

CHAPTER 286A
REPRESENTATION OF THE PEOPLE ACT

• Act • Subsidiary Legislation •

ACT

Act No. 35 of 1993

Amended by

Act No. 31 of 1994

Act No. 19 of 1997

Act No. 19 of 2006

Act No. 12 of 2008

Act No. 26 of 2011

ARRANGEMENT OF SECTIONS

PART I

Preliminary

1. Short title.
2. Interpretation.

PART II

*Division of State into Constituencies and the Establishment of Parliamentary
Election Constituency Offices*

3. Number of constituencies.
4. Polling divisions.
- 4A. Establishment of Parliamentary Election Constituency Offices.

PART III

Registration of Electors

5. Right of person to vote.
6. Entitlement to registration.
7. Disqualification of electors.
8. Establishment of computerised voter registration system.
9. Request to be registered.
10. The right to remain registered.
11. Preparation of current list.
12. Continuous registration.
13. Supplying information on qualified electors.
14. Continuous revision and publication of current list.
15. Content of list.
16. Supervisor of Elections to make adjustment to current list.
17. Addendum to current list.
18. Preparation of current lists generally.
19. Changing registered name.

- 20. Compiling of list.
- 21. No registration after Governor-General's Writ.
- 22. List for elections to be used for any elections.
- 23. Duration of list.
- 24. Voter identification card.
- 25. Effect of current lists.
- 26. Appeals from registration officer to Supervisor of Elections.
- 26A. Appeals from the Supervisor of Elections to the Court.
- 26B. Offence to willfully omit qualified electors.
- 26C. Vouching information.
- 26D. Enumeration.
- 26E. Preparation of enumeration list during enumeration period.
- 26F. Verification of current list.
- 26G. False statements.

PART IV

Administrative Provisions

- 27. Supervisor of Elections.
- 28. Assistant Supervisors of Elections.
- 29. Registration officers; assistant registration officers; returning officers.
- 30. Enumerators; supervisors of enumerators; official photographers.
- 31. Election clerks.
- 32. Presiding officers; poll clerks.
- 33. Duties and functions of registration and election officers.
- 34. Oaths of office.
- 35. Registration and election officers to be appointed annually.

PART V

Elections: Arrangements for Elections

- 36. Issue of writs for holding election.
- 37. Notice of place and time of election.
- 38. Copies of lists of electors to be obtained.
- 39. Nomination of candidates.
- 40. Disposal of deposit.
- 41. Uncontested election.
- 42. Contested election: adjournment to take the poll.
- 43. Voting procedure for police officers.
- 44. Power to adjourn polling day in event of emergency.
- 45. Withdrawal of candidature.
- 46. Taking of poll and the ballot.
- 47. Establishment of polling stations.
- 48. Supplies of election material.
- 49. Inspection of polling station by presiding officer.
- 50. Hours of taking the poll.
- 51. Ballot boxes.
- 52. Electors to vote only in the polling division for whose list their names appear on.
- 53. Penalty.
- 54. Restriction on number of candidates for whose election vote may be cast.
- 55. Transfer of electors in special cases.
- 56. Where transferred elector to vote.

- 57. Proceedings at poll.
- 58. Who are to be admitted within the polling station, including agents.
- 59. Question to be put to voters and identification on card.
- 60. Challenge to vote.
- 61. General mode of taking ballot.
- 62. Ballot papers not to be delivered to electors unless no mark of electoral ink appear on elector.
- 63. Electors to immerse appropriate digit in electoral ink.
- 64. Meaning of “appropriate digit”, etc., in relation to an elector.
- 65. Penalty for failure of presiding officer to carry out provisions of sections 61(4), 62 and 63.
- 66. Non-application of sections 61(4), 62 and 63 to electors with no hands.
- 67. Mode of taking ballot in special cases.
- 68. Who may vote.
- 69. Who may be present.
- 70. Proceedings after poll.
- 71. Agents.
- 72. Ballot box secured by special seal.

PART VI

Procedure Subsequent to Polling Day

- 73. Final counting of votes.
- 74. When no candidate gets simple majority of valid votes.
- 75. Provisions applicable where ballot boxes not returned.
- 76. Declaration of the poll.
- 77. Recount.
- 78. Election return.
- 79. Penalty for delay, neglect or refusal of returning officer to return elected candidate.
- 80. Custody of election documents by Supervisor of Elections.
- 81. Custody of ballot boxes.

PART VII

Election Offences

- 82. Intoxicating liquor not to be sold or given on polling day.
- 83. Employers to allow employees prescribed period for voting.
- 84. Offences by election officers.
- 85. Loud speakers, ensigns, banners, etc., prohibited on polling day.
- 86. Maintenance of order at polling stations.
- 87. Influencing electors to vote for any candidate.
- 88. Bribery.
- 89. Treating.
- 90. Undue influence.
- 91. Personation.
- 92. Penalty for bribery, treating or undue influence.
- 93. Penalty for personation.
- 94. Disqualification for bribery, etc.
- 95. Penalty for certain illegal practices at elections.
- 96. Offences in respect of ballot paper.
- 97. Infringement of secrecy.

PART VIII

Election Petitions

- 98. Petitions regarding disputed elections.
- 99. Trial of election petitions.
- 100. Power of Judge.
- 101. Presentation of election petition and security for costs.

PART IX

Miscellaneous Provisions

- 102. No obligation on voter to disclose vote.
- 103. Conclusiveness of list of electors.
- 104. Candidate may act in person.
- 105. Name and address of agent.
- 106. General penal provisions.
- 107. Rules and regulations.
- 108. Expenses of election.
- 109. Computation of time.
- 110. Refusal of elector to take oath or affirmation or answer questions.
- 110A. Transitional provision.
- 111. Validation of certain acts.
- 112. Savings.
- 113. Repeals.
- First Schedule Registration of Electors Rules.
- Second Schedule Oaths for Registration and Election Officers.
- Third Schedule Election Forms.
- Fourth Schedule Police Voters Rules.

CHAPTER 286A REPRESENTATION OF THE PEOPLE ACT

An Act to provide for the representation of the people in the House of Representatives, to provide for the registration of persons entitled to vote at elections of members of the House of Representatives, to regulate the procedure at such elections, and to provide for other matters in connection therewith, all pursuant to the provisions of the Constitution.

[Act No. 35 of 1993 amended by Act No. 31 of 1994, Act No. 19 of 2006, Act No. 12 of 2008, Act No. 26 of 2011.]

[17th December, 1993.]

PART I

Preliminary

1. Short title

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

2. Interpretation

(1) In this Act, unless otherwise provided—

“addendum to the current list” means a list produced under section 15;

“annual registration list of electors” means a list of electors produced in respect of an annual registration period in an annual registration of electors under section 6;

“consolidated principal list of electors” means in respect of an enumeration year the enumeration list of electors; and in respect of other years the enumeration list of electors last produced, consolidated under section 9(1) with subsequent annual registration lists of electors, supplementary revision lists of electors and addendum lists of electors;

“constituency” means a constituency established under section 56 of the Constitution and referred to in section 3 of this Act;

“current list” means the existing list of electors for every polling division in a constituency, which is published in accordance with the provisions of this Act;

“election” means an election of a person to represent a constituency as a member of the House of Representatives;

“election officer” includes the Supervisor of Elections, Assistant Supervisor of Elections, every registration officer, assistant registration officer, returning officer, presiding officer, election clerk, poll clerk, enumerator, official photographer or other person having any duty to perform pursuant to this Act, to the faithful performance of which duty he or she may be sworn;

“elector” means a person whose name is on an official list of electors as a voter in an election;

“electoral list” means list of electors;

“electoral registration number” means the registration number appearing on a voter identification card (ID card) issued under section 22;

“enumeration list” means the list produced by an enumerator during an enumeration period, in accordance with the provisions of this Act;

“enumeration list of electors” means a list of electors produced in respect of an enumeration period in an enumeration year under section 26B;

“finally revised list of electors” means a list of electors for any polling division which has under section 11(1) been revised by the registration officer and certified and forwarded to the Supervisor of Elections for printing, and includes a supplementary revision list of electors and an addendum list of electors;

“House of Representatives” means the House of Representatives established by the Constitution;

“identification card” means voter identification card;

“list of electors” means either a preliminary list of electors, a finally revised list of electors or an official list of electors as the context requires; and it may in context refer to either an enumeration list, an annual registration list, a principal list, a supplementary revision list or an addendum list;

“official consolidated list of electors” means a duly printed and published compilation of the current lists of every constituency, as modified by the Supervisor of Elections, in accordance with the provisions of this Act;

“poll book” has the meaning given it by section 48(4);

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

“preliminary list of electors” means a list of electors prepared without yet being revised, and it may be in context either an enumeration list, an annual registration list, a supplementary revision list or an addendum list;

“principal list of electors” means in context either a consolidated or an existing principal list of electors;

“quarterly date” means the dates as prescribed by section 12(4);

“register” or “register of electors” means a collection of the current list of electors;

“registration number” means electoral registration number;

“registration officer” includes election officer;

“rejected ballot paper” means a ballot paper which is rejected under section 70;

“rules” means the Registration of Electors Rules set out in the subsidiary legislation;

“spoiled ballot paper” has the meaning given it by section 61(6);

“Supervisor of Elections” means the person designated under section 35(2) of the Constitution, Chapter 128A, and referred to in section 27 of this Act;

“supplementary revision list of electors” means a list of electors compiled in a revision under section 11 to produce a finally revised list of electors;

“System” means the computerised voter registration system established under section 8”;

“voter identification card” means an identification card issued under section 22 for purposes of this Act.

PART II

Division of State into Constituencies and the Establishment of Parliamentary Election Constituency Offices

3. Number of constituencies

For the purposes of an election to elect persons to represent constituencies as members of the House of Representatives, the State shall be divided into such number of constituencies as shall be fixed by the Constituency Boundaries Commission Order for the time being in force in accordance with section 56 of the Constitution, Chapter 128A.

4. Polling divisions

(1) Subject to the provisions of subsections (2) and (3), there shall be constituted in each constituency so many polling divisions with such boundaries as shall be appointed by the respective registration officer, with the approval of the Supervisor of Elections.

(2) Each polling division in a constituency shall, so far as practicable, contain approximately the same number of registered voters as the other polling divisions in that constituency.

(3) Where a registration officer is satisfied that by reason of the congestion or the sparsity of population or other special circumstances it is more convenient to constitute a polling division containing such number of qualified persons as he or she considers reasonable in all the circumstances, he or she may do so, notwithstanding anything contained in subsection (2).

(4) In determining the boundaries of any polling division, a registration officer shall have regard to geographical considerations and such other factors as may affect the facility of communications between various places within the polling division.

(5) The Supervisor of Elections shall name or number, or both name and number, the polling divisions; or identify the polling divisions by letter or number, or by both letter and number; in one continuous series for the whole of the State, or in separate series for different parts of the State; or in such other manner as he or she determines.

4A. Establishment of Parliamentary Election Constituency Offices

There shall be established in each constituency, such Parliamentary Election Constituency Offices as the Supervisor of Elections may deem necessary for the purpose of registration of electors.

PART III

Registration of Electors

5. Right of person to vote

Subject to this Act, a person is entitled to vote in an election in a constituency, if on polling day, he is qualified and registered as an elector in that constituency, and his name appears on the current list to be used for that constituency.

6. Entitlement to registration

(1) Subject to section 7, a person shall be entitled to be registered as an elector in any one constituency if he—

- (a) is a citizen of Grenada; or
- (b) is a Commonwealth citizen, who has resided in Grenada for a period of at least twelve months immediately before the date of his registration;
- (c) has attained the age of eighteen years; and
- (d) is ordinarily resident in that constituency.

(2) For the purposes of registration under this Act and the Rules, a person is deemed, subject to this Act, to reside in the polling division in which he was ordinarily resident, immediately prior to his registration.

(3) A person is not ordinarily resident in a polling division, if he has taken up residence in that polling division, for the purpose of engaging in any employment of a temporary or seasonal character.

(4) For the purposes of registration under this Act and the Rules, a person may be ordinarily resident only in one polling division at any particular time.

7. Disqualification of electors

(1) No person shall be entitled to be registered as an elector in any constituency who—

- (a) has been sentenced by a Court in any part of the Commonwealth to death, or to imprisonment for a term exceeding twelve months, and has not either suffered the punishment as may have been substituted by a competent authority, unless he received a free pardon;
- (b) is a person adjudged to be of unsound mind by a qualified medical practitioner;
- (c) has been detained as a criminal lunatic under any law in force in the State;
- (d) is disqualified for registration as an elector, by any law in force in the State relating to offences connected with elections.

(2) For the purposes of section 7 (1) (a), neither pardon nor any punishment imposed by a Court in any part of the Commonwealth not involving actual imprisonment, will operate to disqualify a person from entitlement to be registered as an elector.

8. Establishment of computerised voter registration system

(1) There is hereby established, for the purposes of registration in accordance with the provisions of this Act, a single, uniform, non-discriminatory, centralised, interactive computerised voter registration system, which shall be administered and maintained by the Supervisor of Elections, in accordance with the provisions of this Act and Part III of the First Schedule.

(2) The System shall—

- (a) serve as the single system for storing and managing the list of electors throughout Grenada;
- (b) contain the name and such information as is provided for under this Act and Part III of the First Schedule, of every person who is qualified and registered to vote in Grenada; and
- (c) assign a voter registration number that is unique, to every person registered therein.

(3) All personal data collected and entered into the System shall only be used for the purposes of this Act and in accordance with the provisions of this Act.

9. Request to be registered

(1) For the purposes of this section, registration shall be effected in accordance with the provisions of this Act, and the Rules provided for in Part III of the First Schedule.

(2) A person who is entitled under section 6 to be registered as an elector, may make a request to be registered, to the registration officer in the polling division of the constituency in which he is ordinarily resident.

(3) A person who makes a request to be registered under subsection (2), shall present to the registration officer at the time of the request, either of the following documents—

- (a) his birth certificate;
- (b) his valid passport; or
- (c) his citizenship certificate.

(4) A person who is house bound and entitled under section 6 as an elector, may make a request to the registration officer to be registered in the polling division of the constituency in which he is ordinarily resident.

(5) Where a request is made pursuant to subsection (4), the registration shall be conducted by the registration officer using a mobile registration unit.

(6) The Supervisor of Elections may make regulations prescribing for the use of a mobile registration unit.

(7) For the purposes of this section—

“house bound person” means a person who is confined to his place of residence due to a physical disability;

“mobile registration unit” means a unit that is outfitted with all the necessary equipment and required particulars as authorised by the Supervisor of Elections, to register a person, in the same manner as provided for in this Act, as if he were to be registered at a Parliamentary Election Constituency Office.

10. The right to remain registered

Subject to section 7, a person registered as an elector pursuant to this Part, shall remain registered, unless and until his name is deleted from the current list, by the Supervisor of Elections, where the Supervisor of Elections determines that, since the publication of the current list, that person has—

- (a) died;
- (b) left Grenada and has not been ordinarily resident in that constituency for a period exceeding 12 months, not being a citizen of Grenada;
- (c) ceased to be ordinarily resident in Grenada for a period exceeding five years, being a citizen of Grenada;
- (d) become ordinarily resident in another constituency;
- (e) had an objection to his registration allowed; or
- (f) otherwise ceased to be qualified by virtue of this Act or any other law.

11. Preparation of current list

The Supervisor of Elections shall prepare, or cause to be prepared, a current list of all persons who are entitled to be electors in, and for each polling division comprised in each constituency, in accordance with the provisions of this Act and the Rules.

12. Continuous registration

(1) A registration officer acting in accordance with the Constitution and the provisions of this Act shall—

- (a) in each polling division in the constituency for which he is a registration officer; and
- (b) in accordance with the Constitution and the provisions of this Act and the Rules,

register, or cause to be registered on a continuous basis; a person who is qualified to be an elector that is not yet registered.

(2) A registration officer shall take all reasonable steps to ensure, that the current list for every polling division comprised in the constituency for which he is the registration officer, contains the—

- (a) name;
- (b) address;
- (c) occupation;
- (d) voter registration number; and
- (e) sex,

of a person entitled to be registered as an elector in any such respective polling division.

(3) A registration officer shall take all reasonable steps to ensure, that no person shall be registered as an elector in any polling division comprised in the constituency, if such a person is not entitled pursuant to section 6.

13. Supplying information on qualified electors

Where a building is let in separate apartments, flats or lodgings, the person receiving the rents payable by the tenants or lodgers, whether on his own account or as an agent of another person, shall, if required so to do by or on behalf of the registration officer for the constituency in which the building is situated, furnish the registration officer with the name of every tenant or lodger, who, to the best of his knowledge, is qualified to be registered as an elector for that constituency.

14. Continuous revision and publication of current list

(1) A current list shall be revised by the processing of claims, objections, applications for registration, or matters raised or made regarding such list under the Rules.

(2) All revisions shall subsequently be published in an addendum on the next quarterly date, and upon publication, shall form part of the current list.

(3) Any alteration of a current list shall be effected in accordance with the Rules.

(4) For the purpose of this section, the quarterly dates are – March 31, June 30, September 30 and December 31.

(5) A current list that is updated by incorporating quarterly addenda where applicable, shall be published every 6 months in that respective constituency and a Notice shall be published in the *Gazette* by the Supervisor of Elections stating the availability of the list for inspection by the public.

(6) An official consolidated list of electors shall be published by the Supervisor of Elections every six months.

15. Content of list

(1) The current list shall contain the names, addresses and voter registration numbers of the persons who are ordinarily resident and registered as electors, in the constituency to which the current list relates.

(2) The current list shall be prepared in accordance with this Act, the Rules, and the appropriate forms set out in the Second Schedule.

16. Supervisor of Elections to make adjustment to current list

The Supervisor of Elections shall make all additions to the current list, and shall make removals therefrom, in consequence of any action taken under section 18 or pursuant to the Rules.

17. Addendum to current list

(1) After publication of each current list, an addendum to the current list, shall be compiled for the 3 month period immediately following the publication of the current list, and shall be published in accordance with section 14.

(2) An addendum to the current list, is a list of electors for the constituency, which shall consist of the name of a person, who since publication of the current list for the constituency, the registration officer has reasonable cause to believe—

(a) has effected a change of address—

(i) in the constituency within which he is ordinarily resident; or

(ii) from another constituency, and is now ordinarily resident in the constituency in which he now seeks to be registered.

(b) has changed his name, occupation, address or sex and is still, in the opinion of the registration officer, qualified for inclusion on the current list;

(c) has become entitled under section 6 to be registered as an elector since the publication of the current list; or

(d) has had his name, occupation, address or sex erroneously omitted from the current list.

18. Preparation of current lists generally

Subject to section 5, every current list for a constituency shall be prepared—

- (a) by deleting from it, the names of persons that the Supervisor of Elections has reasonable cause to believe, do not have the right to remain registered in accordance with section 10;
- (b) by substituting in the names of electors for such polling division, for the name, address, occupation or sex of any person whom the registration officer believes to have changed his name, address or occupation, which the registration officer believes to be the true name, address or occupation of such person at the time of the preparation of such list; and
- (c) by adding the names, addresses, occupations and sex of all persons on the addendum to the current list.

19. Changing registered name

Where a person who has been registered to vote under a particular name or in a particular constituency or polling division, wishes to change his registration regarding either his name or that constituency or polling division, in order to be able to vote under another name or in another constituency, the Rules set out in the First Schedule shall apply.

20. Compiling of list

In respect of the process of registration including compiling the current list, and the forms to be used regarding such process, the First and Second Schedules shall apply subject to the provisions of the Constitution and this Act.

21. No registration after Governor-General's Writ

(1) Where the Governor-General issues a writ for an election in a constituency, no further registration shall be allowed until after that election.

(2) The Supervisor of Elections shall, not later than 14 days after the writ referred to in subsection (1), publish a current list in respect of each constituency.

(3) From the date of the publication of the current list pursuant to subsection (2), there shall be a seven day period for claims and objections as provided for under the Rules.

(4) Immediately after the end of the period specified in subsection (3), the Supervisor of Elections shall print and publish, or cause to be printed and published, an official consolidated list of electors.

22. List for elections to be used for any elections

Subject to section 21 (3), the official consolidated list published in accordance with section 21 (4), shall be used for any election held in a constituency to which the list relates, until it is superseded by a current list prepared in accordance with the provisions of this Act.

23. Duration of list

A current list prepared for the purposes of this Act shall be published, and shall remain in force for a period of six months, or until the next publication of a current list that is updated for the Constituency.

24. Voter identification card

(1) The Supervisor of Elections shall issue to every person duly registered as an elector under this Act, a voter identification card in the prescribed format.

(2) Where a person who has been issued a voter identification card under subsection (1) loses that card, or the card is defaced, or destroyed, he may apply to the Supervisor of Elections for that card to be replaced, and the Supervisor of Elections may issue a voter identification card replacing the same, in accordance with the Rules and after the payment of the prescribed fee.

25. Effect of current lists

(1) The current lists prepared under this Act shall, for the purposes of this Part, be presumptive on the following questions, that is to say—

- (a) whether or not any person registered therein was, on the date of publication of the current list, ordinarily resident at the address shown; and
- (b) whether or not an address is in any constituency or any particular part of that constituency.

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

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

(4) Where anything in connection with the preparation or publication of any current list or other action under this Part is omitted to be done, or cannot be done at the time required to under this Part, or is done before or after that time, or is otherwise irregularly done in manner or form, the Governor-General may, by order, at any time before or after the time within which the thing is required to be done, extend that time, or validate anything so done before or after the time required, or so irregularly done in a manner or form.

26. Appeals from registration officer to Supervisor of Elections

(1) Subject to subsection (2), an appeal lies to the Supervisor of Elections from any decision of a registration officer on any claim, application, objection or other representation or matter, which has been considered by the registration officer.

(2) No appeal lies where a claimant or objector has not availed himself of his opportunity, as provided by this section or the Rules, of being heard by the registration officer on the claim, application, objection or other representation.

(3) Any claimant, objector or other applicant desiring to appeal against a decision of a registration officer, shall give written notice of appeal to the registration officer when the decision is given, or within seven days thereafter, specifying the grounds of appeal.

(4) Upon receipt of a notice of appeal under subsection (3), the registration officer shall forthwith hear and determine the appeal.

(5) If the registration officer dismisses the appeal, he shall immediately forward such notice to the Supervisor of Elections, together with a statement of the material facts which, in his opinion, have been established in the case, and of his decision upon the whole case, and upon any point which maybe specified as a ground of appeal, he shall also furnish to the Supervisor of Elections, any further information which the Supervisor of Elections may require and which he is able to furnish.

(6) When it appears to the registration officer that any notices of appeal given to him are based on similar grounds, he shall inform the Supervisor of Elections of that fact for

the purpose of enabling the Supervisor, if he thinks fit, to consolidate the appeals or to select a case as a test case.

(7) Every appeal under this section shall be heard and determined by the Supervisor of Elections, who may vary or confirm the decision of the registration officer.

(8) The Supervisor of Elections may adopt any procedure as he sees fit for the resolution of an appeal, subject to adequate notice and the provisions of this Act and the Rules.

26A. Appeals from the Supervisor of Elections to the Court

(1) Subject to subsection (2), an appeal lies to a Judge in Chambers from any decision of the Supervisor of Elections on any claim, application objection or other representation or matter which has been considered by him under section 26; or any claim, objection, application for registration, or other representation or matter heard by him on appeal from a registration officer, as provided for by the Rules.

(2) No appeal shall lie under this section, where a claimant, objector or other applicant has not availed himself of his opportunity, as provided by this Act or the Rules, of being heard by the registration officer and the Supervisor of Elections, on the claim, application, objection or other representation on the matter.

(3) Any claimant, objector or other applicant desiring to appeal under this section against the decision of the Supervisor of Elections, shall give written notice of appeal to the Registrar of the Supreme Court, the Supervisor of Elections and any other interested party, if any, when the decision is given by the Supervisor of Elections or within seven days thereafter, specifying the grounds of appeal.

(4) The Supervisor of Elections shall immediately forward to the Registrar of the Supreme Court, a statement of the material facts which, in his opinion, have been established in the case, and of his decision upon the whole case and upon any point which maybe specified as a ground of appeal, and shall also furnish to the Court, any further information which the Court may require and which he is able to furnish.

(5) When it appears to the Supervisor of Elections that any notices of appeal given to him are based on similar grounds, he shall inform the Registrar of the Supreme Court of the fact, for the purpose of enabling the Court, if it thinks fit, to consolidate the appeal or to elect a case as a test case.

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

(7) Notice shall be sent to the Supervisor of Elections by the Registrar of the Supreme Court, of the decision of the Court on any appeal under this section, and the Supervisor of Elections shall make such alternation in the list as may be required to give effect to the decision.

26B. Offence to willfully omit qualified electors

(1) A registration officer who willfully without reasonable excuse, omits to register the name of any person entitled to be registered, or enters in the list the name of any person who is not entitled to have his name entered therein, is guilty of an offence and liable, on summary conviction, to a fine of five hundred dollars or imprisonment for six months, or both.

(2) A registration officer who is convicted of an offence under subsection (1) shall, in addition to the penalty prescribed by that subsection, forfeit his right to payment for his services as a registration officer or an enumerator, as the case may be, and, subject to subsection (3), shall be incapable during a period of five years from the date of his conviction, of being qualified to be elected as a member of the House of Representatives.

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

26C. Vouching information

A registration officer or any other person appointed to carry out the provisions of this Act, may require a person who has given information for the purposes of this Act, to furnish documentary or other evidence as to the truth of that information.

26D. Enumeration

(1) An enumeration shall only take place in the following circumstances—

- (a) during a period prescribed by Order by the Governor-General, where there is an alteration to the existing number or boundaries of constituencies by the constituency Boundaries Commission, as established under section 55 of the Constitution; save and except that an enumeration shall only be conducted in the constituencies affected by such alteration; or
- (b) for any other period prescribed by Order, that may be determined by the Governor-General, acting upon the advice of the Supervisor of Elections.

