

ARRANGEMENT OF REGULATIONS

PART I

PRELIMINARY

1. Citation
2. Definitions

PART II

ADMINISTRATIVE PROVISIONS

3. Number of constituencies
4. Polling divisions and polling stations
5. List for elections to be used for any constitutional referendum
6. Supervisor of Elections
7. Other election officers
8. Referendum monitors

PART III

ARRANGEMENTS FOR CONSTITUTIONAL REFERENDUM

9. Notice of place and time of constitutional referendum
10. Copies of list of electors to be obtained
11. Voting procedure for police officers
12. Supplies of constitutional referendum material
13. Inspection of polling station by presiding officer
14. Hours of taking the poll

15. Ballot boxes
16. Electors to vote only in the polling division for whose list their names appear on
17. Application of sections 55 (1) and 56 of the Representation of the People Act
18. Proceedings at poll
19. Who are to be admitted within the polling station
20. Question to be put to voters and identification on card
21. Challenge to vote
22. General mode of taking ballot
23. Ballot papers not to be delivered to electors unless no mark of electoral ink appear on elector
24. Electors to immerse appropriate digit in electoral ink
25. Meaning of “appropriate digit”, etc., in relation to an elector
26. Penalty for failure of presiding officer to carry out provisions of regulations 22 (4), 23 and 24
27. Non-application of regulations 22 (4), 23 and 24 to electors with no hands
28. Mode of taking ballot in special cases
29. Who may vote
30. Who may be present
31. Proceeding after poll
32. Ballot box secured by special seal

PART IV

PROCEDURE AFTER CONSTITUTIONAL REFERENDUM DAY

33. Adjournment to take the poll
34. Final counting of votes
35. Provisions applicable where ballot boxes not returned
36. Declaration of the poll
37. Recount
38. Constitutional referendum return
39. Custody of election documents by Supervisor of Elections

PART V

MISCELLANEOUS PROVISIONS

40. No obligation on voter to disclose vote
41. Refusal of elector to take oath or affirmation or answer questions

SCHEDULE I

SCHEDULE II

SCHEDULE III

SCHEDULE IV

A 852

SRO. 52

Constitutional Referendum Regulations

2016

GRENADA

STATUTORY RULES AND ORDERS NO. 52 OF 2016

THE GOVERNOR-GENERAL IN EXERCISE OF THE POWERS CONFERRED PURSUANT TO SECTION 27 OF THE CONSTITUTIONAL REFERENDUM ACT NO. 25 OF 2016, MAKES THE FOLLOWING REGULATIONS—

(Gazetted 23rd September, 2016).

PART I

PRELIMINARY

1. Citation. These Regulations may be cited as the

CONSTITUTIONAL REFERENDUM REGULATIONS, 2016.

2. Definitions.—(1) Words, terms and expressions which are used in these Regulations and which are used in the Act and which are given a definition in that Act shall have the same meaning in these Regulations as they have in that Act, unless otherwise provided in these Regulations.

(2) Notwithstanding subregulation (1), in these Regulations—

“Act” means the Constitutional Referendum Act No. 25 of 2016;

“constituency” means a constituency established under section 56 of the Constitution and referred to in regulation 3 of these Regulations;

“constitutional referendum day” means the day fixed for taking the votes of voters at a constitutional referendum;

“current list” has the meaning given to it by section 2 of the Representation of the People Act and to which section 103 of the Representation of People Act shall apply;

“election officer” is assigned the meaning under section 2 of the Representation of the People Act and includes every presiding officer, poll clerk and substitute poll clerk who takes an oath pursuant to regulation 7;

“poll book” means the book in which the name and other particulars of every person applying to vote consecutively entered by the poll clerk as soon as the elector’s right to vote at the polling station has been ascertained and before any such elector is allowed to vote and shall be in the form set out as Form No. 5 in Schedule II;

“registration officer” includes election officer;

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

“Supervisor of Elections” means the person designated under section 35 (2) of the Constitution;

“voter identification card” means an identification card issued under section 22 of the Representation of the People Act.

PART II

ADMINISTRATIVE PROVISIONS

3. Number of constituencies. For the purposes of a constitutional referendum, 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.

4. Polling divisions and polling stations.—(1) There shall be constituted in each constituency polling divisions in accordance with section 4 of the Representation of the People Act.

(2) There shall be established for each polling division such number of polling stations as the Supervisor of Elections shall determine in accordance with section 47 of the Representation of the People Act.

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

6. Supervisor of Elections. The Supervisor of Elections appointed by the Governor-General under section 35 (2) of the Constitution and every Assistant Supervisor of Elections appointed pursuant to sections 28 and 34 of the Representation of the People Act shall exercise such other functions in relation to constitutional referendum in accordance with these Regulations.

