, by himself or by any other person on his behalf, gives or procures, or agrees to give or procure, or offers, promises, or promises to procure or to endeavour to procure any office, place or employment to or for any elector, or to or for any person on behalf of any elector, or to or for any other person in order to induce such elector to vote or refrain from voting, or corruptly does any such act as aforesaid on account of any elector 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 gift, loan, offer, promise, procurement to or agreement with any person, in order to induce such person to procure, or endeavour to procure, the return of any person as an elected member of the House or the vote of any elector at any election.

(d) Every person who, upon or in consequence of any gift, loan, offer, promise, procurement, or agreement, procures or engages, promises or endeavours to procure the return of any person as an elected member of the House or the vote of any elector 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 elector who, before or during any election, directly or indirectly, by himself or by any other

person on his behalf, receives agrees, or contracts for any money, gift, loan or valuable consideration, office, place or employment for himself or for any other person, for voting or agreeing to vote or for refraining or agreeing to refrain from voting at any such election.

(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.

(h) 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 lawful expenses incurred in good faith at or concerning an election.

(i) For the purpose of this section "lawful expenses" include---

(i) the payment of the agents, clerks, canvassers and messengers of candidates;
(ii) payments made for the purpose of hiring vehicles for the conveyance of electors to or from a polling station;
(iii) 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 candidate;

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

Treating.

79. 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.

Undue influence.

80. 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 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 injury, damage, harm, or loss upon or against any person, in order to induce or compel such person to vote or refrain from voting or on account of such person having voted or refrained from voting at any election, or who by abduction, duress, or any fraudulent contrivance, impedes or prevents the free exercise of the franchise of any elector, or thereby compels, induces, or prevails upon any elector either to give or refrain from giving his vote at any election, shall be guilty of undue influence within the meaning of this Act.

Personation.

81. 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 fictious 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 under influence, personation.

82. (1) Every person who is guilty of---

(a) bribery,

(b) treating,

(c) undue influence,

(c) personation,

(d) aiding, abetting counseling or procuring the Commission of

any one of the foregoing offences, shall on summary conviction thereof be liable to a fine of five hundred dollars or to imprisonment for six months.

(2) Every person who is convicted of any offence under subsection (1) hereof, 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 an elector, or voting at any election of a member of the House;

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

83. (1) Every person who---

Penalty for certain illegal practices.

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

(c) 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 notification by the Supervisor of Elections of the issue by the Governor-General of a writ for purposes of an election and the day before polling at such election, whether in a general election or in a by-election, acts in a disorderly manner, with intent to prevent the transaction of the business of a public meeting called for the purpose of promoting the election of a candidate or prospective candidate as a member to serve in the House;

Shall be guilty of an illegal practice and shall, on summary conviction thereof, be liable to a fine of five hundred dollars or to imprisonment for six months.

(2) Every person who, between the date of notification by the

Chief Elections Officer of the issue by the Governor-General of a writ for purposes of an election and the day before polling at such 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 or prospective candidate as a member of the House of Assembly, shall be guilty of an illegal practice and shall, on summary conviction thereof be liable to imprisonment for six months.

(3) Any person who, before or during an election for the purpose of affecting the returning of any candidate or prospective candidate at such election, makes or publishes any false statement of fact in relation to the personal character or conduct of such candidate or prospective candidate shall be guilty of an illegal practice and shall be liable on summary conviction thereof to a fine of five hundred dollars or to imprisonment for six months or to both such fine and imprisonment.

(4) Any person who during the period of fourteen days ending with the day after polling day willfully detains an identification card issued to another person shall be guilty of an illegal practice and shall on summary conviction thereof be liable to a fine of five hundred dollars or to imprisonment for six months.

(5) Any person who sells or attempts to sell or purchase or attempts to purchase, or pledges or attempts to pledge, or receives by way of pledge in any manner whatsoever an identification card of an elector or a poll card issued to an elector or any document or thing purporting to be an identification card of an elector or a poll card issued to an elector shall be guilty of an illegal practice and shall on

summary conviction thereof be liable to a fine of five hundred dollars or to imprisonment for six months.