(2) Where it appears to the Governor-General that the enumeration list cannot be completed during an enumeration provided for under subsection (1) within the prescribed period, the Governor-General may, by Order, extend the prescribed period to such further period as he deems necessary.

(3) An enumeration under this section shall be conducted in accordance with the Rules under Part II of the First Schedule.

26E. Preparation of enumeration list during enumeration period

(1) Pursuant to section 26D, in an enumeration period, every enumerator shall, during such period, prepare, or cause to be prepared, in and for each polling division comprised in the constituency for which he is appointed as an enumerator, in accordance with the provisions of the Act, a list of all persons who are qualified as electors therein, and such list shall be called the enumeration list.

(2) At the end of the enumeration period, a person whose name appears on the enumeration list for a polling division comprised in a constituency, and who has been registered in accordance with the provisions of this Act, shall form part of the current list for the polling division in the constituency.

26F. Verification of current list

The Supervisor of Elections may, at such times as he deems necessary, provide for the continuous verification of the current list for any polling division in any constituency.

26G. False statements

Where a person giving information for the purposes of this Act makes a statement that he knows to be false, or does not believe to be true, he commits an offence, and is liable, on summary conviction, to a fine of five hundred dollars or imprisonment for six months.

27. Supervisor of Elections

The Supervisor of Elections appointed by the Governor-General under section 35(2) of the Constitution, Chapter 128A, which said Supervisor of Elections is charged with carrying out the duties and functions vested in him or her by section 35 of the Constitution, shall exercise such other functions in relation to elections to the House of Representatives as are prescribed by or under this Act.

28. Assistant Supervisors of Elections

The Governor-General acting in his or her own deliberate judgement shall appoint at least two fit and proper persons as assistants to the Supervisor of Elections, to assist the Supervisor of Elections, and such persons may be called Assistant Supervisors of Elections.

29. Registration officers; assistant registration officers; returning officers

(1) The Governor-General, acting in his or her own deliberate judgement, shall appoint fit and proper persons as registration officers, one for each constituency.

(2) The Governor-General, acting in his or her own deliberate judgement, may appoint fit and proper persons as assistant registration officers, to assist the registration officers.

(3) The Governor-General, acting in his or her own deliberate judgement, shall appoint fit and proper persons as returning officers, one for each constituency.

30. Enumerators; supervisors of enumerators; official photographers

The Supervisor of Elections—

- (a) shall appoint fit and proper persons as—
 - (i) enumerators, and
 - (ii) official photographers; and
- (b) may appoint fit and proper persons as supervisors of enumerators.

31. Election clerks

(1) The Supervisor of Elections may appoint fit and proper persons as election clerks, one for each returning officer, to assist each respective returning officer.

(2) 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 or her duties as such, the election clerk shall forthwith report the fact to the Supervisor of Elections and shall discharge all the duties and exercise all the powers of the returning officer until some other returning officer is appointed or the returning officer ceases to be incapable of performing his or her duties, as the case may be.

(3) Forthwith upon commencing to discharge the duties of the returning officer in accordance with the provisions of the last preceding section, the election clerk shall appoint a substitute election clerk who, unless sooner removed by the Supervisor of Elections, shall perform 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. In appointing a substitute election clerk, the election clerk discharging the duties of the returning officer shall as far as possible act on the advice of the Supervisor of Elections and in any case the Supervisor of Elections shall be empowered to remove the substitute election clerk and appoint his or her own nominee.

32. Presiding officers; poll clerks

(1) The returning officer of every constituency shall, subject to the approval of the Supervisor of Elections, in respect of each polling station in his or her constituency, appoint—

- (a) a presiding officer; and
- (b) one or two poll clerks, one of whom the returning officer shall name as the senior poll clerk if there is more than one poll clerk.

(2) If a presiding officer dies or becomes incapable of performing his or her duties during the taking of a poll, the respective poll clerk or senior poll clerk as the case may be shall forthwith assume the office of presiding officer and shall appoint some other person as substitute poll clerk.

33. Duties and functions of registration and election officers

(1) The registration and election officers appointed under sections 26B to 29 shall all be subject to the Supervisor of Elections, and shall carry out such duties and functions as shall be assigned to them by this Act, the rules in the subsidiary legislation, regulations made under this Act and the Supervisor of Elections.

(2) Subject to the authority, directions and control of the registration officer, an assistant registration officer and each enumerator shall have all the powers, and may perform any of the duties, of the registration officer, except the hearing and determining of objections.

(3) Forthwith upon assuming office, immediately after taking and subscribing the oath of office, every returning officer shall establish an office in the constituency in respect of which he or she is returning officer. He or she shall cause an advertisement to be inserted in a newspaper circulating regularly in the State specifying the place at which he or she has established his or her office.

(4) Every registration or election officer shall be disqualified for nomination as a candidate for election at an election for which he or she is such registration or election officer.

34. Oaths of office

(1) As provided by section 35(3) of the Constitution, a person shall not enter upon the duties of the office of Supervisor of Elections until he or she has taken and subscribed the oath of allegiance and the oath of office prescribed by the Constitution.

(2) A person shall not enter upon the duties of the office of assistant supervisor of elections, registration officer, assistant registration officer, enumerator, supervisor of enumerators, official photographer, returning officer, election clerk, substitute election clerk, presiding officer, poll clerk or substitute poll clerk until he or she has taken and subscribed the oath of office in the form set out respectively as Forms Nos. A, B, C, D, E, F, G, H, I, J, K and L in the Second Schedule and has transmitted such oath to the Supervisor of Elections.

(3) Every registration or election officer who is required by subsection (2) to take and subscribe an oath of office may take such oath either before a Justice of the Peace or before any duly sworn registration officer, returning officer, presiding officer or poll clerk and every such registration officer, returning officer, presiding officer and poll clerk is hereby authorised and empowered to administer such oaths.

35. Registration and election officers to be appointed annually

Registration and election officers shall be appointed annually and shall be paid such remuneration as may be provided for the purpose.

PART V

Elections: Arrangements for Elections

36. Issue of writs for holding election

(1) For the purposes of every general election of members of the House of Representatives and for the purposes of the election of members to supply vacancies in the said 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 constituencies for which members are to be returned. Such writs shall be forwarded to the Supervisor of Elections for transmission to the several returning officers.

(2) Every such writ shall be in the form set out as Form No. 1 in the Third Schedule and shall specify the day and place of nomination of candidates, the day on which, if necessary, the poll shall be taken, being not less than fifteen and not more than twenty-one days after the said nomination day, and the day on which such writ is returnable to the Governor-General.

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

37. Notice of place and time of election

Upon the issue by the Governor-General of a writ, the Supervisor of Elections 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 newspapers circulating regularly in the State at least ten clear days before the day fixed for such nomination; and the returning officer shall give further notice of the issue of such writ and of the time and place fixed for the nomination of candidates by causing notices in the form set out as Form No. 2 in the Third Schedule to be posted or affixed in some conspicuous place near the principal door of the Treasury, the Public Library, every Court House, Police Station, Medical Station, Revenue Office, Post Office, such other public buildings and in any other place in the constituency as he or she may deem necessary:

Provided that if there are no public buildings in the respective constituency, the registration or election officer shall post-up or affix the notice on other buildings but only after first obtaining permission from the occupants of such buildings to do so:

Provided further that the notice shall be posted up or affixed on at least two such buildings in each constituency.

38. Copies of list of electors to be obtained

Before the day fixed for the nomination of candidates, the returning officer shall obtain from the Supervisor of Elections the prescribed number of copies of the lists of electors for the time being in force by virtue of this Act.

39. Nomination of candidates

(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.

(2) Every candidate for election—

- (a) must be nominated in writing by not less than six registered electors of the constituency for which he or she seeks to be elected; and
- (b) must consent in writing to such nomination in the form set out as Form No. 3 in the Third Schedule:

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

(3) The returning officer shall at the place aforesaid and at the time aforesaid and within three hours thereafter receive such nomination papers as may be tendered to him or her.

(4) Every candidate shall at the time of his or her nomination deliver or cause to be delivered to the returning officer a statutory declaration of his or her qualifications made and subscribed by such candidate or, if the candidate is absent from the State on nomination day, by his or her duly authorised agent, in the form set out as Form No. 4 or No. 5, 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 deemed to be void.

(5) Every candidate or someone on his or her behalf shall at the time of his or her nomination deposit, or cause to be deposited, with the returning officer, the sum of three hundred dollars in cash, failing which, the nomination of such candidate shall be deemed to be void.

40. Disposal of deposit

(1) The full amount of every deposit made under section 39(5) shall forthwith after its receipt by the returning officer be transmitted by him or her 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 or his or her personal representatives, as the case may be, upon the production by him or her or by them, within one month of the conclusion of the election in respect of which the deposit was made, of a certificate from the Supervisor of Elections 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 or withdrew in accordance with section 45(1).

(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 the general revenue of the State.

41. Uncontested election

If at the expiration of the three hours allotted by section 39 for the receipt of nominations there shall be only one candidate duly nominated, the returning officer shall forthwith publicly declare such candidate to be elected, and shall immediately thereafter certify by endorsement on the writ of election in the form set out as Form No. 6 in the Third Schedule the return of such candidate and shall return the writ so endorsed to the Supervisor of Elections for transmission to the Governor-General within the time for that purpose specified therein.

42. Contested election: adjournment to take the poll

(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 addresses of the polling stations at which the poll will be taken and of the names of the candidates nominated for election

and of the place where and day and time when the number of votes given to the several candidates will be finally counted. He or she shall give such notice by publishing same in the *Gazette* and in at least one newspaper circulating regularly in the State; and by causing same to be posted or affixed in some conspicuous place near the principal door of every Court House, Police Station, Medical Station, Revenue Office, Post Office such other public buildings and in any other place in the constituency as he or she may deem necessary in the form set out as Form No. 7 in the Third Schedule:

Provided that if there are no public buildings in the respective constituency, the registration or election officer shall post-up or affix the notice on other buildings but only after first obtaining permission from the occupants of such buildings to do so:

Provided further that the notice shall be posted up or affixed on at least two such buildings in each constituency.

43. Voting procedure for police officers

(1) Subject to the provisions of this section, police officers shall be permitted to vote not more than three or less than two days prior to the date specified under section 36 in the writ issued by the Governor-General for an election, in the manner specified in the Fourth Schedule.

(2) Within three days after the issue of a writ by the Governor-General under section 33, every returning officer shall prepare in relation to his or her constituency, a Police Voters List.

(3) There shall be included in such Police Voters List every person—

- (a) who was serving in the Royal Grenada Police Force on the day of the issue of the writ by the Governor-General under section 34; and
- (b) whose name appears on the current list of electors for the constituency for which the returning officer is responsible.

(4) The Police Voters List shall be prepared in the same manner as the current list in accordance with section 13.

(5) The returning officer shall cause the name of any person whose name appears on the Police Voters List for his or her constituency to be deleted from the original current list of electors of his or her constituency.

(6) The Police Voters List prepared by the returning officer for his or her constituency under subsection (2) shall be deemed to form part of the final current list of electors for that constituency.

(7) Within two days after preparation of the Police Voters List, the returning officer shall supply a copy of the said list to each candidate in his or her constituency.

(8) Not later than three days after the preparation of the Police Voters List, the returning officer shall publish the said List by making a copy available for inspection at his or her office and shall cause a copy of the said List to be delivered to the Supervisor of Elections and the registration officer of the constituency for which he or she is responsible.

(9) A person whose name appears on the Police Voters List shall vote, if he or she votes at all, in accordance with the rules specified in the Fourth Schedule.

(10) A person who contravenes the provisions of subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or to a term of imprisonment not exceeding six months.

(11) A presiding officer who supplies any ballot paper to any person claiming to be a person whose name appears on a Police Voters List, so as to permit such person to vote in contravention of the rules specified in the Fourth Schedule commits an offence and is

liable on summary conviction to a fine not exceeding one thousand dollars or to a term of imprisonment not exceeding six months.

44. Power to adjourn polling day in event of emergency

(1) Where at any time between the issue of a writ under section 36(1) and the day appointed by the writ for the holding of the poll at any election the Governor-General is satisfied that it is expedient to adjourn the holding of the poll by reason of—

- (a) Her Majesty's Government having become engaged or being likely to become engaged in any war;
- (b) the proclamation of any state of emergency under the Constitution, Chapter 128A or the Emergency Powers Act, Chapter 88;
- (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 current lists for all constituencies or for any particular constituency will not be printed before the day appointed under section 33 for the holding of the poll or that any essential electoral supplies or materials will not be available in adequate quantities upon such day,

he may by proclamation adjourn the holding of the poll for some other day specified in such proclamation not being more than thirty days after the day specified in the writ issued under section 36.

(2) Any proclamation under subsection (1) made pursuant to the provisions of paragraph (c) or (d) of that subsection may be expressed to apply only to such constituencies as are specified in such proclamation, in which event the poll shall be taken in any constituencies not so specified upon the day appointed for the taking of the poll under section 33.

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

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

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

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

45. Withdrawal of candidature

(1) Any candidate duly nominated may, not less than seven clear days before the day fixed for taking the poll, withdraw his or her candidature by giving notice to that effect, signed by him or her, 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 or her candidature in accordance with subsection (1), 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 manner in which notice is required to be given of the matters mentioned in section 42; 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. 8 in the Third Schedule, and shall return the writ so indorsed to the Supervisor of Elections for transmission to the Governor-General within the time for that purpose specified therein.

46. Taking of poll and the ballot

(1) The poll shall be taken in each polling station by secret ballot in accordance with the provisions of sections 57, 59 and 63.

(2) The ballot of each voter shall be a printed paper, in this Act called a ballot 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. A ballot paper shall be in the form set out as Form No. 9 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.

47. Establishment of polling stations

The returning officer shall establish for each polling division such number of polling stations as the Supervisor of Elections 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 or her polling station is provided with proper doors, barriers, tables, chairs and other conveniences, and that the same are properly arranged for carrying out the provisions of this Act with respect to the taking of the poll.

48. Supplies of election material

(1) The returning officer shall furnish to each presiding officer at least two clear days before polling day—

- (a) a sufficient number of ballot papers for at least the number of electors on the current list of such presiding officer's polling station;
- (b) a statement showing the number of ballot papers so supplied, with their serial numbers;
- (c) the necessary materials for electors to mark their ballot papers;
- (d) at least three copies of printed directions in the form set out as Form No. 10 in the Third Schedule for the guidance of electors in voting;
- (e) a copy of or excerpts from this Act;
- (f) three copies of the current list of electors for use at his or her polling station;
- (g) a ballot box;
- (h) a blank poll book;
- (i) the several forms of oaths to be administered to electors printed together on a card; and

(j) the necessary envelopes and such other forms and supplies as may be authorised or furnished by the Supervisor of Elections.

(2) Until the opening of the poll the presiding officer shall keep the blank poll book, current lists, 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.

(3) Before the hour 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 subsection (1)(d).

(4) The "poll book" is the book in the form set out as Form No. 11 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.

49. Inspection of polling station by presiding officer

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

50. Hours of taking the poll

The taking of the poll at each polling station shall be between six o'clock in the forenoon and five o'clock in the afternoon of the same day.

51. Ballot boxes

(1) The Supervisor of Elections shall supply to each returning officer a number of ballot boxes equal to the number of polling stations in the constituency for which each returning officer is respectively responsible.

(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.

52. Electors to vote only in the polling division for whose list their names appear on

(1) Subject to the provisions of sections 51 and 52, no person shall be entitled to vote in any polling division unless his or her name appears on the official list of electors for that polling division:

Provided that a person who has been nominated as a candidate for election in a constituency other than the constituency in which his or her name appears on the official list of electors, may vote in any polling station of the constituency for which he or she has been nominated as a candidate:

Provided also that no such candidate shall vote in more than one constituency or at more than one polling station or more than once at the same election.

(2) Every person whose name appears upon the official list of electors for any polling division shall be entitled to vote in that polling division notwithstanding that he or she is not resident in that polling division upon polling day:

Provided however that no person shall vote in more than one constituency or at more than one polling station or more than once on the same day.

53. Penalty

Any person contravening any of the provisions of section 52 shall be liable, on summary conviction, to imprisonment for six months.

54. Restriction on number of candidates for whose election vote may be cast

No person shall vote for the election of more than one candidate.

55. Transfer of electors in special cases

(1) Where any person whose name appears upon the official list for any polling station is appointed as presiding officer or poll clerk for some other polling station in the same constituency 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 the presiding officer or poll clerk.

(2) The returning officer shall give notice in writing of any transfer made under subsection (1) to every candidate in his or her constituency and to the presiding officer of the polling station at which the person whose name is so transferred would have been entitled to vote but for the provisions of section 56.

56. Where transferred elector to vote

(1) Every person whose name is transferred, in accordance with the provisions of section 55, from any official list shall vote, if he or she vote at all, in the polling station of which he or she is appointed presiding officer or poll clerk, as the case may be.

(2) Every presiding officer who knowingly 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 one hundred dollars or to imprisonment for one month.

57. Proceedings at poll

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

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

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

(4) Each elector, upon entering the polling station, shall declare his or her name, residence and occupation—

The poll clerk shall then ascertain if the name of the elector appears on the official list of electors used at the polling station. When it has been ascertained that the applicant elector is qualified to vote at the polling station, his or her 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. 11 in the Third Schedule, a number corresponding to the consecutive 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, and the elector shall be immediately allowed to vote, unless an election officer or a candidate or any agent of a candidate present at the polling station desires that he or she be first sworn.

(5) The poll clerk shall—

- (a) make such entries in the poll book as the presiding officer pursuant to any provision of this Act directs;
- (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";
- (c) enter in the poll book the word "Sworn" or "Affirmed" opposite the name of each elector to whom any oath or affirmation has been administered indicating the nature of the oath or affirmation; and
- (d) enter in the poll book the words "Refused to be sworn" or "Refused to affirm" or "Refused to answer", opposite the name of each elector who has refused to take an oath or to affirm, when he or she has been legally required to do so, or has refused to answer questions which he or she has been legally required to answer.

58. Who are to be admitted within the polling station, including agents

(1) The presiding officer shall keep order at his or her polling station and shall regulate the number of voters to be admitted at a time, and shall exclude all other persons except his or her assistants, the candidates, one agent for each candidate appointed by such candidate in writing in the form set out as Form No. 12 in the Third Schedule, and the constables on duty.

(2) Subject to subsection (5), a person who is qualified and registered to vote, shall on polling day, present his voter identification card to the presiding officer.

(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 or her to be removed from the polling station.

59. Question to be put to voters and identification on card

(1) The presiding officer may, and if required by a candidate or his or her agent shall, put to any person applying for a ballot paper at the time of his or her application, but not afterwards, questions in the form of the following questions or either of them—

- (a) are you the same person whose name appears as AB in the register of electors in this polling station?
- (b) have you already voted here or elsewhere at this election?

(2) The presiding officer shall also request that person to produce his or her voter identification card.

(3) Subject to subsection (5), a ballot paper shall not be delivered to any person who—

- (a) does not satisfactorily answer the above questions or any of them;
- (b) does not produce his or her voter identification card when required to do so under subsection (2).

(4) If any person makes a false answer to any question asked to him or her pursuant to subsection (1)(a) or (b) he or she shall be liable on summary conviction to imprisonment for six months.

(5) A ballot paper shall be delivered to any person whose name appears on the register in use for that election and who is unable to produce his or her identification card, if he or she satisfies the presiding officer—

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

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

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

60. Challenge to vote

(1) If between the time a person enters a polling station for the purpose of voting and before he or she has left the polling station—

(a) a candidate or his or her agent declares to the presiding officer that he or she has reasonable cause to believe that the person has committed an offence of personation and undertakes to substantiate the charge in Court and the presiding officer is satisfied that the declaration may be so substantiated; or

(b) the presiding officer has reasonable cause to believe that the person has committed the offence of personation,

the presiding officer may order a police officer to arrest that person and the order of the presiding officer shall be sufficient authority for the police officer to do so.

(2) A person who is arrested under this section shall not by reason thereof be prevented from voting.

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

61. General mode of taking ballot

(1) Each elector shall receive from the presiding officer a ballot paper on which such officer first so puts his or her initials as indicated in the form set out as Form No. 9 in the Third Schedule that when the ballot paper is folded his or her initials can be seen without the ballot paper being opened. On the counterfoil of the ballot paper the presiding officer shall also place the electoral number on the official list of electors allotted to the elector and entered in the poll book opposite the name of such elector.

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

(3) The elector on receiving the ballot paper shall forthwith enter one of the polling compartments and there mark his or her ballot paper by marking with a black lead pencil and not otherwise a cross or any other mark within the space containing the name of the candidate for whom he or she intends to vote, so as to indicate clearly the candidate for whom he or she intends to vote, and he or she shall then fold the ballot paper as directed so that the initials and the numbers on the counterfoil can be seen without opening it. When the ballot is not so folded the presiding officer shall require the elector to fold the ballot as required by this subsection.

(4) The presiding officer upon satisfying himself or herself—

(a) that the ballot is the ballot he or she gave the elector;

(b) that the ballot is correctly folded; and

(c) that the provisions of section 63 requiring the elector to immerse his or her appropriate digit in the electoral ink have been complied with,

shall forthwith and in full view of the elector and all others present remove the counterfoil and allow the elector to insert the ballot into the ballot box.

(5) Where a ballot paper delivered to an elector is or becomes a spoiled ballot paper, the presiding officer shall cancel it by writing the word “Spoiled” across its face, and shall not allow it to be deposited into the ballot box, but shall deliver another ballot paper to the elector.

(6) *Spoiled ballot papers.*—The expression means a ballot paper which, on polling day, has not been allowed by the presiding officer to be deposited in the ballot box because—

- (a) it has been found by the presiding officer to be soiled or improperly printed; or
- (b) after it has been handed by the presiding officer to an elector to cast his or her vote, it—
 - (i) has been inadvertently so dealt with by the elector that it cannot conveniently be used,
 - (ii) has been spoiled in marking by the elector,

and has been handed back to the presiding officer and exchanged for another ballot paper.

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

(8) If at the hour of closing 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.

62. Ballot papers not to be delivered to electors unless no mark of electoral ink appear on elector

(1) Subject to section 66 the presiding officer shall refuse to deliver a ballot paper to any elector unless he or she is satisfied that there does not appear—

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

any mark of electoral ink.

(2) For the purpose of satisfying himself or herself in the manner required by subsection (1) the presiding officer shall in the presence of the poll clerk, and of the agents of the candidates or the candidates in the polling station, as the case may be, inspect the appropriate digit of each elector or all of the digits of each elector, as the case may require.

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

(4) Every person who applies as an elector for a ballot at any time when there is a mark of electoral ink upon any of his or her digits shall be guilty of personation.

63. Electors to immerse appropriate digit in electoral ink

(1) The presiding officer shall before permitting any elector to put his or her folded ballot paper in the ballot box in accordance with section 61(4), if the elector has an appropriate digit, satisfy himself or herself that there does not appear upon such digit any substance which in his or her opinion is likely to prevent the adhesion of electoral ink and cause the elector to immerse such digit in the electoral ink:

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

(2) If any elector on being required to do so fails or refuses to immerse his or her appropriate digit in electoral ink the presiding officer shall take possession of and destroy the ballot paper of such an elector and make an entry in the poll book setting out the particulars in relation to the description of such ballot paper:

Provided that nothing in this section shall prohibit an elector who has failed or refused to immerse his or her appropriate digit in electoral ink from returning to the polling station in order to vote as an elector and to immerse his or her appropriate digit in electoral ink.

64. Meaning of “appropriate digit”, etc., in relation to an elector

In sections 57(4), 58 and 59—

“appropriate digit” means in the case of an elector—

- (a) who has a right hand upon which there are any digits, that finger of the right hand which is nearest to the right thumb, or if the elector has no right thumb that finger which is nearest to the right thumb socket, or if the elector has a right thumb but has no fingers upon his or her right hand the right thumb, and upon which digit there does not appear any sign of electoral ink;
- (b) who has no right hand or who has a right hand but has no digits upon such hand, the finger on the left hand which is nearest to the left thumb, or if the elector has no left thumb that finger which is nearest to the left thumb socket, or if the elector has a left thumb but has no fingers upon his or her left hand the left thumb, and upon which digit there does not appear any sign of electoral ink;

“digit” includes both fingers and thumb;

“electoral ink” means the ink whether composite or consisting of two or more separate solutions, supplied by the Supervisor of Elections for use in accordance with this Act.

65. Penalty for failure of presiding officer to carry out provisions of sections 57(4), 58 and 59

Every presiding officer who fails or neglects to perform any duty imposed upon him or her by sections 57(4), 58 and 59 shall be guilty of an offence and shall be liable on summary conviction to a fine of three hundred dollars, or to imprisonment for six months, or to both such fine and imprisonment.

66. Non-application of sections 57(4), 58 and 59 to electors with no hands

The provisions of sections 57(4), 58 and 59 shall not apply to an elector who has no hands.

67. Mode of taking ballot in special cases

(1) Subject to all other provisions of this Act as to proof of qualification as an elector and as to the administration of oaths, if a person representing himself or herself to be a particular elector applies for a ballot paper after another person has voted as such person he or she 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. 13 in the Third Schedule, and otherwise establishing his or her identity to the satisfaction of the presiding officer.

(2) In such case, the presiding officer shall put on the ballot paper his or her initials together with a number corresponding to the consecutive 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 or her 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 prescribed by this Act, shall require the elector making such application to make oath in the form set out as Form No. 14 in the Third Schedule of his or her incapacity to vote without assistance, and shall thereafter assist such elector by marking his or her 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, as set out in subsection (3), or, at the request of any blind elector who has taken the oath in the form set out as Form No. 15 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 or her. No person shall at 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. 16 in the Third Schedule that he or she will keep secret the name of the candidate for whom the ballot of such blind elector is marked by him or her, and that he or she has not already acted as the friend of a blind elector for the purpose of marking his or her ballot paper at the pending election.

(6) Whenever any elector has had his or her ballot paper marked as provided in subsection (3) or (4), 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.