7. Other election officers.—(1) A person shall not enter upon the duties of a registration officer, assistant registration officer, enumerator, supervisor of enumerators, official photographer, returning officer, election clerk or substitute election clerk, for the purposes of the Act, until he or she has taken and subscribed the oath of office in the form set out respectively as Form Nos. A, B, C, D, E, F, G, H and I in the Second Schedule to the Representation of the People Act and has transmitted such oath to the Supervisor of Elections.

(2) A person shall not enter upon the duties of the office of presiding officer, poll clerk or substitute poll clerk, for the purposes of the Act, until he or she has taken and subscribed the oath of office in the form set out respectively as Form Nos. 1, 2 and 3 in Schedule I and has transmitted such oath to the Supervisor of Elections.

(3) Every registration or election officer who is required by subregulation (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.

(4) Section 84 of the Representation of the People Act shall apply to every election officer in the course of discharging his or her duties for the purposes of a constitutional referendum.

8. Referendum monitors.—(1) An appointment of a referendum monitor under section 12 of the Act shall be dated and signed by the chairperson of the respective community organisation, whose signature shall be witnessed by a person, in the form set out as Form No. 4 in Schedule I.

(2) Every referendum monitor shall at the time of his or her appointment deliver or cause to be delivered to the returning officer of his or her constituency a statutory declaration of his or her willingness to serve as a referendum monitor made and subscribed by him or her in the form set out as Form No. 5 in Schedule I. If such statutory declaration is not delivered as aforesaid, the appointment of such referendum monitor shall be void.

(3) The Supervisor of Elections may prescribe the maximum number of community organisations who may appoint referendum monitors in respect of each constituency, which shall in no case be a number less than three or more than five.

(4) Every referendum monitor shall at all times fully respect the secrecy of voting and comply with directions given to him or her by any election officer in the polling station.

(5) For the purpose of maintaining order in polling stations, the Supervisor of Elections may, directly or through returning officers or presiding officers, limit the number of referendum monitors who may be present together in polling stations.

PART III

ARRANGEMENTS FOR CONSTITUTIONAL REFERENDUM

9. Notice of place and time of constitutional referendum. No later than seven days after the issue by the Governor-General of a writ, the Supervisor of Elections shall give notice thereof by publication in the *Gazette* and one or more newspapers circulating regularly in the State; and the returning officer shall give further notice of the issue of such writ by causing notices in the form set out as Form No. 1 in Schedule II 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.

10. Copies of list of electors to be obtained. The returning officer shall obtain from the Supervisor of Elections the prescribed number of copies of the current list for the time being in force by virtue of the Representation of the People Act.

11. Voting procedure for police officers.—(1) Subject to the provisions of this regulation, police officers shall be permitted to vote not more than three or less than

two days prior to the date specified under section 4 (2) (d) of the Act in the writ issued by the Governor-General for a constitutional referendum, in the manner specified in Schedule IV.

(2) Within three days after the issue of a writ by the Governor-General under section 4 of the Act, 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 4 of the Act; 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 11 of the Representation of the People Act.

(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 subregulation (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 chief referendum monitor, if any.

(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 Schedule IV.

(10) A person who contravenes the provisions of subregulation (9) 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 constitutional referendum 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 Schedule IV 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.

12. Supplies of constitutional referendum material.—(1) A returning officer shall furnish to each presiding officer at least one clear day before the constitutional referendum day—

- (a) a sufficient number of constitutional referendum ballot papers in the form set out in Form 2 in Schedule II or of sheets of constitutional referendum ballot papers in the form set out in Form 3 in Schedule II, as the case may be, for at least the number of electors on the current list for the polling station of such presiding officer;
 - (b) a statement showing the number of ballot papers or sheets of ballot papers so supplied, with their serial numbers;
 - (c) the necessary materials for voters to mark their ballot papers;
 - (d) at least three copies of printed directions in the form set out as Form No. 4 in Schedule II for the guidance of voters in voting;
 - (e) a copy of or excerpts from the Act, the Representation of the People Act and these Regulations;
 - (f) three copies of the current list 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 voters 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—
- (a) the blank poll book;

- (b) the current lists;
- (c) the forms of oaths;
- (d) the envelopes;
- (e) the ballot papers or sheets of ballot papers; and
- (f) other constitutional referendum 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 subregulation (1) (d).

13. 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.

14. Hours of taking the poll.—(1) 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.

(2) Notwithstanding subsection (1), the Governor-General may prescribe in the writ a period for the taking of the poll that commences before six o'clock in the forenoon and concludes after five o'clock in the afternoon.