(6) Any person who is convicted of any offence declared to be

an illegal practice under this Act shall, in addition to any other penalty for such offences, be incapable during a period of five years from the date of his conviction---

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

(b) of being elected a member of the House of Assembly or, if elected before his conviction, of retaining his seat as such member;

Provided that in the event of any appeal the incapacity shall continue until the appeal is determined and thereafter unless the conviction is quashed remain in force for a period of five years from the determination of the appeal except the Court hearing the appeal shall direct that the period of five years shall run from the date of conviction.

Offences in respect of ballot papers.

84. (1) Every person who---

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

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

(c) fraudulently puts into any ballot box any paper other than the ballot paper which he is authorised 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 purpose of any election; or

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

shall be liable, on summary conviction, if he is returning officer presiding officer, or clerk employed at a polling station, to a fine of one thousand dollars or to imprisonment for twelve months and if he is any other person, to a fine of five hundred dollars or to imprisonment for six months.

(2) 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 that of the returning officer at such election or of the Chief Elections Officer.

Secrecy

85. (1) Every election officer, candidate or agent, in attendance at a polling station shall maintain and aid in maintaining the secrecy of the voting in such station and shall not communicate except for some purpose authorised by law. to any person any information as to the name or number on any list of electors, of any elector who has or has not applied for a ballot paper or voted at that station and no person shall interfere with or attempt to interfere with an elector when marking his vote or otherwise attempt to obtain in the polling station any information as to the candidate for whom any elector in such station is about to vote or has voted.

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

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

Offences re voting by police electors.

86. (1) Any person who fraudulently contravenes any of the provisions of the Second Schedule to this Act shall be guilty of an offence and on summary conviction thereof, shall be liable to a fine of two hundred and fifty dollars or to imprisonment for three months.

(2) Any presiding officer who willfully supplies any ballot Paper to any person claiming to be a person whose name appears upon the Register of Police electors for the electoral district in which is comprised the polling station

such presiding officer shall be guilty of an offence and on summary conviction thereof, shall be liable to a fine of to hundred and fifty dollars or to imprisonment for three months.

87. (1) No person shall----

(a) print, or publish, or cause to be printed or published, any bill, placard or poster having reference to an election or any printed document distributed for the purpose of promoting or procuring the election of a candidate; or

Names and address of printer on election publication

(b) post or cause to be posted any such bill, placard or poster as aforesaid; or

(c) distribute or cause to be distributed any printed document for the said purpose;

unless the bill, placard, poster or document bears upon the the face thereof the name and address of the printer and publisher.

(2) For the purpose of this section, any process for multiplying Copies of a document, shall be deemed to be printing and the expression “printer” shall be construed accordingly.

(3) Any person who contravenes the provisions of this section Shall be liable on summary conviction to a fine of five hundred dollars or to imprisonment for six months and if a candidate or agent of a candidate shall in addition to a fine or imprisonment as aforesaid be guilty of an illegal practice.

PART VII

ELECTION PETITIONS

Petition against disputed election

88. A petition complaining of an undue return or undue election of a member of the House 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 petition and security for costs.

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

(a) the petition shall be presented within twenty-one days after the return made by the returning officer of the member to whose election the petition relates, unless it concerns an allegation of corrupt practices upon the making of the return of election and specifically alleges a payment of money or other reward to have been made by any member, or on his account, or with his privity, since the time of such return, in pursuance or in furtherance of such corrupt practices, in which case the petition may be presented at any time within twenty-eight 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---

(j) 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 an amount not exceeding twelve hundred dollars 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 High Court, or partly in one way and partly in the other.

(2) Rules, 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.

Trial of election petition.

90. (1) Every election petition shall be tried before the High Court in the same manner as a suit commenced by a writ of summons. At the conclusion of the trial, the judge shall determine whether the member of the House whose return or election is complained of or any and what other person was duly returned or elected, or whether the election was void and shall certify such determination to the Governor-General and upon such certificate being given such determination shall subject to subsection 39 (7) of the Constitution be final and the return shall be confirmed or altered or a writ for a new election shall be issued as the case may require in accordance with such determination.