68. Who may vote

(1) Where there is contained in the official list of electors a name, address and occupation which correspond so closely with the name, address and occupation of a person by whom a ballot paper is demanded as to suggest that the entry in such official list of electors was intended to refer to him or her, but the list does not correctly state his or her name, address or occupation, such person shall, upon taking the oath in the form set out as Form No. 17 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 occupation shall be correctly entered in the poll book and the fact that the oath has been taken shall be entered in the proper column of the poll book.

(2) An elector, if required by the presiding officer, the poll clerk, a candidate, or an agent of a candidate, or by an elector present, shall, before receiving his or her ballot paper, take an oath in the form set out as Form No. 18 in the Third Schedule, and if he or she refuses to take the same, erasing lines shall be drawn through his or her name on the

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.

69. Who may be present

(1) In addition to the presiding officer and the poll clerk, the candidates and one agent for each candidate in each polling station, and the constables on duty, no other person shall be permitted to remain in the polling station during the time the poll remains open:

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

(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. 19 in the Third Schedule to keep secret the name of the candidate for whom any of the voters has marked that voter's ballot paper in his or her presence.

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

70. Proceedings after poll

(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, in the following order—

- (a) count the number of voters whose names appear in the poll book as having voted and make an entry thereof on the line immediately below the name of the voter, who voted last, thus: "the number of voters who voted at this election in this polling station is ..." (stating the number), and sign his or her name thereto;
- (b) count the spoiled ballot papers, if any, place them in the special envelope supplied for that purpose and indicate thereon the number of such spoiled ballot papers and seal it up;
- (c) count the unused ballot papers, 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 spoiled ballot papers, if any, the number of unused ballot papers and the number of voters whose names appear in the poll book as having voted, in order to ascertain that all ballot papers are accounted for;
- (e) open the ballot box and empty its contents upon a table;
- (f) 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 sheets upon which they may keep their own score as each vote is called out by the presiding officer:

Provided that each candidate or his or her agent shall be supplied with tally sheets.

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

- (a) which have not been supplied by him or her;
- (b) which have not been marked for any candidate;
- (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 by virtue of a specific provision of this Act or the rules.

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

(4) If, in the course of counting the votes the presiding officer discovers that he or she has omitted to affix his or her initials to any ballot paper, as required by section 61(1), and as indicated in the form set out as Form No. 9 in the Third Schedule, he or she shall in the presence of the poll clerk and the agents of the candidates, affix his or her initials to such ballot paper and shall count such ballot paper as if it had been initialled by him or her in the first place, provided that he or she is satisfied that the ballot paper is one that has been supplied by him and that such an omission has really been made, and also that every ballot paper supplied to him by the returning officer has been accounted for, as required by subsection (1)(d).

(5) Nothing in subsection (2), (3) or (4) shall relieve the presiding officer from any penalty to which he or she may have become liable by reason of his or her having placed any writing, number or mark other than his or her initials, on any ballot paper, or of his or her failure to remove the counterfoil at the time of the casting of the vote to which it relates or to affix his or her initials to any ballot paper before handing it to any elector.

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

(7) All the ballot papers not rejected by the presiding officer shall be counted and a list shall be kept of the number of votes given to each candidate and of the number of spoiled or 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 by the presiding officer so as to indicate their respective contents, and shall be sealed by the presiding officer; and may also be endorsed and sealed by such agents or witnesses present as may desire to endorse and seal them or such agents or witnesses may sign their names thereon in addition or instead. For the avoidance of doubt it is declared that no count shall be taken of ballot papers which are either spoilt within the meaning of section 61(6) or rejected under section 70(2).

(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 Forms Nos. 20 and 21 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. 22 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 or she 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 transmitted or delivered to the returning officer. The returning officer may specially appoint one or more persons for the purpose of collecting the ballot boxes from a given number of polling stations and such person or persons shall, on delivering the ballot boxes to the returning officer, take the oath in the form set out as Form No. 23 in the Third Schedule.

(11) The presiding officer shall, with the ballot box, transmit or deliver to the returning officer, in the envelope provided for that purpose, the key of such ballot box, the preliminary statement of the poll in the form set out as Form No. 22 in the Third Schedule and the polling station account furnished to him or her in blank by the returning officer, having first caused it to be filled in and signed by the officials of his or her polling station entitled to fees, and by the landlord thereof, if any.

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

- (a) the ballot box;
- (b) the envelope containing the key thereof;
- (c) the preliminary statement of the poll referred to in subsection (11); and
- (d) the polling station account referred to in subsection (11),

in such manner as the Supervisor of Elections may direct.

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

(14) If a presiding officer wilfully places any writing, number or mark on a ballot paper without the authorisation of a specific provision of this Act or the rules, he or she is guilty of an offence and liable on summary conviction to a fine of five hundred dollars or imprisonment for six months or both such fine and imprisonment.

71. Agents

Each candidate may appoint one agent to attend the preliminary and final counting of the votes by the presiding officer and the returning officer respectively. Such appointment shall be in writing in the form set out as Form No. 12 in the Third Schedule.

72. Ballot box secured by special seal

Notwithstanding the provisions of this Part in relation to locking the ballot box by means of a key, it shall be lawful for a ballot box to be used which is locked and secured by means of a special seal for the ballot box and the provisions relating to the locking and unlocking of a ballot box shall be construed accordingly.

PART VI

Procedure Subsequent to Polling Day

73. Final counting of votes

(1) The returning officer, upon receipt by him or her of each of the ballot boxes, shall take every precaution for its safe-keeping and for preventing any person other than himself or herself and his or her election clerk from having access thereto, sealing it

under his or her own seal so that it cannot be opened without the seal being broken, but without effacing or covering any other seals thereto affixed.

(2) After all the ballot boxes have been received, they shall next be opened only at the place, date and time specified in the notice referred to in section 42(2) for the final count of the votes, and in the presence of such of the candidates or their agents as are present, by the returning officer, and the returning officer shall—

- (a) count the votes contained therein cast for each candidate (allowing the candidates or 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 or their agents to see such votes) and determine whether any of such votes should be regarded as having been validly cast for any, and if so for which, candidate;
- (c) add up the total number of votes (including any votes rejected by the presiding officer but which he or she thinks should not have been so rejected) cast for each candidate;
- (d) make and sign any necessary amendments to the statement of the poll.

(3) The provisions of section 70(2) shall apply to the returning officer as they apply to the presiding officer so that paragraph (a) of that subsection shall take effect as if there were substituted for the words “him” the words “the presiding officer”.

(4) The provisions of section 70(6) shall apply to the returning officer as they apply to the presiding officer so that for references in the subsection to the presiding officer there shall be substituted references to the returning officer and 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 70(7) shall apply to the returning officer as they apply to the presiding officer so that—

- (a) the words “returning officer” shall be deemed to be substituted for the words “presiding officer”; and
- (b) the documents referred to in that subsection shall be replaced in the envelopes from which they were removed by the returning officer and such envelopes shall be fastened by a sheet of paper being pasted over the opening thereof.

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

(7) The candidate who, on such final count of the votes, is found to have a simple majority of the valid votes shall then be declared elected in writing and a copy of such declaration shall be forthwith delivered to each candidate or his or her 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, and section 72 shall apply.

74. When no candidate gets simple majority of valid votes

(1) Whenever on such final count of votes as is referred to in section 69 no candidate is found to have a simple majority of the valid votes on account of there being an equality of votes between candidates, with the result that no candidate can be declared elected in and for a constituency under section 70(7), the returning officer shall immediately in writing notify the Supervisor of Elections of the matter.

(2) On being notified in accordance with subsection (1) that no candidate can be declared elected in and for a constituency, the Supervisor of Elections shall forthwith

personally count the votes for that constituency, inviting the candidates to witness such counting personally or by their agents, and observing sections 66 and 69, *mutatis mutandis*.

(3) If on such a count of votes as is referred to in subsection (2) the Supervisor of Elections finds that a candidate can be declared elected, he or she shall declare that candidate elected under section 70(7) and in accordance with section 72 as if the words “returning officer” were replaced by the words “Supervisor of Elections”.

(4) If on such a count of votes as is referred to in subsection (2) the Supervisor of Elections finds that no candidate can be declared elected, he or she shall forthwith in writing so notify the Governor-General. On being so notified, the Governor-General shall, under section 33, issue a writ for a new poll to be taken for that constituency, specifying in the writ the day and place of nomination of candidates, the day on which such poll shall be taken, being not less than fifteen and not more than twenty-one days after the said nomination day, and the day on which such writ is returnable to the Governor-General.

75. Provisions applicable where ballot boxes not returned

(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), 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, subject to subsection (1), the returning officer cannot, at the day and hour appointed by him or her for that purpose, ascertain the exact number of votes given for each candidate, he or she may thereupon adjourn to a future day and hour the final count of the votes given for each candidate, not being more than seventy-two hours after the time specified in the notice referred to in section 42(2).

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

(4) For the purposes of this section the returning officer shall have all the powers of and be deemed to be a Commissioner appointed under the Commissions of Inquiry Act, Chapter 58, and the provisions of section 11 of the said Act shall apply to all persons required by the returning officer to give evidence or to produce any documents before him or her as they apply to persons summoned to attend and give evidence or to produce documents before a commission of inquiry under the said Act.

76. Declaration of the poll

The returning officer shall, as soon as he or she shall have ascertained the result of the poll, forthwith publicly declare the same and announce the candidate to whom a simple majority of the valid votes has been given to be elected as the member for the constituency.

77. Recount

(1) A candidate or his or her agent may, if present when the final count or any recount of the votes is completed, require the returning officer to have the votes recounted or again recounted, but the returning officer may refuse to do so if, in his or her opinion, the request is unreasonable.

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

78. Election return

(1) The returning officer, upon the seventh day next following that upon which he or she has made the final count of or ascertained the number of votes given for each candidate, shall deliver personally or transmit by registered post to the Supervisor of Elections the following documents, which may be referred to as the election documents—

- (a) the writ with his or her return in the form set out as Form No. 24 in the Third Schedule endorsed thereon that the candidate having a simple majority of the valid votes has been elected;
- (b) a report of his or her proceedings in the form prescribed by the Supervisor of Elections;
- (c) the recapitulation sheets in the form prescribed by the Supervisor of Elections, 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 or her presiding officers;
- (d) the final statement of the poll;
- (e) the reserve supply of undistributed blank ballot papers;
- (f) the enumerators' record books;
- (g) the returns from the various polling stations enclosed in sealed envelopes, as prescribed by this Act, and containing the poll book used at the poll, a packet containing the stubs and unused ballot papers, packets containing the ballot papers cast for the several candidates, a packet containing the spoiled ballot papers, a packet containing the rejected ballot papers and a packet containing the official lists of electors used at the poll, and the written appointments of candidates' agents; and
- (h) all other documents used for the election.

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

(3) A premature return shall be deemed not to have reached the Supervisor of Elections until the same should have reached him or her in due course, and he or she 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 Supervisor of Elections shall, on receiving the return of any member elected to serve in the House of Representatives, transmit the writ with the return endorsed thereon to the Governor-General within the time for the purpose specified therein.

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

(6) The Supervisor of Elections 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 spoiled or rejected ballots, the number of names on the lists of electors, together with any other information that he or she may deem fit to include; and shall also, at the end of each year, cause to be printed a similar report on any by-election, if any, held during the year.

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

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

80. Custody of election documents by Supervisor of Elections

(1) The Supervisor of Elections shall keep the election documents referred to in section 74(1) in safe custody and shall allow no person to have access to them:

Provided that if an election petition has been presented questioning the validity of any election or return, the Supervisor of Elections shall, on the order of a Judge of the 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 twelve months from the day of any election it shall be lawful for the Supervisor of Elections to cause the said documents used at such election to be burnt.

(2) No such election documents in the custody of the Supervisor of Elections shall be inspected or produced except 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 or her 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 Supervisor of Elections pursuant to the provisions of this Act, all decisions or rulings by him or her 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 from the records referred to in subsection (4) and shall be entitled to certified copies of the papers relating to any such subject upon payment for the preparation of such certified copies at the prescribed rate.

(6) Any such copies purporting to be certified by the Supervisor of Elections under his or her hands shall be receivable in evidence without further proof thereof.

81. Custody of ballot boxes

(1) Forthwith upon making the return to the writ in accordance with the provisions of section 74, 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 constituency, or, if there is no police station in the constituency, the police station which the returning officer considers to be nearest to the constituency.

(2) Upon delivery to him or her of such ballot boxes, locks and keys, the member of the Police Force referred to in subsection (1) shall issue his or her receipt and shall at the next ensuing election, upon request, deliver the said ballot boxes, locks and keys to the returning officer to whom the writ is directed, taking such returning officer's receipt.

Election Offences

82. Intoxicating liquor not to be sold or given on polling day

(1) No intoxicating liquor shall be sold, offered for sale, or given away, at any premises situate in any constituency in which an election is being held and to which a licence issued under the Liquor Dealers' Licences Act, Chapter 174, applies, at any time between the opening and the closing of the poll on polling day.

(2) No intoxicating liquor shall be supplied to any person at any premises situate in any constituency in which an election is being held and to which a licence issued under the Registration of Clubs Act, Chapter 282, applies, at any time between the opening and the closing of the poll on polling day.

(3) Any person who contravenes any of the provisions of either of the last two preceding subsections shall be liable on summary conviction to a fine of five hundred dollars or to imprisonment for six months.

(4) In this section, "intoxicating liquor" has the same meaning as is assigned to the expression in the Registration of Clubs Act, Chapter 282.

83. Employers to allow employees prescribed period for voting

(1) Every employer shall, on polling day, allow to every elector in his or her employ the prescribed period 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 or her any penalty by reason of his or her 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 or her employ, of the prescribed period for voting, as in this section provided, shall on summary conviction be liable to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment.

84. Offences by election officers

Every election officer who—

- (a) makes, in any record, return or other document which he or she is required to keep or make under this Act, any entry which he or she knows or has reasonable cause to believe to be false, or does not believe to be true;
- (b) permits any person whom he or she knows or has reasonable cause to believe not 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;
- (c) refuses to permit any person whom he or she 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;
- (d) wilfully prevents any person from voting at the polling station at which he or she knows or has reasonable cause to believe such person is entitled to vote;
- (e) wilfully rejects or refuses to count any ballot paper which he or she knows or has reasonable cause to believe is validly cast for any candidate in accordance with the provisions of this Act; or
- (f) wilfully counts any ballot papers as being cast for any candidate, which he or she knows or has reasonable cause to believe was not validly cast for such candidate,

shall be guilty of an offence against this section and, on conviction on indictment, shall be liable to be imprisoned for a term not exceeding five years.

85. Loud speakers, ensigns, banners, etc., prohibited on polling day

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

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

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

(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 one year.

86. Maintenance of order at polling stations

(1) Subject to the provisions of subsection (2), during the hours when the poll is open upon election day no persons shall assemble or congregate 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 cast their votes at such polling station and who obey any instructions which may be given by the presiding officer or any member of the Police Force 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 five hundred dollars or to imprisonment for six months, or to both such fine and imprisonment.

87. Influencing electors to vote for any candidate

(1) During the hours that the poll is open upon election day no person shall upon any public road or in any public place or in any place or building with the intent of influencing the public within one hundred yards of any building in which a polling station is situate seek to influence any elector to vote for any candidate or to ascertain for which candidate any elector intends to vote or has voted.

(2) Every person who contravenes any of the provisions of subsection (1) shall be guilty of an offence 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.

88. Bribery

The following persons shall be deemed guilty of bribery within the meaning of this Act—

(1) Every person who, directly or indirectly, by himself or herself or by any other person on his or her 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 person on behalf of any elector, or to or for any other person in order to induce any 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.

(2) Every person who, directly or indirectly, by himself or herself or by any other person on his or her 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.

(3) Every person who, directly or indirectly, by himself or herself or by any other person on his or her behalf makes any such gift, loan, offer, promise, procurement, or agreement as aforesaid to or for any person, in order to induce such person to procure, or endeavour to procure, the return of any person as an elected member of the House of Representatives or the vote of any elector at any election.

(4) Every person who, upon or in consequence of any such gift, loan, offer, promise, procurement, or agreement, procures or engages, promises or endeavours to procure the return of any person as an elected member of the House of Representatives or the vote of any elector at any election.

(5) 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.

(6) Every elector who, before or during any election, directly or indirectly, by himself or herself or by any other person on his or her behalf, receives, agrees, or contracts for any money, gift, loan or valuable consideration, office, place of employment for himself or herself or for any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at any such election.

(7) Every person who, after any election, directly or indirectly, by himself or herself or by any other person on his or her 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.

89. Treating

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

(1) Every person who corruptly, by himself or herself 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.

(2) Every voter who corruptly accepts or takes any such food, drink, entertainment or provision.

90. Undue influence

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

91. Personation

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

92. Penalty for bribery, treating or undue influence

Every person who is guilty of bribery, treating or undue influence, under the provisions of this Act shall, on summary conviction thereof, be liable to imprisonment for two years, or to a fine not exceeding two thousand four hundred dollars, or to both such imprisonment and fine.

93. Penalty for personation

Every person who is guilty of personation or of aiding, abetting, counselling, or procuring the commission of the offence of personation, shall, on conviction thereof on indictment, be liable to imprisonment for two years, or to a fine not exceeding two thousand four hundred dollars, or to both such imprisonment and fine.

94. Disqualification for bribery, etc.

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

- (a) of being registered as an elector, or voting at any election of a member of the House of Representatives; and
- (b) of being elected a member of the House of Representatives or if elected before his or her conviction, of retaining his or her seat as such member.

95. Penalty for certain illegal practices at elections

(1) Every person who—

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

- (b) before or during an election knowingly publishes a false statement of the withdrawal of a candidate at such election for the purpose of promoting or procuring the election of another candidate;
- (c) between the date of notification by the Supervisor of Elections of the issue by the Governor-General of a writ for purposes of an election and the day after 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 as a member to serve in the House of Representatives,

shall be guilty of an illegal practice, and shall, on summary conviction thereof, be liable to imprisonment for six months, or to a fine of one thousand dollars, or to both such imprisonment and fine, and shall be incapable, during a period of five years from the date of conviction, of being registered as an elector or of voting at any election.

(2) Every person who, between the date of the notification by the Supervisor of Elections of the issue by the Governor-General of a Writ for the holding of a general election or a by-election and the day before polling at that election, intends to hold a meeting in any public place or road, shall give at least three hours notice in writing of his or her intention to the nearest police station or the Central Police Station, and in the event that any other person gives notice of intention to hold a meeting at the same place or within three hundred yards thereof at or about the same time, the person who first gave notice shall be entitled to hold the meeting, and the police shall inform that other person accordingly.

(3) Every person who 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 after 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 as a member to serve in the House of Representatives shall be guilty of an illegal practice and shall, on conviction on indictment thereof, be liable to imprisonment for two years, or to a fine of two thousand dollars, or to both such imprisonment and fine, and be incapable, during a period of five years from the date of conviction, of being registered as an elector or of voting at any election.

(4) Any person who, before or during an election, for the purpose of affecting the return of any candidate or prospective candidate at such election, knowingly makes or publishes any false statement 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 not exceeding five hundred dollars or to imprisonment not exceeding one year, or to both such fine and such imprisonment.

(5) A Court convicting any person of an illegal practice under this Act shall certify to the Governor-General and to the Supervisor of Elections any conviction as aforesaid and shall also notify him or her of the lodging of any appeal and the determination of any such appeal.

96. Offences in respect of ballot paper

Every person who—

- (a) forges or counterfeits, or fraudulently defaces or destroys, any ballot paper;
- (b) without due authority supplies a ballot paper to any person;
- (c) fraudulently puts into any ballot box any paper other than the ballot paper which he or she is authorised by law to put in;
- (d) fraudulently takes out of the polling station any ballot paper;

- (e) without due authority destroys, takes, opens, or otherwise interferes with any ballot box or packet of ballot papers then in use for the purposes of any election; or
- (f) not being duly registered as an elector, votes at an election,

shall be liable, on summary conviction, if he or she is returning officer or presiding officer, or clerk employed at a polling station, to imprisonment for one year or to a fine of four hundred and eighty dollars, and, if he or she is any other person, to imprisonment for six months or to a fine of two hundred and forty dollars.

In any information or prosecution for an offence in relation to the ballot boxes, ballot papers, and other things in use at an election, the property in such ballot boxes, ballot papers, or things may be stated to be in the returning officer at such election.

97. Infringement of secrecy

(1) Every officer, clerk and agent, in attendance at a polling station shall maintain and aid in maintaining the secrecy of the voting in such station, and shall not communicate, except for some purpose authorised by law, to any person any information as to the name or number on the 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 casting his or her 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 officer, clerk and agent in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting and shall not attempt to 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 or her ballot paper after he or she has marked it so as to make known to any person the name of the candidate or candidates for whom he or she has so marked his or her vote.

(4) Every person who acts in contravention of any of the provisions of this section shall be liable, on summary conviction thereof, to imprisonment for six months or to a fine of five hundred dollars.

PART VIII

Election Petitions

98. Petitions regarding disputed elections

(1) In accordance with section 37 of the Constitution, the High Court shall have jurisdiction to hear and determine any question whether any person has been validly elected as a member of the House of Representatives, on application being made to the High Court for the determining of any such question.

(2) Any application of the kind referred to in subsection (1) shall be made on petition. A petition complaining of an undue return or an undue election of a member of the House of Representatives, in this Act called an election petition, may be presented to the High Court by any one or more of the following persons—

- (i) any person entitled to vote in the election to which the petition relates,
- (ii) any person who was a candidate in that election,
- (iii) the Attorney-General.

99. Trial of election petitions

(1) Every election petition brought under section 98 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 of Representatives whose return or election is complained of or any and which other person was duly returned or elected, or whether the election was void.

(2) An appeal shall lie as of right to the Court of Appeal from any final decision of the High Court determining such a question as is referred to in section 98.

(3) No appeal shall lie from any decision of the Court of Appeal in exercise of the jurisdiction conferred by subsection (2), and no appeal shall lie from any decision of the High Court in proceedings under this section or section 98 other than a final decision determining such a question as is referred to in section 98.

(4) The High Court or the Court of Appeal as the case may be shall certify to the Governor-General and the Supervisor of Elections its determination of the election petition brought before the Court; 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.

100. Power of Judge

At the trial of an election petition the Judge shall, subject to the provisions of the Constitution and this Act, 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 Supreme Court, and shall be subject to the same penalties for perjury.

101. Presentation of election petition and security for costs

(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 or her account, or with his or her 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—
 - (i) to any person summoned as a witness on his or her 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 recognisance to be entered into by any number of sureties, not exceeding four, approved by the Registrar of the Supreme Court, or by deposit of money in the Supreme Court, or partly in one way and partly in the other.

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

PART IX

Miscellaneous Provisions

102. No obligation on voter to disclose vote

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

103. Conclusiveness of list of electors

At any election a person shall not be entitled to vote unless his or her name is on the list of electors for the time being in force by virtue of this Act, and every person whose name is on such list of electors shall, subject to the provisions of this Act, be entitled to demand and receive a ballot paper and to vote:

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

104. Candidate may act in person

A candidate may himself or herself undertake the duties which any agent of his or her if appointed might have undertaken, or may assist his or her agent in the performance of such duties and may, subject to the provisions of this Act, be present at any place at which his or her agent may, in pursuance of this Act, attend, except when an open vote is being cast.

105. Name and address of agent

(1) The name and address of the agent of a candidate appointed to attend the final counting of the votes shall be transmitted to the returning officer one clear day at the least 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 has not been so transmitted, notwithstanding that his or her appointment may be otherwise valid.

(2) 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 expressions shall be deemed to refer to the presence of such agents of the candidates as may be authorised to attend, and as have in fact attended, at the time and place where such act or thing is being done, and the non-attendance of any agents or agent at such time and place shall not, if such act or thing be otherwise duly done, in anywise invalidate the act or thing done.

106. General penal provisions

(1) An election officer who commits an offence under this Act for which no penalty is specifically provided, shall be liable on summary conviction to a fine of five hundred dollars or to imprisonment for three months, or to both such fine and imprisonment.

(2) If an election officer is convicted of an offence under this Act or the rules, then, in addition to any penalty specifically provided for such offence by this Act or the rules, the court convicting him or her may disqualify him or her from being an election officer for

not more than two subsequent elections. If the conviction is quashed on appeal, the disqualification shall end as from the date of the quashing of the conviction.

107. Rules and regulations

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

- (a) prescribing the remuneration and travelling allowances to be paid to registration officers and election officers;
- (b) prescribing the duties of the returning officers and the procedure to be followed in the performance of those duties;
- (c) prescribing the symbols to be used on every ballot paper and the mode of allocation of such symbols to candidates;
- (d) adding to, rescinding, varying or amending any of the forms or rules contained in the Schedules;
- (e) prescribing the number of copies of the lists of electors to be printed and the persons to whom and the terms upon which such lists shall be distributed;
- (f) prescribing the period during which every employer shall permit his or her employees to be absent from work for the purpose of casting their votes;
- (g) prescribing the charges for certified copies of any documents referred to in this Act;
- (h) prescribing penalties for the breach of any of the regulations made hereunder.

(2) Regulations made by the Governor-General under subsection (1) shall be subject to affirmative resolution.

(3) The Chief Justice may make rules to regulate the practice with respect to appeals to the Court under Part III.

108. Expenses of election

All expenses properly incurred by, and all remuneration and travelling allowances payable to, registration officers and election officers shall be defrayed out of the general revenue of the State.

109. Computation of time

(1) In reckoning time for the purposes of this Act, Sundays, bank holidays or days appointed for public thanksgiving or mourning shall be excluded.

(2) Where anything required by this Act or any rules thereunder to be done on any day falls to be done on any day excluded by subsection (1), that thing may be done on the next day, not being one of such excluded days.

110. Refusal of elector to take oath or affirmation or answer questions

(1) No elector who refuses to take any oath or affirmation or to answer any question, when duly required to do so under this Act, shall receive a ballot paper or be admitted to vote or be again admitted to the polling station in an election regarding which he or she so refuses.