15. 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 constitutional referendum ballot papers may be introduced therein but cannot be withdrawn therefrom unless the box is unlocked.

16. Electors to vote only in the polling division for whose list their names appear on.—(1) Subject to sections 54 and 55 of the Representation of the People Act, 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.

(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 the day.

(3) No person shall vote in more than one constituency or at more than one polling station or more than once in one constitutional referendum.

(4) Any person contravening any of the provisions of this regulation shall be liable, on summary conviction, to imprisonment for six months.

17. Application of sections 55 (1) and 56 of the Representation of the People Act. Sections 55 (1) and 56 of the Representation of the People Act shall apply with respect to a constitutional referendum.

18. 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 referendum monitors if any, and such of the electors as are present, open the ballot box and ascertain that there are no constitutional referendum 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 current list for 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. 5 in Schedule II, a number corresponding to the consecutive number allotted to the elector on the current list 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 referendum monitor 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.

19. Who are to be admitted within the polling station.—(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 referendum monitors, and the constables on duty.

(2) A person who is qualified and registered to vote shall, on a constitutional referendum day, present his or her 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 regulation, it shall be lawful for the presiding officer to cause him or her to be removed from the polling station.

20. Question to be put to voters and identification on card.—(1) The presiding officer may, and if required by a referendum monitor shall, put to any person applying for a constitutional referendum 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 constitutional referendum?

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

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

- (a) does not satisfactorily answer the questions set out under subregulation (1) or any of them;
- (b) does not produce his or her voter identification card when required to do so under subregulation (2).

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

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

- (a) that he or she has not been issued with a voter identification card; or
- (b) that he or she has been issued with a voter identification card which is lost or destroyed.

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

21. 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 referendum monitor 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 regulation shall not by reason thereof be prevented from voting.

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

22. General mode of taking ballot.—(1) Each elector shall receive from the presiding officer a constitutional referendum ballot paper on which such officer first so puts his or her initials as indicated in the form set out in Form No. 2 or 3 in Schedule II, as the case may be, that when the ballot paper or sheet of ballot papers is folded his or her initials can be seen without the ballot paper or sheet of ballot papers being opened. On the counterfoil of the ballot paper or sheet of ballot papers 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 or sheet of ballot papers, directing him or her to return it, when marked, folded as shown, but without inquiring or seeing for which answer 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 answer for which he or she intends to vote, so as to indicate clearly the answer for which he or she intends to vote, and he or she shall then fold the ballot paper or sheet of ballot papers as directed so that the initials and the numbers on the counterfoil can be seen without opening it. When the ballot paper or sheet of ballot papers is not so folded the presiding officer shall require the elector to fold the ballot paper or sheet of ballot papers as required by this subregulation.

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

- (a) that the ballot paper or sheet of ballot papers is the ballot paper or sheet of ballot papers he or she gave the elector;

- (b) that the ballot paper or sheet of ballot papers is correctly folded; and
- (c) that the provisions of regulation 24 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 paper or sheet of ballot papers 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 the ballot paper or sheet of ballot papers 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 or sheet of ballot papers to the elector.

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

(7) 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.

23. Ballot papers not to be delivered to electors unless no mark of electoral ink appear on elector.—(1) Subject to regulation 27, the presiding officer shall refuse to deliver a constitutional referendum ballot paper or sheet of ballot papers 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 subregulation (1), the presiding officer shall in the presence of the poll clerk, and of the referendum monitors in the polling station if any, 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 or sheet of ballot papers to any elector under the provisions of this regulation 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 paper or sheet of ballot papers at any time when there is a mark of electoral ink upon any of his or her digits commits the offence of personation.

24. Electors to immerse appropriate digit in electoral ink.—(1) The presiding officer shall before permitting any elector to put his or her folded constitutional referendum ballot paper or sheet of ballot papers in the ballot box in accordance with regulation 22 (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 regulation 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.

25. Meaning of “appropriate digit”, etc., in relation to an elector. In regulations 22 (4), 23 and 24—

“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.

26. Penalty for failure of presiding officer to carry out provisions of regulations 22 (4), 23 and 24. Every presiding officer who fails or neglects to perform any duty imposed upon him or her by regulations 22 (4), 23 and 24 commits 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.

27. Non-application of regulations 22 (4), 23 and 24 to electors with no hands. The provisions of regulations 22 (4), 23 and 24 shall not apply to an elector who has no hands.

28. 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 constitutional referendum ballot paper or sheet of ballot papers 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 to the Representation of the People Act, 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 or sheet of ballot papers 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 or sheet of ballot papers 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 by the referendum monitors.