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

Voter not to disclose how he voted.

91. No person who has voted in an election shall in any legal proceedings whatsoever relating to such election, be Required to state for whom he voted.

Non-compliance with rules etc. when not to invalidate election.

92. Notwithstanding anything contained in this Act no election shall be declared invalid by reason of non-compliance with the provisions of this Act, or any mistake in the use of the of the prescribed forms if it appears to the Court having cognizance of the question that the election was conducted in accordance with the principles laid down in this Act and that such non-compliance or mistake did not effect the result of the election.

PART VIII

MISCELLANEOUS

Expenses to be paid out of Consolidated Funds

93. All expenses properly incurred under this Act and all remuneration and travelling allowances payable to election officers shall be defrayed out of the Consolidated Fund.

Statutory Instruments.

94. (1) The Minister may make Statutory Instruments with respect to---

(a) the form of the registers of electors and of the preliminary, supplementary and revised list of electors or any other lists required under or in pursuance of this Act in connection with the registration of electors or with any election;

(b) the procedure to be followed in the preparation and the revision of the register of electors and the preparation of the preliminary, supplementary and revised list of electors; the registration of electors employed in any diplomatic service;

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

(d) the form of identification cards and the replacement of any of those which are lost, destroyed and the fees

(e) any matters incidental to the provisions of this Act

relating to the registration of electors;

(f) the remuneration and travelling allowances to be paid to election officers and other persons employed in connection with the registration of electors and the preparation of any lists of electors;

(g) the duties of and records to be kept by election officer;

(h) the symbols to be used on ballot papers and the mode of assigning them to candidates;

(i) prescribing any matter to be prescribed under this Act;

(j) the variation of the forms set out in this Act and the prescribing of additional forms; and generally for giving effect to the provisions of this Act.

(2) The incidental matters referred to in paragraph (e) of Subsection (1) may include the time and manner of preparation and publication of any list or register of elector and the form of and the making and determination of claims and objections.

(3) Without prejudice to the generality of paragraphs (a) to (d) of subsection (1) and subsection (2) Statutory Instruments made with respect to the matters therein mentioned may contain provisions---

(a) authorising a registration officer to require any person to give information required for the purpose of his registration duties;

(b) laying down a timetable for the preparation of any lists or registers of electors and other matters and providing that notices and other documents received

by the registration officer out of time may be or shall be disregarded either altogether or for the purpose of a particular register or election;

(c) as to the evidence of age, residence or nationality

which may be required in connection with the registration of any person;

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

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

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

(g) requiring copies of the preliminary, supplementary or revised lists of electors or registers of electors and other documents or prescribed parts thereof to be available for inspection by the public at such place as may be prescribed;

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

(i) incidental or supplementary to those mentioned in paragraphs (a) to (h) of this subsection.

(4) Statutory Instruments made under this section may provide that a person who commits any breach of such Statutory Instruments shall be guilty of any offence and upon summary conviction for such offence shall be liable to---

(a) a fine not exceeding one hundred dollars; or
(b) a term of imprisonment of three months; or
(c) both such fine and imprisonment.

95. (1) The following Acts and Ordinances are hereby repealed: Repeal

(a) The House of Assembly (Elections) Ordinance, Chapter 121;
(b) The House of Assembly (Elections) (Amendment) Ordinance, 1957, (No.12 of 1957);
(c) The House of Assembly (Elections) (Amendment) Ordinance, 1961, (No. 31 of 1961);
(d) The House of Assembly (Elections) Ordinance (Amendment No. 2) Act, 1969, (No. 4 of 1969);
(e) The House of Assembly (Elections) Ordinance (Amendment) Act, 1973, (No. 20 of 1973);
(f) The House of Assembly (Elections) Ordinance (Amendment) Act, 1974, (No. 2 of 1974);
(g) The House of Assembly (Elections) Ordinance (Amendment No. 2) Act, 1974, (No. 12 of 1974).

(2) All statutory instruments existing prior to the coming into operation of this Act shall continue to have effect until revoked by a statutory instrument made under this Act.