(2) Whenever the presiding officer does not understand the language spoken by any elector, he or she shall appoint and swear an interpreter if one is reasonably available who shall be the means of communication between him or her and the elector with reference to

all matters required to enable such elector to vote, and in case no interpreter is reasonably available, such elector shall not be allowed to vote.

110A. Transitional provision

(1) Pursuant to the relevant Statutory Rules and Orders of 2011, the enumeration period prescribed shall also be used to allow for the establishment of a new registration process, which will facilitate the computerised voter registration system established pursuant to section 8.

(2) Section 26D (2) and (3) shall apply *mutatis mutandis* to this section.

(3) At the commencement of the enumeration period, the Supervisor of Elections shall prepare, or cause to be prepared in and for each constituency, in accordance with the provisions of this Act and the Rules, a current list of persons who are qualified and registered as electors in the polling division comprised therein.

(4) Where the Governor-General issues a writ for an election in a constituency within the enumeration period that is pending, the Supervisor of Elections shall, for the purposes of conducting such an election, use the current list that would have been in force immediately prior to the commencement of that enumeration period.

(5) This section shall expire at the end of the enumeration period, and thereafter, an enumeration shall only be conducted in accordance with section 26D of this Act”.

111. Validation of certain acts

Notwithstanding anything to the contrary, no order shall be made by any Court postponing or prohibiting the taking of any step required to be taken under this Act preparatory to or in the course of any election or postponing or prohibiting the holding of the poll at any election or declaring any election to be void by reason of—

- (a) any list of electors or any certificate or notice, required under this Act to be published, supplied or given by any registration officer or election officer at any time or place or for any period or to any person not having been published, supplied or given at the time or place at which, or for the period for which, or to the person to whom such list, certificate or notice ought lawfully to have been published, supplied or given, unless the Court is satisfied that in failing to publish, supply or give such list, certificate or notice in the manner required by this Act such registration officer or election officer acted otherwise than in good faith;
- (b) any irregularity in the appointment of any registration officer or election officer;
- (c) the wrongful omission from or inclusion in any of electors of the name of any person whose name ought or ought not to have been so omitted or included, as the case may be, unless the Court is satisfied that such wrongful omission or inclusion was due to the registration officer or election officer by whom such list was prepared or revised having acted otherwise than in good faith; or
- (d) any illegality or irregularity committed by any registration officer in compiling or revising any list of electors unless the Court is satisfied that in committing such illegality or irregularity he or she acted otherwise than in good faith:

Provided that in any case the court shall not make the order sought unless it is satisfied that the illegality or irregularity complained of is of such a nature as to warrant the postponing or prohibiting of the taking of the step or the holding of the poll or as to warrant the declaring of the election void.

112. Savings

Where anything in connection with the preparation or publication of any list, register, addendum or supplementary list under this Act or in the Schedules thereto is omitted to be done or cannot be done at the time required or is done before or after that time or is otherwise irregularly done in matter of form, the Governor-General may by order, at any time before or after the time within which the thing is required to be done, extend that time or validate anything so done before or after the time required or irregularly done in matter of form.

113. Repeals

The following Acts are hereby repealed—

The House of Representatives (Elections) Act;

The House of Representatives (Registration of Electors, 1976 Revision) Act, No. 14 of 1976;

The House of Representatives (Registration of Electors) (Special Provisions) Act, No. 3 of 1984;

The House of Representatives (Registration of Electors) (Special Provisions) Act, No. 5 of 1989;

The House of Representatives (Registration of Electors) (Supplementary Register) Act, No. 15 of 1989.

First Schedule

Registration of Electors Rules

ARRANGEMENT OF RULES

1. Citation.
2. Definition.

PART I

3. Residential qualifications.
4. Place of ordinary residence.
5. Ordinary residence where family is.
6. Temporary absence from place of ordinary residence.

PART II

Enumeration

7. Definition.
8. Appointment of enumerators.
9. Qualification of enumerators.
10. Removal of enumerators.
11. Supervisor of Elections to supply documents to enumerators.
12. Publishing enumeration notice.
13. Procedure of enumeration.
14. Issue of certificate of enumeration.
15. Care to be taken in conducting enumeration.
16. Refusal of enumeration.

17. Submission of particulars.
18. Power of registration officer to summon persons.
19. Power of registration officer to deal with refusal of enumeration by enumerator.
20. Person enumerated to be registered.
21. Misplacement or loss of certificate of enumeration.
22. Powers of a registration officer.
23. Penalty.
24. Enumeration documents to be kept safe.
25. Documents to be forwarded to the Supervisor of Elections.
26. Oath of enumerator on completion of work.
27. Enumeration at Parliamentary Elections Constituency Office.

PART II

Registration of Elector

28. Form of current list.
29. Continuous registration.
30. Supply of equipment to registration officers.
31. Access to System.
32. Maintenance of information in System.
33. Persons requesting registration.
34. Registration officer to enter registration information and documents into System.
35. Taking of fingerprint.
36. Taking a digital signature and digital photograph.
37. Registration officer to issue record of registration.
38. Preparation of voter identification card.
39. Issuance of card.
40. Correction of clerical errors.
41. Address, occupation and sex to be inserted.
42. Registration equipment to be kept safe.
43. Certified addendum lists to be sent to Supervisor of Elections.
44. Current lists to be checked.
45. Penalty.
46. Publishing Addendum.
47. Inviting claims and objections regarding lists.
48. Addendum list to be published.
49. Claims to be delivered or posted to registration officer.
50. Notice of objection to registration.
51. Notice of objection to claims.
52. A claim or objection at any time.
53. Names on more than one list.
54. Correcting name or particulars.
55. Effecting change of address or name.
56. Notice to persons affected by objections.
57. List of claims and objections.
58. Publication of claims to insertion.
59. Publication of claims to registration.
60. Posting up list of objections to claims.
61. Consideration of objections.
62. Consideration of claims.
63. Principles regarding the hearing of applications, claims and objections.
64. Corrections of lists by way of addendum list.
65. Objection to correction.
66. Correction of lists.
67. Posting of Current List.
68. Description of polling division.

69. Insertion of names in printed lists.
70. Deletion of name from printed list.
71. Appeals from registration officer to Supervisor of Elections.
72. Appeals from the Supervisor of Elections to the Court.
73. Alteration to list made or certified by the Supervisor of Elections.
74. Further alteration to lists.
75. Correction of current list.
76. Notice.
77. Publication of Register.
78. Posting of Register.
79. Destroying or defacing documents.
80. Duty of registration officer to supply forms.
81. Supply of copies of claims, objections and lists.
82. Mode of notices.
83. Computation of time.
84. Duty to give information.
85. Power to request production of documents.
86. False statement punishable.
87. Operation of document not be affected by a misnomer or inaccurate description.
88. Publication of documents and notices.
89. Document not invalidated by failure to publish.
90. Replacement of Voter Identification Card.
91. Re-issuance of Voter Identification Card.
92. Failure to obey summons or order, unlawful destruction etc. of documents.
93. Penalty.
94. Registration or election officer causing thing to be done.

Citation

1. These Rules may be cited as the Registration of Electors Rules.

Definition

2. For the purpose of these Rules, terms and expressions used in these Rules shall have the same meaning in these Rules as they have in the Act, unless otherwise provided.

PART I

Residential Qualification

3. (1) The question whether a person is or was ordinarily resident in a polling division at any material period, shall, subject to sections 5, 6 and 7 of this Act and rules 4, 5 and 6, be determined by reference to all the facts of the case.

(2) For the purposes of enumeration and registration under this Act, every person shall be deemed to reside in a polling division in which he was ordinarily resident on the date of his enumeration and registration.

Place of ordinary residence

4. The place of ordinary residence of a person is—
 - (a) generally that place which has always been, or which that person has adopted as the place of his habitation or home, whereto when away from there, he intends to return; or
 - (b) specifically, where a person usually sleeps in one place and has his meals or is employed in another place, the place of ordinary residence is where that person sleeps.

Ordinary residence where family is

5. The place of ordinary residence of a person is generally where his family is; if he is living apart from his family in another place, the place of ordinary residence of that person is the other place.

Temporary absence from place of ordinary residence

6. (1) Subject to subrule (2), temporary absence from a place of ordinary residence, does not cause the loss or change of place of ordinary residence.

(2) A person who has more than one place of ordinary residence, may elect in respect of which place he desires to be registered.

PART II

Enumeration

Definition

7. In these Rules—

“enumeration” means in relation to the preparation of an enumeration list for a polling division in a constituency, the listing of persons in that polling division during the enumeration period or, as the case may be, who are qualified—

- (a) to be registered as electors in that polling division; and
- (b) to vote.

Appointment of enumerators

8. (1) The Supervisor of Elections shall, in writing, in the Form set out in Form 3 of the Schedule II, appoint a person to be an enumerator for each polling division in every constituency.

(2) The Supervisor of Elections may, at any time, revoke the appointment of an enumerator.

Qualification of enumerators

9. Each enumerator shall be required to be qualified as an elector in the Constituency in which he is appointed as an enumerator, and shall preferably be a resident in the polling division for which he has been appointed.

Removal of enumerators

10. The Supervisor of Elections may, at any time, replace any enumerator appointed by him, by appointing another enumerator to perform as such, in the place and stead of the person already appointed, and any enumerator so replaced shall, upon request in writing, signed by the Supervisor of Elections, deliver or give up to the person appointed in his place, or to any other authorised person, any document or information which he has obtained for the purpose of the performance of his duties.

Supervisor of Elections to supply documents to enumerators

11. (1) Each enumerator shall, at the beginning at each enumeration period proceed to ascertain the name, address, occupation and sex of every person entitled to vote in the election of a member of the House of Representatives, in the polling division for which he has been appointed. For this purpose, he shall visit every house within the polling division and shall issue enumeration certificates for registration.

(2) Each enumerator conducting a house-to-house enquiry, shall be supplied by the Supervisor of Elections with—

- (a) a Worksheet, in the prescribed form, incorporating the current list prepared by the Supervisor of Elections, for the polling division in which he is appointed;

- (b) certificates of enumeration; and
- (c) such other documents and materials as may be necessary for the performance of his duties.

(3) An enumerator shall keep an inventory of such forms and every certificate of enumeration used by him.

Publishing enumeration notice

12. An enumerator shall, not later than seven days before the first day of an enumeration period, publish a copy of an enumeration notice in the form set out in Form 5 of Schedule II, stating, that he is about to prepare an enumeration list for the polling division in the constituency to which he is appointed as an enumerator.

Procedure for enumeration

13. (1) In conducting the house-to-house enquiry, an enumerator shall record on the Worksheet, the following information in respect of each person listed thereon, who has been enumerated; namely, whether that person on the date of enumeration—

- (a) was not found at the address;
- (b) was ordinarily resident at a new address;
- (c) was ordinarily resident in the polling division at the address indicated in the Worksheet;
- (d) refused to be enumerated;
- (e) is qualified to be registered pursuant to section 6; or
- (f) has died.

(2) The enumerator shall sign the Worksheet in respect of the record made in relation to each person listed on such Worksheet.

(3) Where during the course of the house-to-house enquiry, the enumerator refuses the request of any person to be enumerated, in accordance with the provisions of these Rules, he shall issue a notice of refusal (original and copies), in the prescribed form, and leave with such person, the original of the notice, and inform him that he may appear before the registration officer if he wishes to justify his claim.

(4) The names of persons whose requests for enumeration have been refused by the enumerator, shall be recorded by the enumerator in a register supplied by the Supervisor of Elections, and after the enumeration period has been completed, such register shall be delivered by the enumerator to the registration officer.

Issue of certificate of enumeration

14. (1) During the course of such enumeration, the enumerator shall issue to a person whom he has enumerated and is satisfied to be qualified for registration, a certificate of enumeration, in the prescribed form.

(2) A certificate of enumeration shall be issued in duplicate form, and the enumerator shall record the required particulars obtained from information given to him by the person who is being enumerated, and subject to subrule (3), affix his signature in ink on the original of the certificate, and by means of carbon, on the duplicate, and shall deliver the original to the person enumerated.

(3) Before affixing his signature as provided for under subrule (2), and delivering the original to the person enumerated, the enumerator shall require that person, unless he is unable to do so by reason of illiteracy or physical disability, to read the certificate of enumeration, and after satisfying himself that the contents thereof are correct, request the person to sign the certificate of enumeration.

(4) Where a person in subrule (3) is unable to read or sign the certificate of enumeration or is unable to do both, due to illiteracy or physical disability, the

enumerator shall read the certificate of enumeration to the person, obtain and confirm the consent of the person to the content of the certificate of enumeration make and sign a declaration to that effect, and such declaration shall be submitted to the Supervisor of Elections.

(5) If the enumerator has grounds for believing, that a person whose name appears on the current list incorporated in the enumerator's Worksheet, does not wish, or is not entitled to be enumerated, entries stating the grounds for such belief shall be made by the enumerator, in the prescribed form.

Care to be taken in conducting enumeration

15. The enumerator shall exercise the utmost care in conducting the house-to-house enquiry, during the enumeration period in the polling division for which he is appointed, and shall take all the necessary precautions to ensure, that he obtains accurate information regarding the name, occupation, address and other required particulars of persons in the polling division, and that he has not enumerated any person who is not qualified to vote or to be registered as an elector.

Refusal of enumeration

16. Where, in the course of a house-to-house enquiry during the enumeration period, any person whom the enumerator believes to be qualified to be registered as an elector refuses or declines to be enumerated, although afforded the opportunity to be so enumerated, the enumerator shall record in a register supplied by the Supervisor of Elections for that purpose, the name and address of such person, so far as these are known or can be ascertained.

Submission of particulars

17. Where the enumerator has completed his enumeration, the enumerator shall—

- (a) prepare the enumeration list, which shall contain the names of all persons whom he has enumerated and deemed qualified to be registered as electors, pursuant to the issuance of a certificate of enumeration, and such list shall be prepared using the format prescribed under these Rules in the preparation of the current list;
- (b) submit the enumeration list, the Worksheet, together with the copies of the certificates of enumeration and the register for which provision is made in rule 13 (4),

to the registration officer, together with the prescribed oath.

Power of registration officer to summon persons

18. (1) If, in consequence of information received by him, the registration officer suspects that a person in respect of whom a certificate of enumeration has been issued by an enumerator for a polling division, is not qualified to be enumerated in respect of that polling division, he may summon that person to appear before him, and after a fair hearing, shall cancel the certificate of enumeration, if he is satisfied that such person is not qualified as aforesaid:

Provided that where a person who is summoned as aforesaid fails to appear, the hearing may take place in his absence.

(2) Where a certificate of enumeration has been cancelled pursuant to sub-rule (1), the registration officer shall forward to the Supervisor of Elections, a notice in the prescribed form, informing him of the cancellation of the certificate; and where the person in respect of whom the certificate was issued failed to appear at the hearing, a copy of the notice shall be sent to him by registered mail.

Power of registration officer to deal with refusal of enumeration by enumerator

19. The registration officer shall deal with the cases of persons whose requests for enumeration were refused by the enumerator, pursuant to Rule 13 (3), and if any such

person appears before the registration officer, and satisfies him that he is entitled to be enumerated in respect of the relevant polling division within the constituency in accordance with these Rules, the registration officer shall, if the person so wishes, duly issue to that person, a certificate of enumeration.

Person enumerated to be registered

20. Every person in respect of whom a certificate of enumeration is issued shall, as soon as practicable, make a request to be registered in accordance with the provisions of the Act and these Rules, by the registration officer of the constituency for which he has been enumerated.

Misplacement or loss of certificate of enumeration

21. (1) Where a certificate of enumeration is lost, misplaced or destroyed, before the person in respect of whom the certificate of enumeration was issued has been registered, that person may apply in the prescribed form, to the registration officer, for a copy of the certificate of enumeration.

Powers of a registration officer

22. (1) Subject to the provisions of paragraph (2), the registration officer, when sitting for the purpose of hearing claims, objections, and other matters under the Rules in this Schedule, shall have all the powers of a Magistrate, in relation to the calling and the examining of any witness, and the administering or causing to be administered to any person, an oath.

(2) Every person who is required to take an oath in pursuance of the provisions of this Rule, may elect to make a solemn affirmation instead of taking such oath.

(3) The form of oath of any person, other than a person referred to in subrule (2), who appears before the registration officer to give evidence, shall be in the prescribed form.

Penalty

23. Every enumerator who willfully and without reasonable excuse omits from the enumeration list, the name of any person entitled to have his or her name entered therein, or enters in the said list, the name of any person who is not entitled to have his or her name entered therein, commits an offence, and is liable, on summary conviction, to a fine not exceeding five hundred dollars, and, in addition, to forfeiture of his right to payment for his services as an enumerator.

Enumeration documents to be kept safe.

24. (1) An Enumerator shall keep all enumeration documents in safe keeping, and shall not permit any person to have unlawful access to such documents entrusted to him.

(2) An enumerator who contravenes subrule (1) commits an offence and is liable, on summary conviction to a fine not exceeding five hundred dollars, and, in addition, to forfeiture of his right to payment for his services as an enumerator.

Documents to be forwarded to the Supervisor of Elections

25. The enumerator, shall, at such times as the Supervisor of Elections may direct, deliver to him or any person authorised by him, any or all documents used by the enumerator in the performance of his duties.

Oath of enumerator on completion of work

26. On the completion of his work, the enumerator shall take an oath in the form set as Form No. 14 in the Second Schedule.

Enumeration at Parliamentary Elections Constituency Office

27. For the purposes of this Part, enumeration may be conducted at a Parliamentary Election Constituency Office, save, and except for where this is done, the provisions under the Rules relating to enumeration shall apply.

PART II

Registration of Elector

Form of current list

28. The names in each current list, shall be arranged primarily in alphabetical order, according to the initial letters of surnames, according to Form No. 1 in the Schedule II, or in strict order of house number according to Form No. 2 in the Schedule II as determined by the Supervisor of Elections, or according to such other form as may be prescribed, and shall be numbered consecutively beginning with the number one.

Continuous registration

29. The Supervisor of Elections shall prepare, or cause to be prepared for each polling division in every constituency, pursuant to the provisions of the Act, a current list of all persons who are qualified and registered as electors in the polling division in each constituency.

Supply of equipment to registration officers

30. Pursuant to section 8 of the Act, the Supervisor of Elections shall supply to each registration officer, a computer, a digital scanner, a digital camera, a digital signature pad, a digital fingerprint reader, and such other equipment or documents as may be necessary for the performance of his duties.

Access to System

31. (1) Subject to subrule (2), no person, save and except the Supervisor of Elections, the Assistant Supervisor of Elections, the Computer System Administrator, or any person acting in the capacity of the persons mentioned herein, shall have access to the System.

(2) A registration officer shall have limited access to the System, for the purpose of conducting registration at the Parliamentary Elections Constituency Office.

(3) All voter registration information and the necessary particulars that are required, pursuant to the provisions of this Act and the Rules, shall be electronically entered into the System by the registration officer, at the time the information is provided to him, by the person who makes a request to be registered as an elector.

(4) The Supervisor of Elections shall provide such equipment, documents, particulars and support to a registration officer as may be required, to ensure that the registration officer conducts his duties in relation to registration, in accordance with the provisions of the Act and these Rules.

Maintenance of information in System

32. The Supervisor of Elections shall be responsible for ensuring that the information in the System is maintained in the manner provided for in the Act and these Rules, and that the information in relation to a person, is only deleted in such manner as authorised by the provisions of this Act and these Rules.

Persons requesting registration

33. Subject to the provisions of the Act and these Rules, where a person makes a request for registration, and the registration officer is satisfied that such person is entitled to be registered as an elector, he shall proceed to register the applicant, in the manner prescribed in the Act and these Rules.

Registration officer to enter registration information and documents into System

34. (1) Pursuant to rule 33, upon the acceptance of a request for registration, the registration officer shall enter the personal information of the applicant, and such particulars provided for under section 8 of the Act, into the System.

(2) The particulars referred to under subrule (1), shall be scanned onto the System, and shall form part of the official record of such person in relation to his registration.

Taking of fingerprint

35. (1) The registration officer shall require a person who makes a request to be registered, to have his fingerprint taken digitally in the manner provided for in subrule (2), except where the person has no hands or has no fingers on either hand.

(2) The fingerprint of a person shall be taken as follows—

- (a) with his right and left index finger;
- (b) with any other finger in place of an index finger, should he not have an index finger; or
- (c) with any other two fingers in place of the index finger, should he not have an index finger.

(3) Where a person has no hand or finger on either hand, the registration officer must make and sign a declaration, in the prescribed manner, to that effect, and such declaration shall be submitted to the Supervisor of Elections, who shall then make the appropriate adjustments to the System to have the person registered.

(4) Where the fingerprints of a person cannot be read by the digital fingerprint pad, the registration officer shall make and sign a declaration, in the prescribed manner, to that effect, and such declaration shall be submitted to the Supervisor of Elections, who shall then make the appropriate adjustments to the System to have the person registered.

Taking a digital signature and digital photograph

36. (1) The registration officer shall require the taking of the digital signature of a person, who makes a request to be registered.

(2) Where a person has no hands or is unable to effect a digital signature due to illiteracy or some form of physical disability, the registration officer must make and sign a declaration to that effect, and such declaration shall be submitted to the Supervisor of Elections, who shall then make the appropriate adjustments to the System to have the person registered.

Registration officer to issue record of registration

37. (1) When having completed the registration process in accordance with rules 33, 34, 35 and 36, the registration officer shall—

- (a) print a record of registration which shall be automatically generated from the System; and
- (b) require the person being registered, unless he is unable to do so by reason of illiteracy or physical disability, to read the record of registration and sign it, after satisfying himself that the contents thereof are correct.

(2) Where a person who is being registered is unable to read, the registration officer shall read to him, and where practicable, in the presence of another person, the contents of the record of registration, and the registration officer shall thereafter prepare a declaration, in the prescribed form, to that effect.

(3) The record of registration issued pursuant to this Rule, shall be presented by a person to the Registration Officer where the person, who has been registered, goes to the Parliamentary Constituency Elections Office where he was registered to collect his voter identification card.

Preparation of voter identification card

38. (1) On receipt of an electronic record of registration, digital photograph, digital signature and digital fingerprint of a person who has been registered, the Supervisor of Elections, shall cause to be prepared, a voter identification card, (which shall be

prescribed), in accordance with the Act, in respect of such person, including his name and voter registration number.

(2) The Supervisor of Elections shall cause a voter identification card provided in accordance with subrule (1), to be laminated.

Issuance of card

39. Prior to the issuance of a voter identification card to a person who has been registered in accordance with these Rules, the Supervisor of Elections shall require or cause to be required the person to have his fingerprint taken in the manner prescribed in rule 35.

Correction of clerical errors

40. The Supervisor of Elections may correct or cause to be corrected any clerical error on any registration record.

Address, occupation and sex to be inserted

41. (1) Opposite each name in the current list, shall be inserted, the occupation (if any) an sex of the person whose name appears therein, and the address at which the person was resident during the enumeration period or continuous registration period.

(2) The names, addresses, occupations and sex of all electors who are included in a current list, shall be written up according to Form No. 1 or Form No. 2 in the Schedule II.

(3) There shall be a separate letter or letters in the register of electors for each constituency.

(4) Subject to the provisions of rule 29—

- (a) the names of each polling division shall be arranged in alpha-numerical order;
- (b) the names in the register of electors shall be numbered so far as reasonably practicable, consecutively, with a separate series of numbers of each polling division;
- (c) in such other manner as may be considered expedient.

(5) The Governor-General may, by Order published in the *Gazette*, vary the provisions of sub-rule (4), in such manner as he deems expedient, for the purpose of ensuring that, so far as practicable, the dates by which any steps are to be taken or any work is to be completed to the Act, are adhered to.

Registration equipment to be kept safe

42. A registration officer shall not permit, or cause to permit, any person, to have unlawful access to his computer or any other equipment used for the purposes of registration.

Certified addendum lists to be sent to Supervisor of Elections

43. Five days before the appointed quarterly date, the registration officer shall certify the addendum list in the form set out as Form No. 13 in the Schedule II, and he shall transmit the list to the Supervisor of Elections not later than the following day.

Current lists to be checked

44. The Supervisor of Elections shall, on receipt of the current list from the Registration Officer, prepare and complete or cause to be prepared and completed, not later than thirty-five (35) days after the appointed day, four copies each of such lists in respect of each polling division.

Penalty

45. An employee of the Parliamentary Elections Office who wilfully and without reasonable excuse, omits from the current list, the name of any person entitled to have his

name entered therein, or enters in the said list, the name of any person who is not entitled to have his name entered therein, commits an offence, and is liable, on summary conviction, to a fine not exceeding ten thousand dollars, or to a term of imprisonment not exceeding six months.

Publishing Addendum

46. (1) The Supervisor of Elections, on the appointed quarterly date, or as soon thereafter as can be reasonably done, shall cause a certification copy of the addendum in each constituency to be published.

(2) The Supervisor of Elections shall, cause at the time of publishing the addendum under subrule (1), a notice to be published specifying the places where the current list can be seen.

Inviting claims and objections regarding lists

47. (1) The registration officer shall, at the time of publishing the current list referred to in rule 46, publish a notice in the form set out as Form No. 15 in the Schedule II, inviting claims and objections regarding such list.

(2) The notice referred to in subrule (1), shall specify the manner by which claims and objections in respect of the current list may be made, and the address of the registration officer.

Addendum list to be published

48. The registration officer shall, at the same time as publishing the current list under Rule 46, and at the same places, publish the addendum list for each constituency.

Claims to be delivered or posted to registration officer

49. Any person who claims to be entitled to be registered as an elector, may make a claim to be registered as an elector, and who is not entered in the current list, may make a claim to be registered, by sending to the registration officer, a claim in the form set out as Form No. 16 in Schedule II. The Claimant shall deliver the form or transmit it to the registration officer.

Notice of objection to registration

50. (1) Any person whose name appears on any of the current lists for a constituency, may object to the registration of any person whose name is included in those lists, by sending to the registration officer, notice of objection in the form set out as Form No. 17 in the Schedule II.