(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 to the Representation of the People Act 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 referendum monitors and of no other person, and shall place such ballot paper or sheet of ballot papers 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 subregulation (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 to the Representation of the People Act 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 constitutional referendum 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. 6 in Schedule II that he or she will keep secret the answer for which the ballot paper 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 constitutional referendum.

(6) Whenever any elector has had his or her ballot paper marked as provided in subregulation (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.

29. 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 constitutional referendum ballot paper or sheet of ballot papers 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. 7 in Schedule II and complying in all other respects with the provisions of these Regulations, be entitled to receive a ballot paper or sheet of ballot papers 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 referendum monitor, or by an elector present, shall, before receiving his or her ballot paper or sheet of ballot papers, take an oath in the form set out as Form No. 8 in Schedule II, 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.

30. Who may be present.—(1) In addition to the presiding officer and the poll clerk, the referendum monitors in each polling station if any, and the constables on duty, no other person shall be permitted to remain in the polling station during the time the poll remains open.

(2) In observation of a constitutional referendum on a constitutional referendum day, no more than one referendum monitor appointed by one community organisation shall be present at one polling station for more than five consecutive minutes.

(3) Referendum monitors 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.

31. Proceeding after poll.—(1) Forthwith upon the close of the poll, in the presence and in full view of the poll clerk and the referendum monitors if any, and if the referendum monitors 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 referendum monitors 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 constitutional referendum 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 or sheets of ballot papers in the special envelope supplied for that purpose and indicate thereon the number of such unused ballot papers or sheets of 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 answer to the constitutional referendum question 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 referendum monitor 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 answer to the constitutional referendum question;
 - (c) on which votes have been given for more than one answer to the constitutional referendum question; 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 the Act or these Regulations.

(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 or sheet of ballot papers, as required by regulation 22 (1), and as indicated in the form set out in Form No. 2 or 3 in Schedule II, as the case may be, he or she shall in the presence of the poll clerk and the referendum monitors, affix his or her initials to such ballot paper or sheet of ballot papers and shall count such 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 or her and that such an omission has really been made, and also that every ballot paper supplied to him or her by the returning officer has been accounted for, as required by subregulation (1) (d).

(5) Nothing in subregulation (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 sheet of ballot papers, 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 or sheet of ballot papers 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 referendum monitor, or any elector present, to any ballot paper or sheet of ballot papers 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 constitutional referendum or certificate or report; and every such objection shall be numbered and a corresponding number placed on the back of the ballot paper or sheet of ballot papers, 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 answer to the constitutional referendum question and of the number of spoiled or rejected ballot papers. The ballot papers which respectively indicate the votes given for each answer to the constitutional

referendum question 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 spoiled ballot papers or rejected ballot papers.

(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. 1 and 2 in Schedule III 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 pursuant to section 14 of the Act and in the form set out as Form No. 3 in Schedule III, 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 answer to the constitutional referendum question – 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. 4 in Schedule III.

(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. 3 in Schedule III 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 subregulation (11);
and
- (d) the polling station account referred to in subregulation (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 regulation, 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 the Act or these Regulations, he or she commits an offence and is liable on summary conviction to a fine of five hundred dollars or imprisonment for six months or both such fine and imprisonment.

32. 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 IV

PROCEDURE AFTER CONSTITUTIONAL REFERENDUM DAY

33. Adjournment to take the poll. The returning officer shall as soon as practicable after adjourning a constitutional referendum, give notice of the day and time on which and the addresses of the polling stations at which the poll will be taken and the place where and day and time when the number of votes given to the answers to the constitutional amendment Bill 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. 5 in Schedule III:

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.

34. 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 regulation 33 for the final count of the votes, and in the presence of such of the referendum monitors as are present, by the returning officer, and the returning officer shall—

- (a) count the votes contained therein cast for each answer to the constitutional referendum question (allowing the referendum monitors if any 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 referendum monitors if any 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, answer to the constitutional referendum question;
- (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 answer to the constitutional referendum question;
- (d) make and sign any necessary amendments to the statement of the poll.

(3) The provisions of regulation 31 (2) shall apply to the returning officer as they apply to the presiding officer so that paragraph (a) of that subregulation shall take effect as if there were substituted for the words “him” the words “the presiding officer”.

(4) The provisions of regulation 31 (6) shall apply to the returning officer as they apply to the presiding officer so that for references in the subregulation 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 subregulation.

(5) The provisions of regulation 31 (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 subregulation 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 referendum monitors 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.

35. 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 regulation 33, the returning officer shall adjourn the proceedings to a subsequent day, which shall not be more than a week later than the constitutional referendum day.

(2) In case the statement of the poll cannot be found and the number of votes polled for the answers to the constitutional referendum question cannot be ascertained, or if, for any other cause, subject to subregulation (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 answer to the constitutional referendum question, he or she may thereupon adjourn to a future day and hour the final count of the votes given for each answer to the constitutional referendum question, not being more than seventy-two hours after the time specified in the notice referred to in regulation 33.

(3) At the time to which the proceedings are adjourned in accordance with the provisions of subregulation (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 answer to the constitutional referendum question and shall declare elected whether or not the constitutional amendment Bill was approved by not less than two-thirds of the valid votes.

(4) For the purposes of this regulation 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.

36. Declaration of the poll. The Supervisor of Elections shall, as soon as he or she shall have ascertained the result of the poll, forthwith publicly declare the same and announce whether or not the constitutional amendment Bill was approved by not less than two-thirds of the votes validly cast in the constitutional referendum.

37. Recount.—(1) A referendum monitor 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 a referendum monitor present at the completion thereof, have been given a reasonable opportunity to exercise the right conferred by this regulation.

38. Constitutional referendum return.—(1) A returning officer, on a date to be determined by the Supervisor of Election which shall be a day no later than the tenth day next following the day upon which the final count is made under regulation 34, shall deliver personally to the Supervisor of Elections the following documents, which may be referred to as the constitutional referendum documents—

- (a) the copy of the writ received pursuant to section 5 (2) (a) of the Act;
- (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—

- (i) showing the number of votes cast approving the constitutional amendment Bill at each polling station and the number of votes cast disapproving the constitutional amendment Bill at each polling station; and
 - (ii) making such observations as the returning officer may think proper as to the state of the constitutional referendum papers as received from his or her presiding officers;
- (d) the written statement of the poll pursuant to section 14 of the Act;
- (e) the reserve supply of unused ballot papers;
- (f) the returns from the various polling stations enclosed in sealed envelopes, as prescribed by this Act, and containing—
- (i) the poll book used at the poll;
 - (ii) a packet containing the stubs and unused ballot papers, or sheets of ballot papers;
 - (iii) packets containing the used ballot papers;
 - (iv) a packet containing the spoiled ballot papers;
 - (v) a packet containing the rejected ballot papers;
 - (vi) a packet containing the current list used at the poll; and
 - (vii) a packet containing the written appointments of the referendum monitors; and
- (g) all other documents used for the constitutional referendum.

(2) 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.

(3) The Supervisor of Elections shall, on receiving the return of the constitutional referendum writ, the statement of the poll from every returning officer and the other documents in accordance with subregulation (1), transmit the writ with the certificate of the result of the constitutional referendum to the Governor-General within the time prescribed pursuant to section 4 (2) (e) of the Act.

(4) The Supervisor of Elections shall, on receiving the statement of the poll from every returning officer, enter it in a book to be kept by him or her for such purpose and thereupon immediately give notice in the *Gazette* of the results of the poll.

(5) The Supervisor of Elections shall, immediately after a constitutional referendum, cause to be printed a report giving, by polling divisions—

- (a) the number of votes polled approving the constitutional amendment bill;
- (b) the number of votes polled disapproving a constitutional amendment bill;
- (c) the number of spoiled or rejected ballot papers;
- (d) the number of names on the current list; and
- (e) any other information that he or she may deem fit to include.

39. Custody of election documents by Supervisor of Elections.—(1) The Supervisor of Elections shall keep the constitutional referendum documents in safe custody and shall allow no person to have access to them:

Provided that if a constitutional referendum 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 constitutional referendum that is in dispute:

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

(2) No such constitutional referendum 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 subregulation may be made by any such Judge on him or her being satisfied by evidence on oath that the inspection or production of such constitutional referendum documents is required for the purpose of instituting or maintaining a prosecution for an offence in relation to a constitutional referendum, or for the purpose of a constitutional referendum petition which has been filed.

(3) Any such order for the inspection or production of constitutional referendum 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 the Act and these Regulations, all decisions or rulings by him or her upon points arising thereunder, and all correspondence with election officers or others in relation to any constitutional referendum 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 subregulation (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.

PART V

MISCELLANEOUS PROVISIONS

40. No obligation on voter to disclose vote. No person who has voted at a constitutional referendum shall, in any legal proceedings to question the constitutional referendum or return, or otherwise, be required to state for what he or she voted.

41. 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 these Regulations, shall receive a constitutional referendum ballot paper or be admitted to vote or be again admitted to the polling station in a constitutional referendum 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.