(2) The registration officer shall immediately forward a copy of the notice of objection to the person objected to, by registered post.

(3) Form No. 17 in Schedule II shall consist of a postcard in duplicate.

Notice of objection to claims

51. Any person whose name appears on any of the current lists for a Constituency, may object to the registration of any person who claims under rule 49, to be entitled to be registered, by sending notice of objection to the registration officer, in the form set out as Form No. 17 in the Schedule II.

A claim or objection at any time

52. A claim to be included in the lists, or an objection to any name in the list under rule 49 or 50, may be made at anytime.

Names on more than one list

53. Any elector whose name appears on more than one current list, and who is aware of that or made aware of that, shall forthwith notify the registration officer, in the form set out as Form 18 in the Schedule II, of the polling division in which he elects to have his name retained.

Correcting name or particulars

54. Any person whose name appears on the lists in an incorrect manner or with other incorrect particulars, may claim to have his name registered correctly or those other particulars corrected, by sending or delivering to the registration officer, a claim in the form set out in Form No. 19 in the Schedule II.

Effecting change of address or name

55. After publication of the current list, a person whose name appears in any list for a constituency who has—

- (i) changed his name; or
- (ii) changed his address within the constituency, or changed his address to an address in another constituency,

may notify the registration officer, and claim to have the change effected, by sending or delivering to the registration officer, a claim in the form set out as Form No. 20 or Form No. 21 in Schedule II, as the case may be.

Notice to persons affected by objections

56. The registration officer shall, immediately after receiving any notice of objection, send a notice in the form set out as Form No. 22 in Schedule II, to the person, in respect of whose registration the notice of objection is given, and notice in the form set out as Form No. 23 in the Schedule II.

List of claims and objections

57. The registration officer shall keep separate lists of claims and objections, and shall, on receipt of a claim or objection, forthwith enter in the appropriate list, the name and address of the claimant or objector or the person, in respect of whom the objection is made.

Publication of claims to insertion

58. It shall be the duty of the registration officer to publish, not later (than 40 days after) the last past quarterly date, in the form set out as Form No. 24 in Schedule II, a list of persons living in the respective polling divisions, who claim that their names should be inserted in, or that other corrections should be made to, the lists. Such lists shall remain published until such claims are determined in accordance with these Rules.

Publication of claims to registration

59. It shall be the duty of the registration officer to publish, not later than 40 days after the last quarterly date, a list of the names of persons appearing in the lists in the respective polling divisions, to whose registration notice of objection has been given, in the form set out as Form No. 25 in Schedule II. Such list shall remain published until the publication of the next list and such objections are determined in accordance with these Rules.

Posting up list of objections to claims

60. It shall be the duty of the registration officer to publish, not later than 30 days after the last quarterly date, in the form set out as Form No. 25 in Schedule II, a list of the names of persons claiming under Rule 36 to be entitled to be registered in the respective polling divisions, to whose registration notice of objection has been given. Such list shall remain published until the publication of the next list, and such objections are determined in accordance with these Rules.

Consideration of objections

61. (1) The registration officer shall consider all objections of which notice has been given to him in accordance with these Rules, and for that purpose, give at least five clear days notice by registered post to the objector, and to the person in respect of whose

registration the notice of objection has been given, of the time and place at which the objection will be considered by him.

(2) Where the registration officer is of the opinion that the particulars given in an objection are insufficient, he may ask the objector for further information, requiring that such further information be provided to him within seven days, and he may take no further action until such further information is supplied.

(3) Where further information asked for by the registration officer under subrule (2), is not received by him within seven days stipulated by that sub-rule, no further action needs to be taken by him in respect of the objection to which it relates.

(4) Where the registration officer is of the opinion that no further information need be asked for by him under subrule (2), he shall proceed to examine such objection as referred to subrule (2).

(5) Where the registration officer is thus determining an objection without asking for further information, or after receiving the further information asked for by him under subrule (2)—

- (i) if he considers that the objector is not entitled to object, he may disallow the objection, and shall so inform the objector and the person objected to;
- (ii) if he considers, that the objection should not be allowed, because the particulars given in support of the objection are not sufficient to sustain the objection, he may disallow the objection, and shall so inform the objector and the person objected to; and
- (iii) if he considers that the objector is entitled to object, and that particulars given in support of the objection are sufficient to sustain the objection, he may uphold the objection, and shall so inform the objector and the person objected to.

Consideration of claims

62. (1) The registration officer shall consider all claims of which notice has been given to him in accordance with these Rules, and for that purpose, give at least five clear days notice by registered post to the claimant, of the time and place at which the claim will be considered by him.

(2) The registration officer shall not refuse to deal with any claim, notice or objection, purely on the basis that the correct form has not been issued.

(3) When the registration officer is of the opinion that the particulars given as a claim are insufficient, he may ask the claimant for further information, requiring that such further information be supplied by the claimant within seven days of such further information being asked for by him, and he need not take any further action until such information is supplied.

(4) Where further information asked for by the registration officer under subrule (3), is not received by him within seven days stipulated by that subrule, no further action need be taken by him in respect of the claim.

(5) When notice of objection has been given in respect of a claim, rule 41 shall apply to such notice of objection.

(6) Where the registration officer is of the opinion that no further information need be asked by him under subrule (3), he shall proceed to determine the claim without asking for further information, and when the registration officer is thus determining a claim, without asking for further information or after receiving the further information asked for by him, under subrule (3)—

- (i) if he considers that the claimant is not entitled to make the claim, he may disallow the claim and shall so inform the claimant, in the form set out as

Form No. 26 in Schedule II, copying same to any person who objected to the claim;

- (ii) if he considers that the claim should not be allowed, because the particulars given in support of the claim are not sufficient to sustain the claim, he may disallow the claim and shall so inform the claimant, in the form set out as Form No. 26 in the Second Schedule, copying same to any person who objected to the claim;
- (iii) if he considers that the claimant is entitled to make the claim and that the particulars given in support of the claim are sufficient to sustain the claim, he may uphold the claim and shall so inform the claimant, in the form set out as Form No. 26 in the Second Schedule, copying same to any person who objected to the claim.

Principles regarding the hearing of applications, claims and objections

63. (1) On the hearing of an objection, claim, or application for registration under rule 61 or 62, or other representation or matter—

- (a) the registration officer may summon such witnesses as he considers necessary, and may order the production of any document that he deems necessary;
- (b) the registration officer shall permit all persons who, in his opinion, are interested in the hearing, to appear before him and be heard;
- (c) a person appearing at the hearing, may appear either in person or may be represented by any other person;
- (d) the registration officer may, either at the request of any person interested in the hearing, or without such request, require that the evidence by any person at such hearing be given upon oath or affirmation, and may administer the necessary oath, or cause the necessary affirmation to be made in his presence; and
- (e) no person shall make any statement upon oath or affirmation that he knows to be false or does not believe to be true.

(2) A registration officer shall make and keep a record of all evidence taken and all documents produced during the hearing of an objection, claim, application for registration or other matter, and shall submit to the Supervisor of Elections, such records and all documents produced, together with his decision and his reasons thereof.

Corrections of lists by way of addendum list

64. (1) The registration officer shall, on a continuous basis, make such additions to and corrections of the lists as are required, in order to carry out his decisions regarding any objections, claims or applications for registration heard by him under rule 61 or 62; remove duplicate entries subject to any expressions of choice by persons affected as to those entries, remove the names of persons who are dead or subject to any legal incapacity; rectify clerical errors, and otherwise ensure that those lists are complete and accurate as a register, in accordance with the requirements of the Act.

(2) Corrections shall be effective on the date of correction, and shall be contained in an addendum to the current list, and shall be merged with the current list and published as the current list on the next quarterly date, or as soon thereafter as can be reasonably done.

Objection to correction

65. Where the registration officer makes any correction in the lists otherwise than in pursuance of a claim, objection, application for registration or for the purpose of correcting a clerical error, he shall give notice in the form set out as Form No. 28 in Schedule II, to the person affected by the correction, and allow that person an opportunity of objection to the correction, and of being heard with respect thereto.

Correction of lists

66. The Supervisor of Elections shall make all the necessary corrections to the lists, and do everything necessary, in time to allow the publication of the lists so corrected, as required by these Rules.

Posting of Current List

67. (1) The Supervisor of Elections shall certify in the form set out, two current lists and addendum list prepared in accordance with these Rules, and shall, 10 days before the next quarterly date, deliver or cause to be delivered to the registration officer one set of lists, and retain the other set in the office of the Supervisor of Elections for inspection by the public. It shall be the duty of the Supervisor of Elections, on the application of any person during business hours and upon payment of the prescribed fee to furnish or cause to be furnished, such person with copies of the list at any time on, or after, the relevant quarterly date.

(2) The Supervisor of Elections shall cause the addendum list to be merged with the current list, and a new current list published and printed on the quarterly date, or as soon thereafter as can be reasonably done.

Description of polling division

68. On a date to be determined by the Supervisor of Elections, the Supervisor of Elections shall transmit to the returning officer, a description of the boundaries of each polling division for which the registration officer is responsible. On completion of his revision, the Supervisor of Elections shall transmit to the returning officer, the set of current lists for those polling divisions.

Insertion of names in printed lists

69. If after the current list has been printed and an election has been called, and the Supervisor of Elections has reasonable cause to believe that the name of any elector which has been included in the addendum or earlier current list for any polling division has, through inadvertence, been omitted from the current list for that division, the Supervisor of Elections shall ascertain, by reference to the relevant lists and the enumerators index book for that polling division, or the duplicate thereof, whether the omission of that name has in fact occurred. If the omission is verified, he shall insert copies of the printed list, the name, address and occupation of the elector concerned, and initial the corrections. He shall then return the corrected copies to the returning officer for the constituency concerned. He shall also notify the person whose name was omitted of the insertion.

Deletion of name from printed list

70. (1) If, during the period between publication of any list for use in elections and polling day, the Supervisor of Elections has reasonable cause to believe, that there appears upon any list, the name of any person who is not qualified for inclusion in such list, or that any insertion that has been made under rule 69 of these Rules, is in respect of a person who is not entitled to be included in such list, he shall hold a special review to investigate such case.

(2) The Supervisor of Elections shall give at least 5 days notice, or such notice as is reasonably practicable to such persons, of the time and place at which the special revision will take place, and at such time and place, consider the eligibility of such person to be included in the list. If he decides that the name of such person should not be included in the list, he shall delete such name therefore, and initial the deletion on all undistributed copies of the list. He shall notify the returning officer of all such deletions.

(3) If printed lists have already been distributed, the returning officer shall accordingly notify the persons whom he believes to be likely to be nominated as candidates for the relevant constituency, or who have actually been nominated, and the presiding officer of the polling division concerned.

Appeals from registration officer to Supervisor of Elections

71. (1) Any person aggrieved by the decision of a registration officer under rule 61, 62, 63, 64 or 65, may appeal to the Supervisor of Elections within 7 days of being notified of the decision.

(2) The provision of rule 63 shall apply to the hearing of such appeals by the Supervisor of Elections, as those provisions apply to the hearing before the registration officer.

(3) If the Supervisor of Elections grants or disallows an appeal, he shall accordingly notify the appellant, in a notice of decision in the form set out as in Schedule II, copying same to the registration officer and any other person whom he considers to be affected by his decision. He shall keep a duplicate copy of such notice, together with the other papers relative to the appeal.

(4) Where the decisions of the Supervisor of Elections requires an alteration to any list, he shall himself make such alteration, and give such directions as are necessary and shall, after making such alterations, notify same to the registration officer, the applicant, and any other person whom he considers to be affected by his decision.

Appeals from the Supervisor of Elections to the Court

72. (1) An appeal lies to the Judge in Chambers, (hereinafter referred to as “the Court”), from any decision of the Supervisor of Elections on any objection, claim, application for registration or other matter heard by the Supervisor of Elections on appeal under rule 71, or other matter done by him.

(2) Appeals from the Supervisor of Elections to the Court under subrule (1), shall be governed by section 25 of the Act.

(3) Any person appearing to the Court to have a sufficient interest in the matter, may appeal to the Court under rule 53, against any decision reached or action taken by the Supervisor of Elections.

Alteration to list made or certified by the Supervisor of Elections

73. Any alteration required to any list which is required—

- (a) to carry out the registration officer’s decision with respect to any claim or objection;
- (b) to carry out the decision of the Supervisor of Elections, or the decision of the Court with respect to any claim or objection;
- (c) to correct any clerical error;
- (d) to correct any misnomer or inaccurate description of any person, his occupation or address;
- (e) to delete the name of any person whom the Supervisor of Elections is satisfied is dead, may be made by the Supervisor of Elections; or if required to be made by another person, shall need to be certified by the Supervisor of Elections.

Further alteration to lists

74. (1) Where it appears to the Supervisor of Elections, that it is necessary to make any alteration other than an alteration under rule 73, to a list, in order to ensure that no person shall be incorrectly or improperly registered, or registered in more than one list, or registered when not entitled, he shall send to the person to be affected by the alteration, a notice stating the proposed alteration, and shall give him an opportunity within three days from the date of such notice of selecting, where entitled to do so, the qualifying address in respect of which he is registered, or of objecting to the alteration and, if necessary, of appearing before him and being heard in accordance with the provisions of Rule 63, and subject to rule 72.

(2) At the expiry of the three days referred to in subrule (1), the Supervisor of Elections shall make such alteration as seems to him to be necessary.

Correction of current list

75. (1) Subject to rule 72, if the Supervisor of Elections is satisfied that the names of electors have been inadvertently omitted or incorrectly recorded during the process of preparing the current list, he may add to such list, the names of the electors omitted or correct the errors, as the case may be, by means of a statement of changes duly certified by him. In like manner, he may remove from the current list for a particular polling division, the name of any person who is not registered as an elector for such polling division.

(2) Corrections to be made by addition and deletion on the addendum, are to be published at the next quarterly date, unless use of the addendum is not possible, in which case the Supervisor shall make amendments directly to the relevant list.

Notice

76. (1) When the Supervisor of Elections intends to proceed under rule 74 or 75, he shall publish a notice of his intention to do so. Such notice shall give five clear days' notice, or such notice as is reasonably practicable, of the time and place at which he intends to proceed, and shall specify the nature of the alteration intended by him.

(2) Any person wishing to object to the making of any alteration by the Supervisor of Elections may object, in writing, to the Supervisor of Elections. If any person so objects, but the Supervisor of Elections still proceeds to make the alteration, that person may appeal to the Court, in accordance with rule 72.

Publication of Register

77. (1) The Supervisor of Elections shall publish the register of electors, by making a copy available for inspection at his address, and at the address of the registration officer for the constituency to which it relates, and by making copies of the relevant part of the register of electors available for inspection as soon as practicable, on at least two public buildings within the polling division or constituency, and shall be responsible for ensuring that such copies are displayed therein, by posting in a prominent place.

(2) If there are no public buildings in the respective polling division or constituency, the Registration or Election Officer shall post-up, or affix the document or notice, on at least two other buildings within that polling division or constituency, but only after first obtaining permission from the occupants of such buildings to do so.

(3) Every register so published shall constitute the register of electors for the constituency to which it relates, and shall be used at the elections to which it relates.

(4) The register of electors shall be kept published until it is replaced by a revised register or, as the case may be, by a new register.

Posting of Register

78. A copy of the register of electors, shall on publication, be furnished by the Supervisor of Elections, to the Public Library, Court Houses, Post Offices, Police Stations, Medical Stations and Revenue Offices for inspection by the public.

Destroying or defacing documents

79. If any person without lawful authority destroys, defaces, removes or makes any alteration in, any notice published by a registration or election officer in connection with his registration duties, or any copies of a document which have been made available for inspection in pursuance of these Rules, he shall be liable, on summary conviction, to a fine of five hundred dollars or to imprisonment for six months, or to both such fine and imprisonment.

Duty of registration officer to supply forms

80. A registration officer shall, without fee, on the application of any person, supply forms of claims, applications, objections or notices thereof.

Supply of copies of claims, objections and lists

81. (1) A registration officer shall, on the application of any person, allow that person to inspect, and take extracts from, or on payment of the prescribed fee, supply to that person, copies of the lists for any registration unit in his constituency, and any claim, application or objection or notice thereof made under these Rules.

(2) The Supervisor of Elections shall, on request, supply to any person, copies of any part or parts of the register of electors, so long as there are sufficient copies available, allowing for the number which he considers may be required for official purposes, including the purposes of any election, on payment of a fee of one dollar for each polling division, together with an additional fee of five cents for each hundred, or part of a hundred, names in such copy.

(3) Where a document is made available for inspection, any person may make a copy of, or take extracts from that document.

Mode of notices

82. (1) Any claim, objection, application for registration, or other representation which is under these Rules to be sent to an election officer, shall be in writing, in the stipulated form where prescribed, and may be sent to the officer by registered post, addressed to him at his office or delivered by hand to him or at his office.

(2) Where an election officer is required by these Rules to notify any person of any thing, such notification shall be in writing, in the stipulated form where prescribed, and may be delivered by hand to him or sent him by registered post, at the address furnished by him for the purpose of such notification, or if there is no such address, at the last known place of abode of that person.

Computation of time

83. Where the last day of time allowed by these Rules for any matter falls on a Sunday, bank holiday or day appointed for public thanksgiving or mourning, that time shall be extended until the end of the following day which is not one of the days earlier mentioned.

Duty to give information

84. (1) The Supervisor of Elections, a registration officer, an assistant registration officer or an enumerator may require any employer, any householder, or any person owning or occupying any land or premises, in the case of a registration officer, assistant registration officer or enumerator within his constituency or polling division as the case may be, or the agent of such on person, to give information in his possession which the Supervisor of Elections, the registration officer, the assistant registration officer or enumerator may require for the performance of his respective duties.

(2) Any person who fails to give information required under subrule (1), or knowingly gives false information, commits an offence pursuant this Rule.

Power to request production of documents

85. (1) The Supervisor of Elections, an enumerator or a registration officer or an assistant registration officer, before registering any person as an elector may, if he thinks it necessary—

- (a) require that person to, either produce a birth certificate or, if that is not practicable, to make a statutory declaration as to the date of his birth; or
- (b) require that person to produce a certificate of naturalisation, or to make a statutory declaration that he is a citizen of Grenada or otherwise a Commonwealth citizen.

(2) Where a declaration under subrule (1) is so required, no fee shall be paid thereon.

(3) The registration officer shall, during office hours, allow any person to inspect and take a copy of any declaration made pursuant to subrule (1).

False statement punishable

86. Any person who in the course of preparation of any list, makes before a registration officer, an assistant registration officer, an enumerator, or the Supervisor of Elections, any statement upon oath, or any solemn affirmation which he knows to be false, or does not believe to be true, commits an offence, and upon summary conviction thereof, shall be liable to be imprisoned for a term not exceeding twelve months.

Operation of document not be affected by a misnomer or inaccurate description

87. No misnomer or inaccurate description of any person or place in any register of electors list, list of claims or objections, or in any notice given under the Act or these Rules, shall affect the operation of that document with respect to that person or place, in any case where the description of that person or place is such as to be commonly understood.

Publication of documents and notices

88. Unless otherwise provided by these Rules, where an election officer is, by these Rules, required to publish any document or notice, he shall publish the document or notice by—

- (i) publishing the document or notice in the *Gazette*, and in at least one newspaper circulating regularly in the State;
- (ii) posting-up or affixing a copy of the document or notice on the prescribed buildings in his polling division or constituency as the case may be;
- (iii) making a copy of the document or notice available for inspection by the public in his office, or in the office of the registration officer; and
- (iv) if he thinks fit, using any additional means which is, in his opinion, desirable for the purpose of bringing the contents of the document to the attention of those for whom the information in the document or notice is intended.

(2) The prescribed buildings referred to in subrule (1) (ii), shall be Court Houses, Post Offices, Police Stations, Medical Stations, Revenue Offices, or such other public building as seem fit to the registration or election officer.

(3) Notwithstanding subrule (2), if there are no public buildings in the respective polling division or constituency, the registration or election officer shall post-up or affix the document or notice on other buildings, but only after first obtaining permission from the occupants of such buildings to do so.

Document not invalidated by failure to publish

89. Any failure to publish a document in accordance with these rules need not invalidate the document, but the provisions of this paragraph shall not relieve the relevant officer from any penalty for that failure.

Replacement of Voter Identification Card

90. (1) Where a voter identification card has been defaced, damaged, lost or destroyed, an application for the issue of a substitute identification card may be made by the person to whom it relates, in the prescribed form, and in the case of a defaced or damaged identification card, such identification card shall be attached to and submitted by the applicant with the application form, and every applicant shall submit a nominal fee of \$5.00.

(2) The application shall be delivered to either the Supervisor of Elections, or the registration officer of the constituency in which such person resides.

(3) The registration officer shall, on receipt of any application under subrule (2), forward such application to the Supervisor of Elections.

Re-issuance of Voter Identification Card

91. The Supervisor of Elections, on being satisfied that the application is genuine, and that all the requirements under these Rules have been fulfilled, and the prescribed fees have been paid, shall cause to be prepared for the applicant(s) registration record, another identification card in accordance with the Act and these Rules.

Failure to obey summons or order, unlawful destruction etc. of documents

92. (1) A person who fails to obey any summons issued or order made by virtue of rule 63 (a), or who contravenes that Rule, commits an offence.

(2) A person who, without lawful authority, destroys, defaces, removes or makes any alteration, in any documents published under these Rules, commits an offence.

Penalty

93. A person who commits an offence under these Rules, is liable, on summary conviction, to a fine of five hundred dollars or to imprisonment for six months, or to both such fine and imprisonment, unless some other penalty is provided for by a particular Rule.

Registration or election officer causing thing to be done

94. (1) Where an election officer is, by these Rules, required to do anything, it shall be sufficient compliance with these Rules for him to cause such thing to be done, unless otherwise provided.

(2) Notwithstanding subrule (1), an election officer who arranges to be caused to be done under subrule (1), what thing he is required by these Rules to do, is himself personally responsible if that thing is not done or is not properly done, and as such, is himself liable to incur any penalty relating thereto.

Second Schedule

REPRESENTATION OF THE PEOPLE ACT

Oaths for Registration and Election Officers

[Section 34.]

A. Oath of Assistant Supervisor of Elections

I,, do swear that I will faithfully perform all the duties of Assistant Supervisor of Elections in accordance with the provisions of the Representation of the People Act, 1993, and the rules, without partiality, fear, favour or affection, to the best of my ability.

So help me God

.....
Assistant Supervisor of Elections

.....
Justice of the Peace (or as the case may be)

Sworn before me this day of, 20

REPRESENTATION OF THE PEOPLE ACT

B. Oath of Registration Officer

I,, do swear that I will faithfully perform all the duties of Registratio
Officer for the Constituency of in accordance with the provision
of the Representation of the People Act, 1993, and the rules, without partiality, fear, favour or
affection, to the best of my ability.

So help me God

.....
Registration Officer

.....
Justice of the Peace (or as the case may be)

Sworn before me this day of, 20

REPRESENTATION OF THE PEOPLE ACT

C. Oath of Assistant Registration Officer

I,, do swear that I will faithfully perform all the duties of
Assistant Registration Officer for the Constituency of in accordance
with the provisions of the Representation of the People Act, 1993, and the rules, without
partiality, fear, favour or affection, to the best of my ability.

So help me God

.....
Assistant Registration Officer

.....
*Justice of the Peace (or as the case may
be)*

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

REPRESENTATION OF THE PEOPLE ACT

D. Oath of Enumerator

I,, do swear that I will act faithfully in my capacity as Enumerator
for Polling Division No. in the Constituency of
without partiality, fear, favour or affection, and in every respect in accordance with the
provisions of the Representation of the People Act, 1993, and the rules, without partiality, fear,
favour or affection, to the best of my ability.

So help me God

.....
Enumerator

.....
Justice of Peace (or as the case may be)

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

REPRESENTATION OF THE PEOPLE ACT

E. Oath of Supervisor of Enumerators

I,, do swear that I will act faithfully in my capacity as Supervisor of Enumerators for the Constituency of in accordance with the provisions of the Representation of the People Act, 1993, and the rules, without partiality, fear, favour or affection, to the best of my ability.

So help me God

.....
Supervisor of Enumerators

.....
Justice of Peace (or as the case may be)

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

REPRESENTATION OF THE PEOPLE ACT

F. Oath of Official Photographer

I,, do swear that I will act faithfully in my capacity as Official Photographer for Polling Division No. in the Constituency of in accordance with the provisions of the Representation of the People Act, 1993, and the rules, without partiality, fear, favour or affection, to the best of my ability.

So help me God

.....
Official Photographer

.....
Justice of the Peace (or as the case may be)

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

REPRESENTATION OF THE PEOPLE ACT

G. Oath of Returning Officer

I,, do swear that I will faithfully perform all the duties of Returning Officer for the Constituency of in accordance with the provisions of the Representation of the People Act, 1993, and the rules, without partiality, fear, favour or affection, to the best of my ability.

So help me God

.....
Returning Officer

.....
Justice of the Peace (as the case may be)

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

REPRESENTATION OF THE PEOPLE ACT

H. Oath of Election Clerk

I,, do swear that I will act faithfully in my capacity as Election Clerk for the Constituency of and also as Returning Officer for the said Constituency if required to act as such in accordance with the provisions of the Representation of the People Act, 1993, and the rules, without partiality, fear, favour or affection, to the best of my ability.

So help me God

.....
Election Clerk

.....
Justice of the Peace (as the case may be)

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

REPRESENTATION OF THE PEOPLE ACT

I. Oath of Substitute Election Clerk

I,, do swear that I will act faithfully in my capacity as Substitute Election Clerk for the Constituency of in accordance with the provisions of the Representation of the People Act, 1993, and the rules, without partiality, fear, favour or affection, to the best of my ability.