SCHEDULE I

FORM NO. 1

[regulation 7]

Oath of Presiding Officer

I,, do *swear/affirm 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 answers to the constitutional referendum question for which every voter in the said Polling Station marks his or her constitutional referendum ballot paper in my presence at this constitutional referendum, and that I will in every respect act in accordance with the provisions of the Constitutional Referendum Act, 2016, and the regulations, 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.....

*Delete what is inapplicable

FORM NO. 2

[regulation 7]

Oath of Poll Clerk

I,, do *swear/affirm 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 answers to the constitutional referendum question for which every voter in the said Polling Station marks his or her constitutional referendum ballot paper in my presence at this constitutional referendum, and that I will in every respect act in accordance with the provisions of the Constitutional Referendum Act, 2016, and the regulations, 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.....

*Delete what is inapplicable

FORM NO. 3

[regulation 7]

Oath of Substitute Poll Clerk

I,, do *swear/affirm 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 Constitutional Referendum Act, 2016, and the regulations, without partiality, fear, favour or affection, to the best of my ability.

So help me God

.....
Substitute Poll Clerk

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

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

*Delete what is inapplicable

FORM NO. 4

[regulation 8]

Appointment of a [Chief] Referendum Monitor by a Community Organisation

I,..... chairperson of the community

organisation named.....

.....

hereby signify to the Supervisor of Elections that pursuant to section 12 of the Constitutional Referendum Act, 2016, the said community organisation has appointed as [the chief referendum monitor / a referendum monitor] of the said community organisation for the Constituency of

(name of Constituency)

.....

(name of [chief] referendum monitor)

of..... whose occupation is

(address of [chief] referendum monitor)

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

.....

(name of chairperson of community organisation)

.....

(name of community organisation)

.....

(name of witness)

FORM NO. 5

[regulation 8]

Statutory Declaration of a [Chief] Referendum Monitor of a Community Organisation

I of
(name of [chief] referendum monitor) (address of [chief] referendum monitor)

in the parish of appointed [chief] referendum
monitor by the community organisation named
(name of community organisation)

for the Constituency of..... do solemnly and sincerely
(name of constituency)

declare that I have been duly appointed as such [chief] referendum monitor by the said
community organisation and that I hereby consent to my appointment as such [chief]
referendum monitor and name as my address for the serving of papers on me under
Constitutional Referendum Act, 2016,

.....
(address of [chief] referendum monitor)

I make this declaration conscientiously believing the same to be true and according to
the Oaths Act CAP. 217, 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.

(Signed).....

Declared before me this day

(Signed).....

SCHEDULE II

FORM NO. 1

[regulation 9]

Notice of Constitutional Referendum

Her Excellency the Governor-General having issued her writ of a constitutional referendum, for the Constituency of

Notice is hereby given that—

- (1) There will be a referendum day/referendum days on day of / the days of, 20
- (2) The constitutional referendum question/questions to be asked on the said referendum day/days is/are—

Question No.:

(state the question)

Question No.:

(state the question)

- (3) Voting on the said constitutional referendum day/days will take place between the hours of o'clock in the morning and o'clock in the evening in the following polling stations—

Polling Division	No.	Polling Station
	No.	
	No.	
	No.	
	No.	
	No.	

.....
Date

.....
Returning Officer for the Constituency

FORM NO. 2

[regulation 12]

Form of Sheet of Paper for One Constitutional Referendum Ballot Paper

[ID number of sheet]

CONSTITUTIONAL REFERENDUM BALLOT PAPER

Form No. 3 of the Constitutional Referendum Regulations, 2016

[Print Date], 20

Space for initials of Presiding Officer

[ID number of sheet]

DIRECTIONS TO VOTER

Make your mark to the right of the word “YES” to approve the Bill whose short title is given below or to the right of the word “NO” to disapprove the Bill in the space provided under the question set out below.

Space for initials of Presiding Officer

Space for voter registration number

BALLOT PAPER

DO YOU APPROVE THE BILL FOR AN ACT PROPOSING TO ALTER THE CONSTITUTION OF GRENADA CITED AS [Insert Name of Bill]?

YES

NO

FORM NO. 3

[regulation 12]

Form of Sheet of Paper for More than One Constitutional Referendum Ballot Paper

[ID number of sheet]

SHEET OF CONSTITUTIONAL REFERENDUM BALLOT PAPERS

Form No. 3 of the Constitutional Referendum Regulations, 2016

[Print Date], 20

Space for initials of Presiding Officer

[ID number of sheet]

DIRECTIONS TO VOTER

Make your mark to the right of the word "YES" to approve the Bill whose short title is given below or to the right of the word "NO" to disapprove the Bill in the space provided under the question set out below.