.....
Substitute Election Clerk

.....
Justice of the Peace (as the case may be)

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

REPRESENTATION OF THE PEOPLE ACT

J. Oath of Presiding Officer

I,, do swear that I will faithfully perform all the duties of Presiding Officer for Polling Station No. in the Constituency of without partiality, fear, favour or affection, that I will keep secret the names of the candidates for whom any of the voters in the said Polling Station marks his or her ballot paper in my presence at this election, and that I will in every respect act in accordance with the provisions of the Representation of the People Act, 1993, and the rules, to the best of my ability.

So help me God

.....
Presiding Officer

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

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

REPRESENTATION OF THE PEOPLE ACT

K. Oath of Poll Clerk

I,, do swear that I will faithfully perform all the duties of Poll Clerk for Polling Station No. in the Constituency of and also of those of Presiding Officer for the said Polling Station if required to do so, without partiality, fear, favour or affection, that I will keep secret the names of the candidates for whom any of the voters in the said Polling Station marks his or her ballot paper in my presence at this election, and that I will in every respect act in accordance with the provisions of the Representation of the People Act, 1993, and the rules, to the best of my ability.

So help me God

.....
Poll Clerk

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

Sworn before me this day of, 20

REPRESENTATION OF THE PEOPLE ACT

L. Oath of Substitute Poll Clerk

I,, do swear that I will act faithfully in my capacity as Substitute Poll Clerk for Polling Station No. in the Constituency of in accordance with the provisions of the Representation of the People Act, 1993, and the rules, without partiality, fear, favour or affection, to the best of my ability.

.....
Substitute Poll Clerk

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

Sworn before me this day of, 20

Third Schedule

Election Forms

FORM NO. 1

REPRESENTATION OF THE PEOPLE ACT

Writ of Election

[Section 33.]

By His or Her Excellency the Governor-General of Grenada

Governor-General

To the returning officer of the constituency of
Whereas by section 33(1) of the Representation of the People Act, 1993, it is provided that for the purposes of every general election of members of the House of Representatives, and for the purposes of the election of members to supply vacancies 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 Constituencies for which members are to be returned: And whereas I think it expedient that writs should be issued for the election of members to

serve in the House of Representatives:

And whereas the seat of the Elected Member for the Constituency of
has become vacant in consequence of

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

Given under my hand and the seal of the State this day of
.....

FORM NO. 2

REPRESENTATION OF THE PEOPLE ACT

Notice of Election

[Section 37.]

Notice of Election of a Member for the Constituency of

.....

His Excellency the Governor-General having issued his or her writ for the election of a member
of the House of Representatives for the Constituency of the Returning
Officer of the said Constituency will on the day of,
20....., now next ensuing between the hours of 9 a.m. and noon at
proceed to the nomination, and if there is no opposition, to the election of a member for the said
Constituency of

Forms of nomination papers may be obtained at the office of at
between the hours of and daily except on Saturday
when the office is closed at (Sunday also excepted).

Every nomination paper must be signed by any six or more electors qualified to vote in the said
Constituency of and be handed to the Returning Officer between the said
hours of 9.00 a.m. and noon.

No nomination paper shall be valid or acted upon by the Returning Officer unless it is
accompanied by—

- (a) the consent in writing of the person therein nominated; and
- (b) a deposit of three hundred dollars in cash.

In the event of the election being contested the poll will take place between the hours of 6 a.m.
and 5 p.m. on and the counting of votes will take place thereafter at
on at the hour of and at such places as may hereafter be appointed.

The office of the Returning Officer for the said Constituency of
is situate at

.....
Date *Returning Officer for the Constituency*

FORM NO. 3

REPRESENTATION OF THE PEOPLE ACT

Nomination Paper

[Section 39.]

We, the undersigned electors for the Constituency of do hereby nominate the following person as a proper person to serve as a member of the House of Representatives for the said Constituency of and we certify that to the best of our belief he or she is qualified for election as a member of the House of Representatives under the conditions prescribed by section of the Constitution

Dated the day of, 20.....

<i>Surname</i>	<i>Other Names</i>	<i>Address</i>	<i>Occupation</i>

{
{
{
{

I,, nominated in the foregoing nomination paper hereby consent to such nomination as a Candidate for election as a member of the House of Representatives for the Constituency of and name as my address for serving of process and papers under the Representation of the People Act, 1993.

Address

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

Signed by the said nominee in the presence of

.....

Witness

Candidate

FORM NO. 4

REPRESENTATION OF THE PEOPLE ACT

Statutory Declaration of a Person Nominated as a Candidate for Election as a Member of the House of Representatives

[Section 39.]

Qualifications of of in the of nominated as a Candidate for election as a member of the House of Representatives for the Constituency of

I, of in the do solemnly and sincerely declare as follows:

That I am duly qualified to be elected a member of the House of Representatives for this Constituency and that—

1. I am a citizen of Grenada or otherwise a Commonwealth citizen who has attained the age of eighteen years and am qualified to be registered as an elector for the election of members of the House of Representatives;
2. I am able to speak, read and write the English Language;
3. I am able to speak the English Language, but am incapable by (blindness) (or other physical cause) from being able to read or write it;

4. I have resided in the State for a period of at least twelve months immediately prior to the date of my nomination for election;
5. I am domiciled in the State and was resident therein at the date of my nomination for election;
6. I do not voluntarily owe allegiance to any foreign power or state;
7. I am not the holder of a public office;
8. I am not a registration or election officer anywhere in the State;
9. I am not an undischarged bankrupt;
10. I am not within any of the classes of persons who lack qualification or are disqualified by reason of crime or mental incapacity or are otherwise disqualified by or under section 31 of the Constitution.

I make this declaration conscientiously believing the same to be true and according to the Oaths Act, and I am aware that if there is any statement in this declaration which is false in fact, or which I know or believe to be false or do not believe to be true, I am liable to fine and imprisonment.

Note. Paragraph 3 of the above statutory declaration is alternative to paragraph 2, and paragraph 5 is alternative to paragraph 4.

(Signed)
Agent for

Declared before me this day of, 20.....

(Signed)

FORM NO. 5

REPRESENTATION OF THE PEOPLE ACT

Statutory Declaration of Agent of a Person Nominated as a Candidate for Election as a Member of the House of Representatives

[Section 39.]

Qualification of
of
in the of
nominated as candidate for election as a member of the House of Representatives for the Constituency of

I,
of
in the
do solemnly and sincerely declare as follows:

That is duly qualified to be elected a member of the House of Representatives for this Constituency and that—

1. He or she is a citizen of Grenada or otherwise a Commonwealth citizen who has attained the age of eighteen years and is qualified to be registered as an elector for the election of members of the House of Representatives;
2. He or she is able to speak, read and write the English language;
3. He or she is able to speak the English language, but is incapable by (blindness) (or other physical cause) from being able to read or write it;
4. He or she has resided in the State for a period of at least twelve months immediately prior to the date of his or her nomination for election;
5. He or she was domiciled in the State and was resident therein at the date of his or her nomination for election;
6. He or she does not voluntarily owe allegiance to any foreign power or state;
7. He or she is not the holder of a public office;

- 8. He or she is not a registration or election officer anywhere in the State
- 9. He or she is not an undischarged bankrupt;
- 10. He or she is not within any of the classes of persons who lack qualification or are disqualified by reason of crime or mental incapacity or are otherwise disqualified by or under section 31 of the Constitution.

I make this declaration conscientiously believing the same to be true and according to the Oaths Act, and I am aware that if there is any statement in this declaration which is false in fact, or which I know or believe to be false or do not believe to be true, I am liable to fine and imprisonment.

Note.—Paragraph 3 of the above statutory declaration is alternative to paragraph 2, and paragraph 5 is alternative to paragraph 4.

(Signed)
Agent for

FORM NO. 6

REPRESENTATION OF THE PEOPLE ACT

Return of Uncontested Election
 [Section 41.]

I hereby certify that the member elected for the Constituency of in pursuance of the within Writ is

(Insert name, address and occupation of member)

..... who has been elected as stated on the nomination paper, no other candidate having been nominated.

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

.....
Returning Officer

To the Supervisor of Elections.

FORM NO. 7

REPRESENTATION OF THE PEOPLE ACT

Notice of grant of a Poll
 [Section 42.]

The Constituency of

Notice is hereby given to the electors of the Constituency aforesaid that a Poll has been granted for the election now pending for the said Constituency and that such Poll will be opened on the ... day of, 20....., at the hour of six in the forenoon and kept open till the hour of five in the afternoon in the following Polling Stations established in the various Polling Divisions comprised in the said Constituency:

Polling Stations:

.....
 And that the candidates in the above Constituency are as follows:

Candidates:

.....

.....
and that the number of votes given to the several candidates will be counted at
..... o'clock on the day of of which all
persons are hereby required to take notice and by which all persons are hereby required to
govern themselves accordingly.

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

.....
Returning Officer

FORM NO. 8

REPRESENTATION OF THE PEOPLE ACT

Return where Candidates Withdraw or Die

[Section 45.]

I hereby certify that the member elected for the Constituency of
..... in pursuance of the within Writ is

.....
(insert name, address and occupation of member)

.....
who has been elected as stated on the nomination paper
the other or all other candidates having withdrawn or died.

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

.....
Returning Officer

To the Supervisor of Elections.

FORM NO. 9

REPRESENTATION OF THE PEOPLE ACT

Ballot Paper

[Sections 42, 57 and 66.]

GENERAL ELECTION
No. 6700 No. 6700
..... Constituency
Polling Division No.
Voter's Number on Roll
Constituency Constituency
Polling Division No.
No. Polling day
*Do not fold beyond this
line*

Space for
initials of
Presiding
Officer

1. Brown, John D. 7 Gore Street, Mechanic	(Symbol)
2. Hall, Peter 14 Lucas Street, Clerk	(Symbol)
3. Snook, Eric The Villa Merchant	(Symbol)

FORM NO. 10

REPRESENTATION OF THE PEOPLE ACT

Direction to Electors

[Section 48.]

Each elector may vote only at one polling station and for only one candidate.

The elector will go into one of the compartments and, with a black lead pencil there provided, place a cross within the white space containing the name of the candidate for whom he or she votes, thus X.

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

If an elector inadvertently spoils a ballot paper he or she may return it to the Presiding Officer who on being satisfied of the fact will give him or her another.

If an elector votes for more than one candidate or places any mark on the ballot paper by which he or she can afterwards be indentified his or her vote will be void and will not be counted.

In the following form of ballot paper given for illustration the candidates are John D. Brown, Peter Hall and Eric Snooks, and the elector has marked his or her ballot paper in favour of Peter Hall.

General Election

No. 6700 Constituency

Polling Division No.

Voter's Number on Roll

..... Constituency

Polling Division No. Space for initials

Polling day of Presiding Officer

Do not fold beyond this line

1. Brown, John D. 7 Gore Street Mechanic	(Symbol)
2. Hall, Peter 14 Lucas Street, Clerk	(Symbol) X

3. Snooks, Eric
 The Villa (Symbol)
 Merchant

FORM NO. 11

REPRESENTATION OF THE PEOPLE ACT

Poll Book
 [Sections 47 and 56.]

Consecutive number given each elector as he or she applies for Ballot	PARTICULARS OF ELECTOR							Particulars of persons applying for Ballot Papers after another person has voted as such person			Objections if any made on behalf of any Candidate	Remarks
	Name	Occupation	Postal addresses	Consecutive No. of Elector on list of Electors	Form number of Oaths if any Elector is required to swear	(a) Record that Oath sworn or refused	(b) Record that Elector has voted	Name	Consecutive No. of Elector on list of electors	Record that oath sworn		

o If sworn insert "sworn", and number of the Oath; if refused insert "refused to be sworn".
 o When Ballot put into Ballot Box insert "voted".

FORM NO. 12

REPRESENTATION OF THE PEOPLE ACT

Appointment of Agent
 [Sections 54 and 67.]

I,, nominated to serve as a member of the House of Representatives for the Constituency of do hereby appoint whose address is and whose occupation is as my agent
 * for the purposes of the proceedings at Polling Station No.
 + (to attend the final count of votes by the returning officer).

.....
Candidate

* For agent at polling station.
 + For agent at final count.

FORM NO. 13

REPRESENTATION OF THE PEOPLE ACT

Oath of Identity of an Elector Receiving a Ballot Paper after another has Voted in his or her Name

[Section 67.]

You swear that you are

(Name as on list of electors)

of

(Address as on list of electors)

whose name is entered on the lists of electors now shown you.

So help you God.

FORM NO. 14

REPRESENTATION OF THE PEOPLE ACT

Oath of Incapacitated Elector

[Section 67.]

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

So help you God.

FORM NO. 15

REPRESENTATION OF THE PEOPLE ACT

Oath of Blind Elector

[Section 67.]

You of swear that you are incapable of voting without assistance by reason of your blindness.

So help you God.

FORM NO. 16

REPRESENTATION OF THE PEOPLE ACT

Oath of Friend of Blind Elector

[Section 67.]

You of swear

1. That you will keep secret the name of the candidate for whom you mark the ballot paper of the blind elector on whose behalf you act.
2. That you have not already acted as the friend of a blind elector for the purpose of marking his or her ballot paper at this election.

So help you God.

FORM NO. 17

REPRESENTATION OF THE PEOPLE ACT

Oath that the Elector is the Person intended to be referred to in the List of Electors
[Section 68.]

You of swear that you are qualified to vote at this election of a member to serve in the House of Representatives and are not disqualified from voting thereat and that you verily believe that you are the person intended to be referred to by the entry in the List of Electors used at this Polling Station, of the name whose occupation is given as and whose address is given as
So help you God.

FORM NO. 18

REPRESENTATION OF THE PEOPLE ACT

Oath of Qualification
[Section 68.]

You of swear

1. That you are a citizen of Grenada or otherwise a Commonwealth citizen who has attained the age of eighteen years.
2. That you have resided in the State for a period of at least twelve months immediately prior to the date of your registration as an elector.
3. That you are domiciled in the State and were resident in the State at the date of your registration as an elector.
4. That you are resident in the Constituency of
5. That you are not within any of the classes of persons who lack qualification or are disqualified by reason of crime or mental incapacity.
6. That you are not disqualified by any law in force in the State relating to offences connected with elections.

So help you God.

Note.—Paragraph 3 is alternative to paragraph 2.

FORM NO. 19

REPRESENTATION OF THE PEOPLE ACT

Oath of Agent of a Candidate
[Section 69.]

I, , the undersigned, agent for one of the candidates at the election of a member of the House of Representatives held on this day in the Constituency of do swear that I will keep secret the names of the candidates for whom any elector voting at this polling station marks his or her ballot paper in my presence at this election.
So help me God.

.....
Agent

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

.....
Returning Officer for the Constituency
of
or
Justice of the Peace
or
Presiding Officer for Polling Division
of the Constituency
of

FORM NO. 20

REPRESENTATION OF THE PEOPLE ACT

Oath of Presiding Officer after closing of the Poll

[Section 66.]

I,, the undersigned, Presiding Officer for polling station No. of the Constituency of do swear that to the best of my knowledge and belief this Poll Book kept for the said polling station under my direction has been so kept correctly and that the total number of votes recorded therein is and that it contains a true and exact record of the votes given at the said polling station as the said votes were taken thereat; and that I have faithfully performed all duties required of me by law.

.....
Presiding Officer

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

.....
Poll Clerk (or as the case may be)

FORM NO. 21

REPRESENTATION OF THE PEOPLE ACT

Oath of Poll Clerk after closing of the Poll

[Section 66.]

I,, the undersigned Poll Clerk for Polling Station No. of the Constituency of do swear that this Poll Book for the said polling station kept under the direction of who has acted as Presiding Officer thereat has been so kept by me under his or her direction as aforesaid correctly and to the best of my skill and judgement; that the total number of votes recorded therein is and that to the best of my knowledge and belief it contains a true and exact record of the votes given at the above-mentioned polling station as the said votes were taken thereat by the said Presiding Officer and that I have faithfully performed all other duties as a Poll Clerk according to Law.

.....
Poll Clerk

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

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

FORM NO. 22

REPRESENTATION OF THE PEOPLE ACT

Statement of the Poll after Counting the Ballots

[Section 66.]

Constituency of Polling Station No.

Number of ballot papers received from the returning officer		
Number of ballot papers cast for		
do do do	
Number of * Rejected ballot papers		
Total number of ballot papers found in box	
Number of unused ballot papers undetached from the books	
Number of + spoiled ballot papers	
Total		

* A Rejected ballot paper means a ballot paper which has been handed by the presiding officer to an elector to cast his or her vote but which at the close of the poll, has been found in the ballot box unmarked or so improperly marked that it cannot be counted.

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

Number of names on official list of electors used at the poll.

I hereby certify that the above statement is correct.

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

.....
Presiding Officer

FORM NO. 23

REPRESENTATION OF THE PEOPLE ACT

Oath of Messenger sent to collect Ballot Boxes

[Section 66.]

I,, messenger appointed by Returning Officer for the Constituency of do swear that the several boxes to

the number of which were used at polling stations Nos.
of this Constituency on polling day now delivered by me to were handed to
me by that they have not been opened by me or any other person
and that they are in the same state as they were in when they came into my possession.

.....
Signature

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

.....
Returning Officer (or as the case may be)

FORM NO. 24

REPRESENTATION OF THE PEOPLE ACT

Return after Poll has been taken

[Section 74.]

I hereby certify that the member elected for the Constituency of in pursuance
of the within writ as having received the simple majority of the valid votes is

.....

(Name, address and occupation as stated in nomination paper).

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

.....
Returning Officer

Fourth Schedule

REPRESENTATION OF THE PEOPLE ACT

Police Voters Rules

[Section 43.]

ARRANGEMENT OF RULES

1. Citation.
2. Definitions.
3. Establishment of Special Polling Day.
4. Establishment of special polling stations.
5. Supervision of voting on Special Polling Day.
6. Supplies of material for Special Polling Day.
7. Special ballot boxes.
8. Conducting of poll on Special Polling Day.
9. Procedure to be followed at the close of poll on Special Polling Day.
10. Procedure to be followed for the counting of special ballots on polling day.

-
1. Citation

These Rules may be cited as the Police Voters Rules.

2. Definitions

(1) In these Rules—

“Act” means the Representation of the People Act, Chapter 286A;

“polling day” means the day appointed by the Governor-General under section 33(1) of the Act.

(2) Terms and expressions used in these Rules shall have the same meaning given to them under the Act unless the context provides otherwise.

(3) A person whose name appears on a Police Voters list for a constituency shall be called for the purposes of these Rules, a special elector.

3. Establishment of Special Polling Day

(1) In accordance with section 43 of the Act, the Governor-General shall, by Notice published in the *Gazette* and at least one newspaper in circulation in Grenada, establish a day to be called Special Polling Day and shall fix the date and time of operation of special polling stations established under rule 4, on that day.

(2) A special elector shall be entitled to vote on Special Polling Day in the constituency where he or she is registered and his or her name appears on the Police Voters List and shall not be permitted to vote on the day appointed by the Governor-General by writ issued under section 33(1) of the Act, whether or not he or she has voted on Special Polling Day.

4. Establishment of special polling stations

(1) Every returning officer who shall for the purposes of these Rules be called a special returning officer, shall, with the approval of the Supervisor of Elections, establish within his or her constituency at least one polling station, to be called for the purpose of these Rules, a special polling station in which a special elector may cast his or her ballot on special polling day.

(2) The Supervisor of Elections shall give at least three clear days notice prior to Special Polling Day, of the establishment of the special polling stations under subrule (1).

(3) A notice under subrule (2) shall be published in at least two newspapers in general circulation in Grenada.

5. Supervision of voting on Special Polling Day

(1) The voting at a special polling station on Special Polling Day shall be supervised by presiding officer of the constituency appointed pursuant to section 32 of the Act, who shall be for the purpose of these Rules, be called a special presiding officer.

(2) A special presiding officer shall be assisted on Special Polling Day by his or her poll clerk appointed pursuant to section 29 of the Act, who shall be for the purposes of these Rules, be called a special poll clerk.

6. Supplies of material for Special Polling Day

(1) Subject to subrule (2), the special returning officer of each constituency shall furnish to each special presiding officer at least two clear days before the Special Polling Day, such election material as provided for in section 48 of the Act, and the duties of the presiding officer under section 48(2), (3) and (4) shall apply to the special presiding officer under these Rules.

(2) The ballot papers provided under subsection (1) shall be called for the purposes of these Rules a special ballot paper and shall be distinguishable from the ballot paper to be used on polling day by such mark or symbol which the Supervisor of Elections shall by Order prescribe.

7. Special ballot boxes

(1) At least two clear days before Special Polling Day, the Supervisor of Elections shall supply to each special returning officer, a sufficient number of ballot boxes, which shall be called for the purposes of these Rules, special ballot boxes, equal to the number of special polling stations in the constituency for which the special returning officer is respectively responsible.

(2) The special ballot boxes shall be distinguishable from the ballot boxes to be used on polling day and shall be marked in a conspicuous manner on each box, the words "Special Ballot Box".

8. Conducting of poll on Special Polling Day

The special presiding officer of each constituency shall conduct the poll for special elections on Special Polling Day, in the manner prescribed under sections 53 to 65 of the Act.

9. Procedure to be followed at the close of poll on Special Polling Day

(1) A special polling station shall be closed at the hour specified by the Governor-General under rule 3.

(2) Forthwith upon the close of the poll, in the presence of and in full view of the special poll clerk and the candidates or their agents, and if the candidates or any of their agents are absent, then in the presence of such as are present, and of at least two electors if none of the candidates are represented, the special presiding officer shall, in the following order—

- (a) count the number of special electors whose names appear in the poll book as having voted and make an entry thereof in the line immediately below the name of the special elector who voted last: "the number of special electors who voted on Special Polling Day in this Special Polling Station is" (stating the number), and sign his or her name thereto;
- (b) count the spoilt special ballot papers, if any, place them in the special envelope supplied for that purpose and indicate thereon the number of such spoilt special ballot papers and seal it up;
- (c) count the unused special ballot papers, place them with all the stubs of all used special ballot papers in the special envelope provided for that purpose and indicate thereon the number of such unused special ballot papers;
- (d) check the number of special ballot papers supplied by the Special Returning Officer against the number of spoiled Special Ballot Papers, if any, the number of unused special ballot papers and the number of special electors whose names appear in the poll book as having voted, in order to ascertain that all special ballot papers have been accounted for;
- (e) open the special ballot box and empty its contents upon a table;
- (f) without allowing any one present to see for whom such special ballot papers are marked, count the special ballot papers and record on a Form to be provided by the Supervisor of Elections, the total number of special ballot papers which are contained in the special ballot box;
- (g) place the special ballot papers in a special envelope provided for that purpose marked with the name of the special returning officer and the name of the Special Polling Station to which the special ballots relate and the number of special ballots contained therein;
- (h) seal the special envelope and invite the special poll clerk and the witnesses present to affix their signatures to the envelope;
- (i) place the sealed special envelope into the special ballot box and lock the box;

- (j) subject to subrule (3), forthwith personally deliver the sealed special ballot box with its contents and the key to the special ballot box to the Supervisor of Elections who shall give him or her a written receipt, to the effect that he or she has received the special ballot box and that it was properly sealed.

(3) The Supervisor of Elections, upon receipt of the sealed special ballot box under subrule (1), shall cause the special ballot box, with its lock and key, to be deposited in a special room at the Parliamentary Elections Office provided for the reception of special ballot boxes.

(4) In relation to the constituency of Carriacou and Petite Martinique, the sealed special ballot boxes referred to in subrule (1)(j) shall be delivered to a person designated in writing, by the Supervisor of Elections subject to such instructions being given by the Supervisor of Elections with respect to the safe keeping of the special ballot box.

(5) The Commissioner of Police shall be requested by the Supervisor of Elections to provide the necessary police officers for duty in order to ensure the safety of the special ballot boxes at the Parliamentary Elections Office at all times.

10. Procedure to be followed for the counting of special ballots on polling day

(1) The procedure to be followed for the counting of special ballots on polling day shall be as follows—

- (a) after the close of the polling station established under section 47 of the Act and before the hour of 6.00 p.m. on polling day, the person designated as the special returning officer under these Rules or his or her agent shall, under police escort take the special ballot box sealed in accordance with rule 9 to the polling station designated by the Supervisor of Elections and deliver such special ballot box to the presiding officer;
- (b) upon delivery of the special ballot box, the special presiding officer shall examine the seals of the returning officer on the special ballot box and shall allow any candidate or his or her agent who may be present to examine them;
- (c) where the presiding officer is satisfied that the seal of the special ballot box has not been broken, he or she shall give to the returning officer or his or her agent a receipt to the effect that he or she has received the special ballot box, and that it was properly sealed.

(2) In addition to the sealed special ballot box, under subrule (1), the special returning officer or his or her agent shall deliver to the presiding officer the key to the lock on the special ballot box.

(3) After the close of the poll on polling day, the presiding officer shall allow the persons present in accordance with section 69 of the Act, to inspect the seal on the special ballot box and thereafter he or she shall break the seal on the special ballot box, open the special envelope with its contents and count the number of special ballots therein to ensure that the number tallies with the number written on the special envelope and record his or her findings accordingly.

(4) After the presiding officer has ascertained that the number of special ballots corresponds with the information on the special envelope, he shall then mix the special ballots with the normal ballots and proceed to count all the special ballots in accordance with the provisions of section 66 of the Act.

CHAPTER 286A
REPRESENTATION OF THE PEOPLE ACT

SUBSIDIARY LEGISLATION

List of Subsidiary Legislation

1. Representation of the People (Election Symbols) Regulations
 2. Registration of Electors Rules
-

Representation of the People (Election Symbols) Regulations

SRO 16 of 1995

Amended by

SRO 17 of 1995

SRO 35 of 2003

ARRANGEMENT OF REGULATIONS

1. Citation.
 2. Symbols for ballot paper.
 3. Allocation of symbol.
- Schedule Symbols to be Used on Ballot Papers
-

REPRESENTATION OF THE PEOPLE (ELECTION SYMBOLS) REGULATIONS

The Governor-General in exercise of the powers conferred by section 107 of the Representation of the People Act, Chapter 286A, makes the following Regulations.