Space for voter registration number

Space for initials of Presiding Officer

BALLOT PAPER FOR BILL NO. [insert number]

DO YOU APPROVE THE BILL FOR AN ACT PROPOSING TO ALTER THE CONSTITUTION OF GRENADA CITED AS [Insert Name of Bill]?

YES

NO

BALLOT PAPER FOR BILL NO. [insert number]

DO YOU APPROVE THE BILL FOR AN ACT PROPOSING TO ALTER THE CONSTITUTION OF GRENADA CITED AS [Insert Name of Bill]?

YES

NO

FORM NO. 4

[regulation 12]

Direction to Voters

1. Each voter may vote only at one polling station and for only one answer to the constitutional referendum question.
2. The voter will go into one of the compartments and, with a black lead pencil there provided, place a cross within the white space containing the answer for which he or she votes, whether by the affirmative answer “yes” or by the negative answer “no”, thus X.
3. The voter shall then fold the constitutional referendum ballot paper or sheet of ballot papers 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 or sheet or ballot papers; he or she shall then return the ballot paper or sheet of ballot papers 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 or sheet of ballot papers in the ballot box. The voter shall then forthwith quit the polling station.
4. If a voter inadvertently spoils a ballot paper, he or she may return the ballot paper or sheet of ballot papers to the Presiding Officer who on being satisfied of the fact will give him or her another ballot paper or sheet of ballot papers.
5. If a voter places on the ballot paper any mark near both the affirmative and negative answers, or places any mark on the ballot paper by which he or she can afterwards be identified, his or her vote will be void and will not be counted.
6. In the following form of ballot paper given for illustration the constitutional referendum question is, and the voter has marked his or her ballot paper in favour of the constitutional amendment Bill.

No. 6700

Voter’s Number on Roll

Polling Divisions No

Constitutional referendum day

Space for initials

of Presiding Officer

Do not fold beyond this line

DO YOU APPROVE THE BILL FOR AN ACT PROPOSING TO ALTER THE CONSTITUTION OF GRENADA CITED AS [Name of Bill]?

YES

X

NO

FORM NO. 5

Poll Book

[regulation 2]

Consecutive number given each Elector as he or she applies for Ballot Paper	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 Referendum Monitor	Remarks
	Name	Occupation	Postal address	Consecutive No. of voter on official current list	Form numbers of Oaths if any voter is required to swear/affirm	(a) Record that Oath sworn/affirmed or refused	(b) Record that voter has voted	Name	Consecutive No. of voter on official current list	Record that oath sworn/affirmed		

- (a) If sworn insert “sworn”, and number of the Oath; if refused insert “refused to be sworn”.
- (b) When Ballot Paper or Sheet of Ballot Paper put into Ballot Box insert “voted”.

FORM NO. 6

[regulation 28]

Oath of Friend of Blind Voter

You of *swear/affirm

- (1) That you will keep secret the answer you marked the ballot paper of the blind voter on whose behalf you act.
- (2) That you have not already acted as the friend of a blind voter for the purpose of marking his or her ballot paper at this constitutional referendum.

So help you God.

*Delete what is inapplicable

FORM NO. 7

[regulation 28]

Oath that the Voter is the Person intended to be referred to in the Official Current List

You of *swear/affirm that you are qualified to vote at this constitutional referendum 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 Official Current List used at this Polling Station, of the name whose occupation is given as and whose address is given as

So help you God.

*Delete what is inapplicable

FORM NO. 8

[regulation 28]

Oath of Qualification

You of
*swear/affirm

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.

*Delete what is inapplicable

SCHEDULE III

FORM NO. 1

[regulation 31]

Oath of Presiding Officer after closing of the Poll

I, , the undersigned, Presiding Officer for polling station No. ... of the Constituency of do *swear/affirm that to the best of my knowledge and belief this Poll Book kept for the said polling station under my direction has been so kept correctly and that the total number of votes recorded therein is and that it contains a true and exact record of the votes given at the said polling station as the said votes were taken thereat; 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 (as the case may be)

*Delete what is inapplicable

FORM NO. 2

[regulation 31]

Oath of Poll Clerk after closing of the Poll

I, , the undersigned Poll Clerk for Polling Station No of the Constituency of do *swear/affirm that this Poll Book for the said polling station kept under the direction of who has acted as Presiding Officer thereat has been so kept by me under his 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)

*Delete what is inapplicable

FORM NO. 3

[regulation 31]

Statement of the Poll

Constituency of Polling Station No.

		Remarks
Number of names on official current list used at the poll		
Number of special ballot papers		
TOTAL		
Number of ballot papers available		
Number of electors receiving ballot papers		
Number of ballot papers received from the returning officer		
Number of ballot papers cast for answering affirmatively "YES" the question of approving the Bill		
Number of ballot papers cast for answering negatively "NO" the question of approving the Bill		
Number of *rejected ballot papers		
Number of +spoiled ballot papers		
Number of unused ballot papers		
TOTAL		

* A rejected ballot paper means a constitutional referendum ballot paper which, on the constitutional referendum day, has been handed by the presiding officer to a voter 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 constitutional referendum ballot paper which, on the constitutional referendum day, has not been deposited in the ballot box, but has been found by the presiding officer to be soiled or improperly printed or which has been handed by the presiding officer to a voter to cast his or her vote, and (a) has been spoiled in marking by the voter and (b) has been handed back to the presiding officer and exchanged for another.

I hereby certify that the above statement is correct.

Dated this day of, 20.....

.....

Presiding Officer

FORM NO. 4

[regulation 31]

Oath of Messenger sent to collect Ballot Boxes

I,, messenger appointed by Returning Officer for the Constituency of do *swear/affirm that the several boxes to the number of which were used at polling stations Nos. of this Constituency on the constitutional referendum 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)

*Delete what is inapplicable

FORM NO. 5

[regulation 33]

Notice of grant of a Poll

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 number of votes given to the answers will be counted at commencing at o'clock on the day of, 20..... 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

SCHEDULE IV

[regulation 11]

Police Voters Rules

1. Citation. These Rules may be cited as the Police Voters Rules.

2. Definitions.—(1) In these Rules—

“Act” means the Constitutional Referendum Act No. 25 of 2016;

“constitutional referendum day” means the day appointed by the Governor-General under section 4 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 Constitutional Referendum Day.—(1) In accordance with section 4 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 Constitutional Referendum 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 Constitutional Referendum 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 4 of the Act, whether or not he or she has voted on Special Constitutional Referendum 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 constitutional referendum day.

(2) The Supervisor of Elections shall give at least three clear days notice prior to Special Constitutional Referendum 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 Constitutional Referendum Day.—(1) The voting at a special polling station on Special Constitutional Referendum Day shall be supervised by a presiding officer of the constituency appointed pursuant to section 4 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 Constitutional Referendum Day by his or her poll clerk, who shall be for the purposes of these Rules, be called a special poll clerk.

6. Supplies of material for Special Constitutional Referendum 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 Constitutional Referendum Day, such constitutional referendum material as provided for in regulation 12, and the duties of the presiding officer under regulation 12 (2), (3) and (4) of these Regulations shall apply to the special presiding officer under these Rules.

(2) The ballot papers provided under subrule (1) shall be called for the purposes of these Rules a special constitutional referendum ballot paper.

7. Special ballot boxes.—(1) At least two clear days before Special Constitutional Referendum 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 the constitutional referendum day and shall be marked in a conspicuous manner on each box, the words “Special Ballot Box”.

8. Conducting of poll on Special Constitutional Referendum Day. The special presiding officer of each constituency shall conduct the poll for special constitutional referendum on Special Constitutional Referendum Day, in the manner prescribed under regulations 16 to 26 of these Regulations.

9. Procedure to be followed at the close of poll on Special Constitutional Referendum 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 of at least two electors, 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 Constitutional Referendum Day in this Special 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 special ballot papers and seal it up;
- (c) count the unused ballot papers, place them with all the stubs of all used special constitutional referendum ballot papers in the special envelope provided for that purpose and indicate thereon the number of such unused ballot papers;
- (d) check the number of special constitutional referendum ballot papers supplied by the Special Returning Officer against the number of spoiled special ballot papers, if any, the number of unused constitutional referendum 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 constitutional referendum ballot papers are marked, count the special constitutional referendum ballot papers and record on a Form to be provided by the Supervisor of Elections, the total number of special constitutional referendum ballot papers which are contained in the special ballot box;

- (g) place the special constitutional referendum 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 (2) (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 ballot papers on constitutional referendum day.—(1) The procedure to be followed for the counting of special ballot papers on constitutional referendum day shall be as follows—

- (a) after the close of the polling station and before the hour of 6.00 p.m. on constitutional referendum 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 the referendum monitors 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 constitutional referendum day, the presiding officer shall allow the persons present in accordance with regulation 68, 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 ballot papers 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 ballot papers corresponds with the information on the special envelope, he or she shall then mix the special ballot papers with the normal ballot papers and proceed to count all the special ballot papers in accordance with the provisions of regulation 70.

Made by the Governor-General this 22nd day of September, 2016.

DANIEL CHARLES WILLIAMS
Deputy to the Governor-General.

GRENADA