[SRO 16 of 1995 amended by SRO 17 of 1995, SRO 35 of 2003.]

[24th May, 1995.]

1. Citation

These Regulations may be cited as the Representation of the People (Election Symbols) Regulations.

2. Symbols for ballot paper

There shall be printed on every ballot paper opposite the name of each candidate one of the symbols shown in the Schedule to these Regulations.

3. Allocation of symbol

The symbols shall be allocated by the Supervisor of Elections who shall allocate a different symbol to each political party and a separate symbol to each independent candidate.

In allocating the symbols, the Supervisor of Elections shall have regard to the preference of political parties and independent candidates.

Schedule

REPRESENTATION OF THE PEOPLE ACT

REPRESENTATION OF THE PEOPLE (ELECTION SYMBOLS) REGULATIONS

Symbols to be Used on Ballot Papers

1. Symbol Aeroplane



2. Symbol Bicycle



3. Symbol Boat



4. Symbol Crows Head



5. Symbol Drum



6. Symbol House



7. Symbol Motor Car



8. Symbol Nutmeg



9. Symbol Palm Tree



10. Symbol Star



11. Symbol Steel Pan

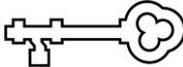


12. Symbol Heart



13. Symbol Hands



14.	Symbol	Dove	
15.	Symbol	Eye	
16.	Symbol	Steering Wheel	
17.	Symbol	Cow	
18.	Symbol	Key	
19.	Symbol	Bread	
20.	Symbol	Praying hands	
21.	Symbol	Moon	
22.	Symbol	Staff and leaf	

Registration of Electors Rules

ARRANGEMENT OF RULES

1. Citation.
2. Definition.
3. Form of current list.
4. Continuous registration.
5. Supervisor of Elections to supply documents to registration officers.
6. Applicant to be registered in the manner prescribed.
7. Registration officer to prepare registration documents.
8. Contents of registration record cards.
9. Master Registration Card and Polling Station Card.
10. Registration documents to be signed by registration officer and person registered.
11. Contents of registration documents to be read to person unable to read.
12. Completion of registration.
13. Refusing to comply with registration officer.
14. Question of ordinary residence to be determined by facts of case.
15. Place of ordinary residence.

16. Ordinary residence where family is.
17. Temporary absence from place of ordinary residence.
18. Registration Officer to issue notice of refusal where applicant not qualified for registration.
19. Penalty.
20. Cancellation of registration documents.
21. Cancellation of record card by registration officer.
22. Correction of clerical errors.
23. Register to comprise persons qualified to be registered.
24. Address and occupation to be inserted.
25. Registration documents to be kept safe.
26. Registration documents to be forwarded to the Supervisor of Elections on request.
27. Certified addendum lists to be sent to Supervisor of Elections.
28. Current lists to be certified.
29. Publishing current list.
30. Inviting claims and objections regarding lists.
31. Addendum list to be published.
32. Claims to be delivered or posted to registration officer.
33. Notice of objection to registration.
34. Notice of objection to claims.
35. A claim or objection at anytime.
36. Names on more than one list.
37. Correcting name or particulars.
38. Effecting change of address or name.
39. Notice to persons affected by objections.
40. List of claims and objections.
41. Publication of claims to insertion.
42. Publication of objections to registration.
43. Posting up list of objections to claims.
44. Consideration of objections.
45. Consideration of claims.
46. Registration officers to consider registration applications refused by enumerators.
47. Principles regarding the hearing of applications, claims and objections.
48. Correction of lists by way of addendum list.
49. Objection to corrections.
50. Completion of lists.
51. One copy of current list and addendum to be posted to Supervisor of Elections and other set kept for inspection by the public.
52. Description of polling divisions.
53. Insertion of names in printed lists.
54. Deletion of name from printed lists.
55. Appeals from registration officer to Supervisor of Elections.
56. Appeals from the Supervisor of Elections to the Court.
57. Alteration to list made or certified by the Supervisor of Elections.
58. Further alterations to lists.
59. Correction of current list.
60. Notice of alteration to list.
61. Publication of register.
62. Posting of register.
63. Destroying or defacing documents.
64. Duty of registration officer to supply forms.
65. Supply of copies of claims, objections and lists.
66. Mode of notices.
67. Computation of time.
68. Duty to give information.

69. Power to request production of documents.
70. False statement punishable.
71. Operation of document not to be affected by a misnomer or inaccurate description.
72. Publication of documents and notices.
73. Document not invalidated by failure to publish.
74. Completing and delivering voter identification cards.
75. Replacing voter identification card that has been lost, stolen, destroyed, etc.
76. Compilation of register of registration cards.
77. Publication of names and addresses of registration officers.
78. Detention of documents by Supervisor of Elections.
79. Registration where documents are lost, etc.
80. Failure to obey summons or order, unlawful destruction, etc., of documents.
81. Penalty.
82. Registration or election officer causing thing to be done.
83. Appointment of enumerators.
84. Qualification of enumerators.
85. Removal of enumerators.
86. Publishing enumeration notice.
87. House to house enquiry.
88. Complete enumeration.
89. Applicant to be registered in the manner prescribed.
90. Enumerator to prepare registration documents.
91. Registration documents to be signed by enumerator and person registered.
92. Contents of registration documents to be read to person unable to read.
93. Completion of Enumeration.
94. Refusing to comply with Enumerator.
95. Enumerator to issue notice of refusal where applicant not qualified for registration.
96. Penalty.
97. Cancellation of registration documents.
98. Cancellation of record card by enumerator.
99. Correction of clerical errors.
100. Register to comprise persons qualified to be registered.
101. Address and occupation to be inserted.
102. Registration documents to be kept safe.
103. Registration documents to be forwarded to the Supervisor of Elections on request.
104. Oath of enumerator on completion of work.
105. Current lists to be certified.
106. Appointed day.

REGISTRATION OF ELECTORS RULES

1. Citation

These Rules may be cited as the Registration of Electors Rules.

2. Definition

In these Rules—

- (a) Terms and expressions used have the same meaning as they have in the Act unless otherwise provided;
- (b) “List” shall mean current list or current lists as the context so requires.

3. Form of current list

The names in each list shall be arranged primarily in alphabetical order according to the initial letters of surnames according to Form No. 1 in the First Schedule, or in street order or house number according to Form No. 2 in the First Schedule, as determined by the Supervisor of Elections, or according to such other Form as may be prescribed, and shall be numbered consecutively beginning with the number one.

4. Continuous registration

The registration officer shall cause to be prepared in and for his or her constituency, pursuant to the provisions of the Act, current lists of all persons who are qualified as electors in the polling divisions comprised therein.

5. Supervisor of Elections to supply documents to registration officers

(1) The Supervisor of Elections shall supply to each registration officer—

- (a) unused registration record cards;
- (b) unused identification cards; and
- (c) such other documents and materials as may be necessary for the performance of his or her duties.

(2) The Supervisor of Elections shall include in the supplies to each registration officer a number of registration record inventory forms, which shall be in duplicate in the form set out as Form No. 4 in the First Schedule, sufficient for entries to be made thereon in respect of every registration record card supplied to the registration officer pursuant to subrule (1); and every registration officer shall keep an inventory on such form of every registration record card used by him or her.

6. Applicant to be registered in the manner prescribed

Subject to these Rules, where a registration officer is satisfied that an applicant for registration is qualified to be registered as an elector, he or she shall register the applicant in the manner prescribed by these Rules.

7. Registration officer to prepare registration documents

(1) Upon the acceptance of an application for registration, the registration officer shall ascertain and record, in accordance with these Rules the name, address (including town, district or parish), occupation and other required particulars of the person seeking registration, and prepare for such person—

- (a) a registration record card, original and duplicate;
- (b) a certificate of registration; and
- (c) an identification card.

(2) A certificate of registration and an identification card and the particulars to be inserted therein, shall be in the forms set out respectively as Form Nos. 7 and 8 in the First Schedule.

8. Contents of registration record cards

There shall be printed on all registration record cards a registration serial number which shall be different for each card.

9. Master Registration Card and Polling Station Card

At the top of a registration record card shall be printed on the original "Master Registration Card" and on the duplicate "Polling Station Card". A registration record card shall otherwise be in the form set out in Form No. 9 in the First Schedule.

10. Registration documents to be signed by registration officer and person registered

In the registration of an elector, the registration officer shall—

- (a) record in ink on the master registration card and, by means of carbon, on the polling station card and on the certificate of registration, the required particulars obtained from information given him or her by the person who is being registered;
- (b) require the person being registered, unless he or she is unable to do so by reason of illiteracy or physical disability, to read the master registration card and the certificate of registration;
- (c) sign in ink the master registration card and, by means of carbon, the polling station card and the certificate of registration;
- (d) require the person being registered to sign the identification card;
- (e) request the person being registered to be photographed by an official photographer.

11. Contents of registration documents to be read to person unable to read

Where a person who is being registered is unable to read, the registration officer shall read over to him or her, where practicable in the presence of another person, the contents of his or her registration record card before the person's signature or mark is affixed thereon and witnessed.

12. Completion of registration

(1) After the procedures outlined in rule 10, and where appropriate those in rule 11, have been completed the registration officer shall issue a certificate of registration to the person registered.

(2) On the issue of a certificate of registration by the registration officer to the person registered that person's registration is deemed to have been completed for the purposes of these Rules.

13. Refusing to comply with registration officer

Where a person refuses to comply with any of the provisions of rule 10 the registration officer shall fill out the form set out as Form No. 10 in the First Schedule and transmit it to the Supervisor of Elections.

14. Question of ordinary residence to be determined by facts of case

The question whether a person is or was ordinarily resident in a polling division at any material period shall, subject to sections 5, 6 and 7 of the Act and rules 15, 16 and 17, be determined by reference to all the facts of the case.

15. Place of ordinary residence

The place of ordinary residence of a person is—

- (a) generally that place which has always been, or which he or she has adopted as, the place of his or her habitation or home, whereto when away from there he or she intends to return; or
- (b) specifically, where a person usually sleeps in one place and has his or her meals, or is employed, in another place, the place is where that person sleeps.

16. Ordinary residence where family is

The place of ordinary residence of a person is generally where his or her family is; if he or she is living apart from his or her family in another place, the place of ordinary residence of that person is the place he or she treats as his or her ordinary residence as in accordance with rule 15(a).

17. Temporary absence from place of ordinary residence

(1) Subject to subrule (2), temporary absence from a place of ordinary residence does not cause the loss or change of place of ordinary residence.

(2) A person who has more than one place of ordinary residence may choose in respect of which place he or she desires to be registered.

18. Registration officer to issue notice of refusal where applicant not qualified for registration

(1) Where a registration officer is not satisfied that an applicant for registration as an elector is qualified to be so registered, the registration officer shall—

- (a) issue to the applicant a notice of refusal in duplicate in the form set out as Form No. 11 in the First Schedule;
- (b) leave the original of the notice of refusal with the applicant and inform him or her that he or she may appear before the appropriate registration officer when directed by notice in writing by that officer to justify his or her claim if he or she wishes to do so; and
- (c) transmit the duplicate copy of the notice to the Supervisor of Elections.

(2) The registration officer shall list in a form supplied by the Supervisor of Elections the names of those persons whose applications for registration he or she has refused, and he or she shall forward the list to the Supervisor of Elections.

19. Penalty

Every registration officer who willfully and without reasonable excuse omits from the list the name of any person entitled to have his or her name entered therein, or enters in the said list the name of any person who is not entitled to have his or her name entered therein, shall be liable on summary conviction to a penalty of five hundred dollars, and, in addition, to forfeiture of his or her right to payment for his or her services as a Registration Officer.

20. Cancellation of registration documents

(1) A registration officer, upon being satisfied that registration record cards cannot properly or conveniently be used or completed, shall cancel such cards by writing upon such cards the word “Spoilt”.

(2) Registration record cards that have not been completed because of the disallowance of applications for registration shall be cancelled by the registration officer by writing upon them the word “Disallowed”.

(3) When a registration record card has been cancelled under subrule (1) or disallowed under subrule (2), the registration officer shall record such cancellation upon the registration record inventory form in respect of such registration record card.

21. Cancellation of record card by registration officer

(1) If, in consequence of information received by him or her, the registration officer suspects that a person in respect of whom a registration record card has been issued for a polling division is not qualified to be registered in respect of that polling division, he or she may summon that person to appear before him or her and, after a fair hearing, if he or she is satisfied that such person is not so qualified, he or she shall cancel the registration record card and shall notify such person accordingly.

(2) Where a person who is summoned under subrule (1) fails to appear before the registration officer, the hearing may take place in his or her absence.

(3) Where a registration record card has been cancelled pursuant to subrule (2), the registration officer shall forward to the Supervisor of Elections a notice in the form as set out as Form No. 12 in the First Schedule informing him or her of the cancellation of the card; and where the person in respect of whom the card was issued failed to appear at the hearing, a copy of the notice shall be sent to him or her by registered post and the registration officer shall also enter the details on a registration record inventory form.

22. Correction of clerical errors

The Supervisor of Elections, or a registration officer may correct any clerical error in any registration record and card that has been caused by inadvertence.

23. Register to comprise persons qualified to be registered

For the purpose of preparing the register of electors, the current list for a polling division shall be the list of persons who appear to the registration officer to be entitled to be registered as electors in accordance with this Act.

24. Address and occupation to be inserted

(1) Opposite each name in the list shall be inserted the occupation, if any, of the person whose name appears therein and the address at which the person was resident during the enumeration period or continuous registration period.

(2) The names, addresses and occupations of all electors who are included in a current list shall be written up according to Form No. 1 or 2 in the First Schedule, as directed by the Registration Officer as determined by the Supervisor of Elections under rule 3.

(3) There shall be a separate letter or letters in the register of electors for each polling division, and such letter or letters shall be deemed to form part of an elector's number in the register of electors.

(4) Subject to the provisions of rule 3 and subrule (5) of this rule—

- (a) the names of each polling division shall be arranged in numerical order;
- (b) the names in the register of electors shall be numbered so far as reasonably practicable consecutively with a separate series of numbers for each polling division; or
- (c) in such other manner as may be considered expedient.

(5) The Governor-General may by order published in the *Gazette* vary the provisions of subrule (4) in such manner as he or she deems expedient for the purpose of ensuring that, so far as practicable, the dates by which any steps are to be taken or any work is to be completed pursuant to the Act are adhered to.

25. Registration documents to be kept safe

(1) A registration officer shall keep in safe keeping and shall not permit any person to have unlawful access to—

- (a) unused, completed or cancelled registration record cards;
- (b) registration record inventory forms;
- (c) files of notices of refusal; and
- (d) other registration documents entrusted to them.

(2) Where it is necessary for a registration officer to keep any of the documents mentioned in subrule (1) overnight, he or she shall keep them in lockable containers provided for that purpose by the Supervisor of Elections and may, in his or her discretion, leave them for safe custody at any convenient police station.

26. Registration documents to be forwarded to the Supervisor of Elections on request

An assistant registration officer shall, at such times as the Supervisor of Elections may direct, deliver to the appropriate officer all cards, forms, and other documents that have been completed or used by him or her or delivered to him or her in the performance of his or her duties, and the registration officer shall place the documents with similar documents already in his or her possession, and shall forward such documents or any of them to the Supervisor of Elections upon his or her request.

27. Certified addendum lists to be sent to Supervisor of Elections

Five days before the appointed quarterly date the registration officer shall certify the addendum list in the form set out as Form No. 13 in the First Schedule and he or she shall transmit the list to the Supervisor of Elections not later than the following day.

28. Current lists to be certified

(1) The registration officer shall on receipt of the current lists from the assistant registration officer prepare and complete not later than thirty-five days after the appointed day four copies of each of such lists in respect of each polling division. The copies shall then be checked by the respective assistant registration officer and certified in the form as set out in Form No. 13 in the First Schedule.

(2) The registration officer shall distribute to each respective assistant registration officers in his or her constituency one of the four copies of the lists referred to in subrule (1); arrange a copy numerically according to polling divisions and send it to the Supervisor of Elections; publish yet a copy in accordance with rule 29; and keep the remaining copy for himself or herself.

29. Publishing current list

(1) The Supervisor of Elections, on the appointed quarterly date or as soon thereafter as can be reasonably done, shall cause a certified copy of the current list in each constituency to be published.

(2) The Supervisor of Elections shall, cause at the time of publishing the current list under subrule (1), a notice to be published specifying the places where the current list can be seen.

30. Inviting claims and objections regarding lists

(1) The registration officer shall at the time of publishing the current list referred to in rule 29 publish a notice in the form set out as Form No. 15 in the First Schedule inviting claims and objections regarding such list.

(2) The notice referred to in subrule (1) shall specify the manner by which claims and objections in respect of the current list may be made and the address of the registration officer.

31. Addendum list to be published

The registration officer shall at the same time as publishing the current list under rule 29 and at the same places publish the addendum list for each Constituency.

32. Claims to be delivered or posted to registration officer

Any person who claims to be entitled to be registered as an elector, and who is not entered in the current list may make a claim to be registered by sending to the registration officer a claim in the form set out as Form No. 16 in the First Schedule. The Claimant shall deliver the form or transmit it to the registration officer.

33. Notice of objection to registration

(1) Any person whose name appears on any of the current lists for a Constituency may object to the registration of any person whose name is included in those lists by sending to the registration officer notice of objection in the form set out as Form No. 17 in the First Schedule.

(2) The registration officer shall immediately forward a copy of the notice of objection to the person objected to by registered post.

(3) Form No. 17 in the First Schedule shall consist of a postcard in duplicate.

34. Notice of objection to claims

Any person whose name appears on any of the current lists for a Constituency may object to the registration of any person who claims under rule 32 to be entitled to be registered by sending notice of objection to the registration officer in the form set out as Form No. 17 in the First Schedule.

35. A claim or objection at anytime

(1) A claim to be included in the lists or an objection to any name in the list under rule 32 or 33 may be made at any time.

36. Names on more than one list

Any elector whose name appears on more than one current list and who is aware of that or made aware of that shall forthwith notify the registration officer, in the form set out as Form No. 18 in the First Schedule, of the polling division in which he or she elects to have his or her name retained.

37. Correcting name or particulars

Any person whose name appears on the lists in an incorrect manner or with other incorrect particulars may claim to have his or her name registered correctly or those other particulars corrected by sending or delivering to the registration officer, a claim in the form as set out in Form No. 19 in the First Schedule.

38. Effecting change of address or name

After publication of the current list, a person whose name appears in any list for a Constituency who has—

- (i) changed his or her address within the Constituency, or changed his or her address to an address in another constituency, or
- (ii) changed his or her name,

may notify the registration officer and claim to have the change effected, by sending or delivering to the registration officer, a claim in the form set out as Form No. 20 or 21 in the First Schedule as the case may be.

39. Notice to persons affected by objections

The registration officer shall, immediately after receiving any notice of objection, send a notice in the form set out as Form No. 22 in the First Schedule to the person in respect of whose registration the notice of objection is given, and a notice in the form set out as Form No. 23 in the First Schedule to the person making the objection.

40. List of claims and objections

The registration officer shall keep separate lists of claims and objections and shall, on receipt of a claim or objection, forthwith enter in the appropriate list the name and address of the claimant or objector or the person in respect of whom the objection is made.

41. Publication of claims to insertion

It shall be the duty of the registration officer to publish, not later than forty days after the last past quarterly date, in the form set out as Form No. 24 in the First Schedule, a list of persons living in the respective polling divisions who claim that their names should be inserted in, or that other corrections should be made to, the lists. Such list shall remain published until such claims are determined in accordance with these Rules.

42. Publication of objections to registration

It shall be the duty of the registration officer to publish, not later than forty days after the last quarterly date a list of the names of persons appearing in the lists in the respective polling divisions to whose registration notice of objection has been given, in the form set out as Form No. 25 in the First Schedule. Such list shall remain published until the publication of the next list and such objections are determined in accordance with these Rules.

43. Posting up list of objections to claims

It shall be the duty of the registration officer to publish, not later than thirty days after the last quarterly date, in the form set out as Form No. 25 in the First Schedule, a list of the names of persons claiming under rule 38 to be entitled to be registered in the respective polling divisions, to whose registration notice of objection has been given. Such list shall remain published until the publication of the next list and such objections are determined in accordance with these Rules.

44. Consideration of objections

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

(2) Where the registration officer is of the opinion that the particulars given in an objection are insufficient, he or she may ask the objector for further information, requiring that such further information be provided to him or her within seven days, and he or she may take no further action until such further information is supplied.

(3) Where further information asked for by the registration officer under subrule (2) is not received by him or her within the seven days stipulated by that subrule, no further action need be taken by him or her in respect of the objection to which it relates.

(4) Where the registration officer is of the opinion that no further information need be asked for by him or her under subrule (2), he or she shall proceed to examine such objection as referred to in subrule (1).

(5) Where the registration officer is thus determining an objection without asking for further information, or after receiving the further information asked for by him or her under subrule (2)—

- (i) if he or she considers that the objector is not entitled to object, he or she may disallow the objection and shall so inform the objector and the person objected to,
- (ii) if he or she considers that the objection should not be allowed because the particulars given in support of the objection are not sufficient to sustain the objection, he or she may disallow the objection and shall so inform the objector and the person objected to,
- (iii) if he or she considers that the objector is entitled to object and that the particulars given in support of the objection are sufficient to sustain the objection, he or she may uphold the objection and shall so inform the objector and the person objected to.

45. Consideration of claims

(1) The registration officer shall consider all claims of which notice has been given to him or her in accordance with these Rules and for that purpose give at least five clear days' notice by registered post to the claimant of the time and place at which the claim will be considered by him or her.

(2) The registration officer shall not refuse to deal with any claim, notice or objection purely on the basis that the correct form has not been used.

(3) When the registration officer is of the opinion that the particulars given as a claim are insufficient, he or she may ask the claimant for further information, requiring that such further information be supplied by the claimant within seven days of such further information being asked for by him or her, and he or she need not take any further action until such information is supplied.

(4) Where further information asked for by the registration officer under subrule (3) is not received by him or her within the seven days stipulated by that subrule, no further action need be taken by him or her in respect of the claim.

(5) When notice of objection has been given in respect of a claim, rule 44 shall apply to such notice of objection.

(6) Where the registration officer is of the opinion that no further information need be asked for by him or her under subrule (3), he or she shall proceed to determine the claim without asking for such further information, and when the registration officer is thus determining a claim without asking for further information or after receiving the further information asked for by him or her under subrule (3)—

- (i) if he or she considers that the claimant is not entitled to make the claim, he or she may disallow the claim and shall so inform the claimant, in the form set out as Form No. 26 in the First Schedule, copying same to any person who objected to the claim,

- (ii) if he or she considers that the claim should not be allowed because the particulars given in support of the claim are not sufficient to sustain the claim, he or she may disallow the claim and shall so inform the claimant, in the form set out as Form No. 26 in the First Schedule, copying same to any person who objected to the claim,
- (iii) if he or she considers that the claimant is entitled to make the claim and that the particulars given in support of the claim are sufficient to sustain the claim, he or she may uphold the claim and shall so inform the claimant, in the form set out as Form No. 26 in the First Schedule, copying same to any person who objected to the claim.

46. Registration officers to consider registration applications refused by enumerators

(1) The registration officer shall consider all applications for registration as electors which were refused by enumerators in his or her Constituency when the person whose application was so refused by the enumerator asks the registration officer to consider such applications.

(2) When notice of objection has been given in respect of such an application to the registration officer, rule 44 shall apply to such notice of objection. When no notice of objection has been given in respect of such an application, rule 45 shall apply.

(3) The registration officer shall give the applicant not less than five clear days notice, in the form set out in Form No. 27 of the First Schedule, of the time and place at which he or she will hear the application, copying same to any objector.

(4) Where the registration officer grants or disallows an application under subrule (1) he or she shall accordingly notify the applicant, in the form set out as Form No. 11 in the First Schedule, copying same to any person who objected to the application.

47. Principles regarding the hearing of applications, claims and objections

(1) On the hearing of an objection, claim, or application for registration under rule 44, 45 or 46 respectively, or other representation or matter—

- (i) the registration officer may summon such witnesses as he or she considers necessary and may order the production of any document that he or she deems necessary,
- (ii) the registration officer shall permit all persons who, in his or her opinion, are interested in the hearing to appear before him or her and be heard,
- (iii) a person appearing at the hearing may appear either in person or may be represented by any other person,
- (iv) the registration officer may, either at the request of any person interested in the hearing, or without such request, require that the evidence by any person at such hearing be given upon oath or affirmation, and may administer the necessary oath or cause the necessary affirmation to be made in his or her presence, and
- (v) no person may make any statement upon oath or affirmation that he or she knows to be false or does not believe to be true.

(2) A registration officer shall make and keep a record of all evidence taken and all documents produced during the hearing of an objection, claim, application for registration or other matter, and shall submit to the Supervisor of Elections such records and all documents produced together with his or her decision and his or her reasons therefor.

48. Correction of lists by way of addendum list

(1) The registration officer shall on a continuous basis make such additions to and corrections of the lists as are required in order to carry out his or her decisions regarding any objections, claims or applications for registration heard by him or her under rule 44, 45 or 46 respectively; remove duplicate entries subject to any expression of choice by persons affected as to those entries, remove the names of persons who are dead or subject to any legal incapacity; rectify clerical errors, and otherwise ensure that those lists are complete and accurate as a register in accordance with the requirements of the Act.

(2) Corrections shall be effective on the date of correction and shall be contained in an addendum to the current list and shall be merged with the Current List and published as the Current List on the next quarterly date or as soon thereafter as can be reasonably done.

49. Objection to corrections

Where the registration officer makes any correction in the lists otherwise than in pursuance of a claim, objection, application for registration or for the purpose of correcting a clerical error, he or she shall give notice in the form set out as Form No. 28 in the First Schedule, to the person affected by the correction, and allow that person an opportunity of objection to the correction and of being heard with respect thereto.

50. Completion of lists

The registration officer shall make all the necessary corrections to the lists and do everything necessary in time to allow the publication of the lists so corrected as required by these Rules.

51. One copy of current list and addendum to be posted to Supervisor of Elections and other set kept for inspection by the public

(1) The registration officer shall certify in the form set out two sets of current lists and addendum list prepared in accordance with these Rules and shall 10 days before the next quarterly date post one set of lists to the Supervisor of Elections and retain the other set in his or her office for inspection by the public. It shall be the duty of the registration officer, on the application of any person during business hours and upon payment of the prescribed fee, to furnish such person with copies of the lists at any time on or after the relevant quarterly date.

(2) The Supervisor of Elections shall cause the addendum list to be merged with the current list and a new current list published and printed on the quarterly date or as soon thereafter as can be reasonably done.

52. Description of polling divisions

On a date to be determined by the Supervisor of Elections, the Supervisor of Elections shall transmit to the returning officer a description of the boundaries of each polling division for which the registration officer is responsible. On completion of his or her revision the Supervisor of Elections shall transmit to the returning officer the set of current lists for those polling divisions.

53. Insertion of names in printed lists

(1) If after the current list has been printed and an election has been called and the Supervisor of Elections has reasonable cause to believe that the name of any elector which has been included in the addendum or earlier current list for any polling division has through inadvertence been omitted from the current list for that division, the Supervisor of Elections shall ascertain by reference to the relevant lists and the enumerators index book for that polling division or the duplicate thereof, whether the omission of that name has in fact occurred. If the omission is verified he or she shall

insert in copies of the printed list, the name, address and occupation of the elector concerned and initial the corrections. He or she shall then return the corrected copies to the returning officer for the constituency concerned. He or she shall also notify the person whose name was omitted of the insertion.

(2) If the printed lists have already been distributed, the returning officer shall accordingly notify the persons whom he or she believes to be likely to be nominated as candidates for the relevant constituency or who have actually been nominated and the presiding officer for the polling division concerned.

54. Deletion of name from printed lists

(1) If, during the period between publication of any list for use in elections and polling day the Supervisor of Elections has reasonable cause to believe that there appears upon any list the name of any person who is not qualified for inclusion in such list, or that any insertion that has been made under rule 53 of these Rules is in respect of a person who is not entitled to be included in such list, he or she shall hold a special revision to investigate such case.

(2) The Supervisor of Elections shall give at least 5 days notice or such notice as is reasonably practicable to such persons of the time and place at which the special revision will take place and at such time and place consider the eligibility of such person to be included in the list. If he or she decides that the name of such person should not be included in the list he or she shall delete such name therefore and initial the deletion on all undistributed copies of the list. He or she shall notify the returning officer of all such deletions.

(3) If printed lists have already been distributed the returning officer shall accordingly notify the persons whom he or she believes to be likely to be nominated as candidates for the relevant constituency or who have actually been nominated and the presiding officer for the polling division concerned.

55. Appeals from registration officer to Supervisor of Elections

(1) Any person aggrieved by the decision of a registration officer under rule 44, 45, 46, 48 or 49 may appeal to the Supervisor of Elections within seven days of being notified of the decision.

(2) The provisions of rule 47 shall apply to the hearing of such appeals by the Supervisor of Elections as those provisions apply to hearings before the registration officer.

(3) The Supervisor of Elections shall hear and determine any appeal brought before him or her under this rule, and he or she may vary or confirm any decision of the registration officer that is the subject of such appeal.

(4) When the Supervisor of Elections grants or disallows an appeal he or she shall accordingly notify the appellant, in a notice of decision in the form set out as in the First Schedule, copying same to the registration officer and any other person whom he or she considers to be affected by his or her decision. He or she shall keep a duplicate copy of such notice together with the other papers relative to the appeal.

(5) Where the decisions of the Supervisor of Elections requires an alteration to any list he or she shall himself or herself make such alteration and give such directions as are necessary and shall, after making such alteration, notify same to the registration officer, the appellant and any other person whom he or she considers to be affected by his or her decision.

56. Appeals from the Supervisor of Elections to the Court

(1) An appeal lies to the Judge in Chambers (hereinafter referred to as “the Court”) from any decision of the Supervisor of Elections on any objection, claim, application for registration or other matter heard by the Supervisor of Elections on appeal under rule 55 or other matter done by him or her.

(2) Appeals from the Supervisor of Elections to the Court under subrule (1) shall be governed by section 25 of the Act.

(3) Any person appearing to the Court to have a sufficient interest in the matter may appeal to the Court under rule 56 against any decision reached or action taken by the Supervisor of Elections.

57. Alteration to list made or certified by the Supervisor of Elections

Any alteration to any list which is required to—

- (a) carry out the registration officer’s decision with respect to any claim or objection;
- (b) carry out the decision of the Supervisor of Elections or the decision of the Court with respect to any claim or objection;
- (c) correct any clerical error;
- (d) correct any misnomer or inaccurate description of any person, his or her occupation or address;
- (e) delete the name of any person who the Supervisor of Elections is satisfied is dead, may be made by the Supervisor of Elections; or, if required to be made by another person, shall need to be certified by the Supervisor of Elections.

58. Further alterations to lists

(1) Where it appears to the Supervisor of Elections that it is necessary to make any alteration other than an alteration under rule 57 to a list in order to ensure that no person shall be incorrectly or improperly registered, or registered in more than one list, or registered when not entitled, he or she shall send to the person to be affected by the alteration a notice stating the proposed alteration and shall give him or her an opportunity within three days from the date of such notice of selecting, where entitled to do so, the qualifying address in respect of which he or she is registered or of objecting to the alteration and, if necessary, of appearing before him or her and being heard in accordance with the provisions of rule 47, and subject to rule 56.

(2) At the expiry of the three days referred to in subrule (1), the Supervisor of Elections shall make such alteration as seems to him or her to be necessary.

59. Correction of current list

(1) Subject to rule 56, if the Supervisor of Elections is satisfied that the names of electors have been inadvertently omitted or incorrectly recorded during the process of preparing the current list, he or she may add to such list the names of the electors omitted or correct the errors, as the case may be, by means of a statement of changes duly certified by him or her. In like manner he or she may remove from the current list for a particular polling division the name of any person who is not registered as an elector for such polling division.

(2) Corrections to be made by addition and deletion on the addendum are to be published at the next quarterly date unless use of the addendum is not possible in which case the Supervisor shall make amendments directly to the relevant list.

60. Notice of alteration to list

(1) When the Supervisor of Elections intends to proceed under rule 58 or 59, he or she shall publish a notice of his or her intention to do so. Such notice shall give five clear days' notice or such notice as is reasonably practicable, of the time and place at which he or she intends to proceed, and shall specify the nature of the alteration intended by him or her.

(2) Any person wishing to object to the making of any alteration by the Supervisor of Elections may object in writing to the Supervisor of Elections. If any person so objects but the Supervisor of Elections still proceeds to make the alteration that person may appeal to the Court, in accordance with rule 56.

61. Publication of register

(1) The Supervisor of Elections shall publish the register of electors by making a copy available for inspection at his or her address and at the address of the registration officer for the constituency to which it relates and by making copies of the relevant part of the register of electors available for inspection as soon as practicable on at least two public buildings within the polling division or Constituency and shall be responsible for ensuring that such copies are displayed therein by posting in a prominent place.

(2) If there are no public buildings in the respective polling division or Constituency, the Registration or Election Officer shall post-up or affix the document or notice on at least two other buildings within that polling division or Constituency but only after first obtaining permission from the occupants of such buildings to do so.

(3) Every register so published shall constitute the register of electors for the Constituency to which it relates, and shall be used at the elections to which it relates.

(4) The register of electors shall be kept published until it is replaced by a revised register or, as the case may be, by a new register.

62. Posting of register

A copy of the register of electors shall on publication be furnished by the Supervisor of Elections to the Public Library, Court Houses, Post Offices, Police Stations Medical Stations and Revenue Offices for inspection by the public.

63. Destroying or defacing documents

If any person without lawful authority destroys, mutilates, defaces, removes or makes any alteration in, any notice published by a registration or election officer in connection with his or her registration duties or any copies of a document which have been made available for inspection in pursuance of these Rules, he or she shall be liable on summary conviction to a fine of five hundred dollars or to imprisonment for six months, or to both such fine and imprisonment.

64. Duty of registration officer to supply forms

A registration officer shall, without fee, on the application of any person, supply forms of claims, applications, objections or notices thereof.

65. Supply of copies of claims, objections and lists

(1) A registration officer shall, on the application of any person, allow that person to inspect, and take extracts from, or on payment of the prescribed fee supply to that person copies of the lists for any registration unit in his or her Constituency and any claim, application or objection or notice thereof made under these Rules.

(2) The Supervisor of Elections shall on request supply to any person copies of any part or parts of the register of electors so long as there are sufficient copies available,

allowing for the number which he or she considers may be required for official purposes including the purposes of any election, on payment of a fee of one dollar for each polling division together with an additional fee of five cents for each hundred, or part of a hundred, names in such copy.

(3) Where a document is made available for inspection, any person may make a copy of, or take extracts from that document.

66. Mode of notices

(1) Any claim, objection, application for registration, or other representation which is under these Rules to be sent to an election officer, shall be in writing, in the stipulated form where prescribed, and may be sent to the officer by registered post, addressed to him or her at his or her office or delivered by hand to him or her or at his or her office.

(2) Where an election officer is required by these Rules to notify any person of any thing, such notification shall be in writing, in the stipulated form where prescribed, and may be delivered by hand to him or her or sent to him or her by registered post, at the address furnished by him or her for the purpose of such notification, or if there is no such address, at the last known place of abode of that person.

67. Computation of time

Where the last day of time allowed by these Rules for any matter falls on a Sunday, bank holiday or day appointed for public thanksgiving or mourning that time shall be extended until the end of the next following day which is not one of the days earlier mentioned.

68. Duty to give information

(1) The Supervisor of Elections, a registration officer, an assistant registration officer or an enumerator may require any employer, any householder, or any person owning or occupying any land or premises, in the case of a registration officer, assistant registration officer or enumerator within his or her Constituency or polling division as the case may be, or the agent of such person, to give any information in his or her possession which the Supervisor of Elections, the registration officer, the assistant registration officer or enumerator may require for the performance of his or her respective duties.

(2) Any person who fails to give information required under subrule (1) or knowingly gives false information is guilty of an offence against this rule.

69. Power to request production of documents

(1) The Supervisor of Elections, an enumerator or a registration officer or an assistant registration officer, before registering any person as an elector may, if he or she thinks it necessary—

- (a) require that person either to produce a birth certificate or, if that is not practicable, to make a statutory declaration as to the date of his or her birth;
- (b) require that person to produce a certificate of naturalisation or to make a statutory declaration that he or she is a citizen of Grenada or otherwise a Commonwealth citizen.

(2) Where a declaration under subrule (1) is so required no fee shall be paid thereon.

(3) The registration officer shall during office hours allow any person to inspect and take a copy of any declaration made pursuant to subrule (1).

70. False statement punishable

Any person who in the course of preparation of any list, makes before a registration officer, an assistant registration officer, an enumerator, or the Supervisor of Elections, any statement upon oath or any solemn affirmation which he or she knows to be false, or does not believe to be true, shall be guilty of an offence and upon summary conviction thereof shall be liable to be imprisoned for a term not exceeding twelve months.

71. Operation of document not to be affected by a misnomer or inaccurate description

No misnomer or inaccurate description of any person or place in any register of electors list, list of claims or objections, or in any notice given under the Act or these Rules shall affect the operation of that document with respect to that person or place in any case where the description of that person or place is such as to be commonly understood.

72. Publication of documents and notices

(1) Unless otherwise provided by these Rules, where an election officer is by these Rules required to publish any document or notice, he or she shall publish the document or notice by—

- (i) publishing the document or notice in the *Gazette* and in at least one newspaper circulating regularly in the State,
- (ii) posting-up or affixing a copy of the document or notice on the prescribed buildings in his or her polling division or Constituency as the case may be,
- (iii) making a copy of the document or notice available for inspection by the public in his or her office or in the office of the registration officer, and
- (iv) if he or she thinks fit, using any additional means which is, in his or her opinion, desirable for the purpose of bringing the contents of the document to the attention of those for whom the information in the document or notice is intended.

(2) The prescribed buildings referred to in subrule (1)(ii) shall be Court Houses, Post Offices, Police Stations, Medical Stations, Revenue Offices, or such other public buildings as seem fit to the registration or election officer.

(3) Notwithstanding subrule (2), if there are no public buildings in the respective polling division or Constituency, the registration or election officer shall post-up or affix the document or notice on other buildings but only after first obtaining permission from the occupants of such buildings to do so.

73. Document not invalidated by failure to publish

Any failure to publish a document in accordance with these Rules need not invalidate the document but the provisions of this rule shall not relieve the relevant officer from any penalty for that failure.

74. Completing and delivering voter identification cards

(1) When the Supervisor of Elections receives in accordance with rule 26 the registration record card and other documents of any person referred to in that rule, the Supervisor of Elections shall—

- (a) cause to be entered on the identification card the required particulars in respect of that person including his or her name and registration number and have that person sign the identification card;

- (b) cause prints of the exposed film used in photographing that person in accordance with rule 10 to be attached to the identification card, to the master registration card and to the polling station card of that person;
- (c) cause the identification card to be laminated.

(2) The Supervisor of Elections shall as soon as is practicable deliver or cause to be delivered completed identification cards to the persons to whom they relate.

75. Replacing voter identification card that has been lost, stolen, destroyed, etc.

(1) A person whose voter identification card has been lost, stolen, destroyed, mutilated or defaced may make application, in the form set out in Form No. 30 in the First Schedule, for the replacement of his or her voter identification card.

(2) If the Supervisor is satisfied with an application made to him or her under subrule (1), he or she may issue a voter identification card replacing the one in respect of which the application has been made.

76. Compilation of register of registration cards

The Supervisor of Elections shall compile a register of registration cards—

- (i) arranging the master registration cards in an alphabetical or numerical series or a combined alphabetical and numerical series,
- (ii) arranging the polling station cards according to the polling divisions to which they relate, grouped in such series or other manner as he or she considers expedient.

77. Publication of names and addresses of registration officers

(1) The Supervisor of Elections shall publish in the *Gazette* and in at least one newspaper circulating regularly in Grenada, a list of the names and addresses of the offices of all registration officers.

(2) The Supervisor of Elections shall also publish in the manner prescribed in subrule (1) all changes in names and addresses of the offices of registration officers.

78. Detention of documents by Supervisor of Elections

Every registration officer shall send all registration record inventory forms together with all registration record cards which have been used but have not been completed to the Supervisor of Elections who shall keep them in safe custody for not less than one year.

79. Registration where documents are lost, etc.

(1) Where the complete registration record of any person is lost, mutilated, defaced or destroyed, the appropriate registration officer may require such person to register anew.

(2) Where only one copy of the registration record of any person is lost, mutilated, defaced or destroyed, the Supervisor of Elections shall prepare a photostatic copy thereof from the remaining copy and the photostatic copy shall be used to replace the copy that was lost, mutilated, defaced or destroyed.

(3) The Supervisor of Elections shall make and sign a certificate on every photostatic copy made by virtue of subrule (2) to the effect that it is true and correct.

80. Failure to obey summons or order, unlawful destruction, etc., of documents

(1) A person who fails to obey any summons issued or order made by virtue of rule 47(1)(i) or who contravenes rule 47(1)(v), is guilty of an offence.

(2) A person who, without lawful authority, destroys, mutilates, defaces, removes or makes any alteration, in any document published under these Rules is guilty of an offence.

(3) A person who, without lawful authority, destroys, mutilates, defaces, removes or makes any alteration in—

- (i) an unused, completed, partly completed or cancelled registration record card or any duplicate of the same,
- (ii) a registration record inventory form,
- (iii) a notice of refusal,
- (iv) an identification card,

is guilty of an offence.

81. Penalty

A person guilty of an offence under these Rules is liable on summary conviction to a fine of five hundred dollars or to imprisonment for six months, or to both such fine and imprisonment unless some other penalty is provided for by a particular rule.

82. Registration or election officer causing thing to be done

(1) Where an election officer is by these Rules required to do anything, it shall be sufficient compliance with these Rules for him or her to cause such thing to be done unless otherwise provided.

(2) Notwithstanding subrule (1), an election officer who arranges to be caused to be done under subrule (1) what thing he or she is required by these Rules to do, is himself or herself personally responsible if that thing is not done or is not properly done, and as such is himself or herself liable to incur any penalty relating thereto.

Enumeration Rules

83. Appointment of enumerators

(1) The Supervisor of Elections shall in writing in the form set out as Form No. 3 in the First Schedule appoint a person to be enumerator for each polling division in every constituency.

(2) The Supervisor of Elections may at any time revoke the appointment of an enumerator.

84. Qualification of enumerators

Each enumerator shall be required to be qualified as an elector in the Constituency and shall preferably be a resident in the polling division for which he or she has been appointed.

85. Removal of enumerators

The Supervisor of Elections may at any time replace any enumerator appointed by him or her by appointing another enumerator to perform as such in the place and stead of the person already appointed, and any enumerator so replaced shall, upon request in writing signed by the Supervisor of Elections, deliver or give up to the person appointed in his or her place or to any other authorised person, any document and any information which he or she has obtained for the purpose of the performance of his or her duties.

86. Publishing enumeration notice

The enumerator shall not later than the first day of an enumeration period, publish a copy of an enumeration notice in the form set out as Form No. 5 in the First Schedule stating that he or she is about to prepare a current list of qualified electors in the polling division.

87. House to house enquiry

Each enumerator shall at the beginning of each enumeration period proceed to ascertain the name, address and occupation of every person qualified to vote, in the election of a member of the House of Representatives, in the polling division for which he or she has been appointed. For this purpose he or she shall visit every house within the polling division and shall receive applications for registration. The name, address and occupation of all electors who are included in the list shall be written in duplicate in an index book in the form set out as Form No. 6 in the First Schedule, with the names of the electors grouped according to the initial letters of their surnames, or according to street or house numbers, and with the surname, given names, postal address and occupation of each being fully stated.

88. Complete enumeration

Each enumerator shall exercise the utmost care in conducting the house to house enquiry in preparing the list of electors for the polling division for which he or she has been appointed. He or she shall take all necessary precautions to ensure the list when completed contains accurately the names, addresses and occupations of every qualified elector in the polling division, and that it does not contain the names of any person who is not so qualified.

89. Applicant to be registered in the manner prescribed

Subject to these Rules, where an enumerator is satisfied that an applicant for registration is qualified to be registered as an elector, he or she shall register the applicant in the manner prescribed by these Rules.

90. Enumerator to prepare registration documents

(1) Upon the acceptance of an application for registration, the enumerator shall ascertain and record, in accordance with these Rules the name, address including town, district or parish, occupation and other required particulars of the person seeking registration, and prepare for such person—

- (a) a registration record card, original and duplicate;
- (b) a certificate of enumeration; and
- (c) an identification card.

(2) A certificate of enumeration and an identification card and the particulars to be inserted therein, shall be in the forms set out respectively as Form Nos. 7 and 8 in the First Schedule.

91. Registration documents to be signed by enumerator and person registered

(1) In the registration of an elector, the enumerator shall—

- (a) record in ink on the master registration card and, by means of carbon, on the polling station card and on the certificate of registration, the required particulars obtained from information given him or her by the person who is being registered;

- (b) require the person being registered, unless he or she is unable to do so by reason of illiteracy or physical disability, to read the master registration card and the certificate of registration;
- (c) sign in ink the master registration card and, by means of carbon, the polling station card and the certificate of registration;
- (d) require the person being registered to sign the identification card;
- (e) request the person being registered to be photographed by an official photographer.

92. Contents of registration documents to be read to person unable to read

Where a person who is being registered is unable to read, the enumerator shall read over to him or her, and where practicable in the presence of another person, the contents of his or her registration record card before the person's signature or mark is affixed thereon and witnessed.

93. Completion of Enumeration

(1) After the procedures outlined in rule 91, and where appropriate those in rule 92, have been completed the enumerator shall issue the certificate of enumeration to the person registered.

(2) On the issue of a certificate of enumeration a person's registration is deemed to have been completed for the purposes of these Rules.

94. Refusing to comply with Enumerator

Where a person refuses to comply with any of the provisions of rule 91 the registration officer shall fill out the form set out as Form No. 10 in the First Schedule and transmit it to the Supervisor of Elections.

95. Enumerator to issue notice of refusal where applicant not qualified for registration

(1) Where an enumerator is not satisfied that an applicant for registration as an elector is qualified to be so registered, the enumerator shall—

- (a) issue to the applicant a notice of refusal in duplicate in the form set out as Form No. 11 in the First Schedule;
- (b) leave the original of the notice of refusal with the applicant and inform him or her that he or she may appear before the appropriate registration officer when directed by notice in writing by that officer to justify his or her claim if he or she wishes to do so; and
- (c) transmit the duplicate copy of the notice to the Supervisor of Elections.

(2) The enumerator shall list in a form supplied by the Supervisor of Elections the names of those persons whose applications for registration he or she has refused, and he or she shall forward the list to the registration officer.

96. Penalty

Every enumerator who willfully and without reasonable excuse omit from the list the name of any person entitled to have his or her or her name entered therein, or enters in the said list the name of any person who is not entitled to have his or her or her name entered therein, shall be liable on summary conviction to a penalty of five hundred dollars, and, in addition, to forfeiture of his or her right to payment for his or her services as an enumerator.

97. Cancellation of registration documents

(1) An enumerator, upon being satisfied that a registration record card cannot properly or conveniently be used or completed, shall cancel that card by writing upon that card the word "Spoilt".

(2) A registration record card that has not been completed because of the disallowance of an application for registration shall be cancelled by the enumerator by writing upon it the word "Disallowed".

(3) When a registration record card has been cancelled under subrule (1) or (2), the enumerator shall record such cancellation upon the registration record inventory form in respect of such registration record card.

98. Cancellation of record card by enumerator

(1) If, in consequence of information received by him or her, the enumerator suspects that a person in respect of whom a registration record card has been issued for a polling division is not qualified to be registered in respect of that polling division, he or she may summon that person to appear before him or her and, after a fair hearing, if he or she is satisfied that such person is not so qualified, he or she shall cancel the registration record card and shall notify such person accordingly.

(2) Where a person who is summoned under subrule (1) fails to appear before the enumerator, the hearing may take place in his or her absence.

(3) Where a registration record card has been cancelled pursuant to subrule (2), the enumerator shall forward to the Supervisor of Elections a notice in the form as set out as Form No. 12 in the First Schedule informing him or her of the cancellation of the card; and where the person in respect of whom the card was issued failed to appear at the hearing, a copy of the notice shall be sent to him or her by registered post and the enumerator shall also enter the details on a registration record inventory form.

99. Correction of clerical errors

The Supervisor of Elections, or an enumerator may correct any clerical error in any registration record and card that has been caused by inadvertence.

100. Register to comprise persons qualified to be registered

For the purpose of preparing the register of electors, the current list for a polling division shall be the list of persons who appear to the enumerator to be entitled to be registered as electors in accordance with this Act.

101. Address and occupation to be inserted

(1) Opposite each name in the current list shall be inserted the occupation of the person whose name appears therein and the address at which the person was resident during the enumeration period or continuous registration period.

(2) The names, addresses and occupations of all electors who are included in a current list shall be written up in accordance to Form No. 1 or 2 in the First Schedule, as determined by the Supervisor of Elections under rule 3.

(3) There shall be a separate letter or letters in the register of electors for each polling division, and such letter or letters shall be deemed to form part of an elector's number in the register of electors.

(4) Subject to the provisions of rules 3 and 10 and subrule (5) of this rule—

(a) the names of each polling division shall be arranged in numerical order;

- (b) the names in the register of electors shall be numbered so far as reasonably practicable consecutively with a separate series of numbers of each polling division;
- (c) in such other manner as may be considered expedient.

(5) The Governor-General may by Order published in the *Gazette* vary the provisions of subrule (4) in such manner as he or she deems expedient for the purpose of ensuring that, so far as practicable, the dates by which any steps are to be taken or any work is to be completed pursuant to the Act are adhered to.

102. Registration documents to be kept safe

(1) Enumerators shall keep in safe keeping and shall not permit any person to have unlawful access to—

- (a) unused, completed or cancelled registration record cards;
- (b) registration record inventory forms;
- (c) files of notices of refusal; and
- (d) other registration documents entrusted to them.

(2) Where it is necessary for enumerators to keep any of the documents mentioned in subrule (1) overnight, they shall keep them in lockable containers provided for that purpose by the Supervisor of Elections and may, in their discretion, leave them for safe custody at any convenient police station.

103. Registration documents to be forwarded to the Supervisor of Elections on request

The enumerator shall, at such times as the Supervisor of Elections may direct, deliver to the appropriate officer all cards, forms, and other documents that have been completed or used by him or her or delivered to him or her in the performance of his or her duties, and the officer shall place the documents with similar documents already in his or her possession, and shall forward such documents or any of them to the Supervisor of Elections upon his or her request.

104. Oath of enumerator on completion of work

On the completion of his or her work, the enumerator shall take an oath in the form set as Form No. 14 in the First Schedule.

105. Current lists to be certified

(1) The enumerator shall on receipt of the current lists from the assistant enumerators prepare and complete not later than thirty-five days after the appointed day four copies of each of such lists in respect of each polling division. The copies shall then be checked by the respective assistant enumerators and certified in the form as set out in Form No. 13 in the First Schedule.

(2) The enumerator shall distribute to each respective assistant enumerator in his or her Constituency one of the four copies of the lists referred to in subrule (1); arrange another copy numerically according to polling divisions and send it to the Supervisor of Elections; publish yet another copy in accordance with rule 29; and keep the remaining copy for himself or herself.

106. Appointed day

(1) The appointed day shall—

- (i) for the purposes of rules 85 and 86, be the first day of an enumeration period,
- (ii) for the purpose of rule 28, be the last day of an enumeration period.

(2) Where any day has to be appointed for the doing of anything under these Rules, if such day is not fixed by the Act or these Rules, it may be fixed by the Governor-General by order published in the *Gazette*.
