

REPRESENTATION OF THE PEOPLE ACT

CHAPTER 2:01

Act

41 of 1967

Amended by

20 of 1975

20 of 1976

28 of 1976

51/1980

8 of 1980

37 of 1980

38 of 1980

26 of 1986

25 of 1987

21 of 1990*

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Note on Omissions

Orders and Proclamations made under sections 29 and 30 of the Act have been omitted. References to these may be found in the Current Consolidated Index of Acts and Subsidiary Legislation.

Note on Act No. 21 of 1990

The Municipal Corporations Act (21 of 1990) repealed the County Councils Act (Ch. 25:04) and replaced the First Schedule (Registration Areas) to the Representation of the People Act. As a result all references in the Representation of the People Act to County Councils, etc., have been removed/replaced with nomenclature to bring the said Act in line with the Municipal Corporations Act.

Note on Act No. 7 of 1992

The Municipal Councils 1992 Elections (Special Provisions) Act, 1992 (Act No. 7 of 1992) which made special provisions regarding the boundaries of the electoral districts for the purpose of the Municipal Councils elections of 1992, etc., remained in force for one year after its commencement and has since expired

CHAPTER 2:01

REPRESENTATION OF THE PEOPLE ACT

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CHAPTER 2:01

REPRESENTATION OF THE PEOPLE ACT

An Act to re-enact and amend the law which provides for the registration of electors to vote at elections of Members of the House of Representatives, of Municipal Councils and the Tobago House of Assembly, and for the regulation of the holding of such elections; for the disqualification of the holders of certain specified offices and appointments for membership of the above-mentioned bodies; for the determination of questions as to membership of Parliament and of Municipal Councils and of the Tobago House of Assembly; for the registration of other persons; and for other purposes connected therewith.

41 of 1967.

[21ST DECEMBER 1967]

Commencement.
165/1967.

1. This Act may be cited as the Representation of the People Act. Short title.

2. (1) In this Act—

“ballot box” has the meaning assigned to it in the Election Rules;

“ballot paper” has the meaning assigned to it in the Election Rules;

“candidate” in relation to an election, means a person who at that election is elected to serve in the House of Representatives, a Municipal Council, or the Tobago House of Assembly or a person who is nominated as a candidate at the election or is declared by himself or others to be a candidate on or after the day of the issue of the writ for an election, or after the dissolution or vacancy in consequence of which the writ was issued;

“central register” means the register established under section 18(2);

“Chief Election Officer” means the Chief Election Officer referred to in section 3 or any person acting in his office;

Interpretation.
[20 of 1976
28 of 1976
8 of 1980
37 of 1980
25 of 1987
21 of 1990
8 of 1992
51 of 2000].
Sub. Leg.

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“the Commission” means the Elections and Boundaries Commission constituted in accordance with section 71 of the Constitution;

“committee room” does not include any house or room occupied by a candidate as a dwelling by reason only of the candidate there transacting business with his agents in relation to the election, and no room or building shall be deemed to be a committee room by reason only of the candidate addressing electors, committee men or others in the room or building;

“the Commonwealth” means Trinidad and Tobago and any country to which section 18 of the Constitution applies and any dependency of any such country;

“costs” includes charges and expenses;

“date of the allowance of an authorised excuse” has the meaning assigned to it by section 56(8);

“declaration as to election expenses” means a declaration made under section 53;

“disputed claim” has the meaning assigned to it by section 50(1), as extended by section 51;

“election” means an election of a member or members to serve in the House of Representatives, a Municipal Council or the Tobago House of Assembly;

Sub. Leg.

“election documents” means the documents which a Returning Officer is required by the Election Rules to transmit to the Chief Election Officer after an election;

“election expenses” in relation to an election, means the expenses incurred, whether before, during or after the election, on account of or in respect of the conduct or management of the election;

“election officer” means the Chief Election Officer, the Deputy Chief Election Officer, an Assistant Chief Election Officer, a Returning Officer, an Election Clerk, a Presiding Officer, a Deputy Presiding Officer, a Poll Clerk, a Registration Supervisor, a Registration Officer, an Assistant Registration Officer or a Scrutineer;

“elector” means any person who is registered as an elector in a unit register;

“electoral district” means—

(a) in relation to a Parliamentary election, a constituency as defined in an Order made under section 70 of the Constitution;

(b) in relation to a Municipal Council or a Tobago House of Assembly election, a constituency defined in an Order made under section 4 of the Elections and Boundaries Commission (Local Government) Act; Ch. 25:50.

“electoral ink” means the ink, whether composite or consisting of two or more separate solutions, supplied by the Chief Election Officer for use in accordance with the Election Rules; Sub. Leg.

“electoral registration” means a registration referred to in section 30;

“electoral vehicle placard” means a placard referred to in section 38(5);

“finger” includes thumb;

“House of Representatives” means the House of Representatives referred to in section 46 of the Constitution;

“insufficient return” means a return of less persons than the number of—

(a) the seats to be filled at an election for which the writ was issued; and

(b) persons nominated at the election;

“Municipality” means the City of Port-of-Spain, the City of San Fernando, the Borough of Arima, the Borough of Point Fortin, the Borough of Chaguanas, the Regional Municipality of Diego Martin, the Regional Municipality of San Juan-Laventille, the Regional Municipality of Tunapuna-Piarco, the Regional Municipality of Sangre Grande, the Regional Municipality of Mayaro-Rio Claro, the Regional Municipality of Princes Town, the Regional Municipality of Couva-Tabaquite-Talparo, the Regional Municipality of Penal-Debe and the Regional Municipality of Siparia.

Ch. 25:04.

“Municipal Council” means the Council of a Municipal Council within the meaning of the Municipal Corporations Act;

“Municipal Council election” means the election of a person or persons to serve as a Councillor or Councillors in a Municipal Council;

“newspaper” means a newspaper published in Trinidad and Tobago;

“nomination day” means the day appointed, in accordance with this Act, for the nomination of candidates;

“Parliamentary election” means an election of a member or members to serve in the House of Representatives;

“payment” includes any pecuniary or other reward and “pecuniary reward” and “money” shall, save in sections 96 and 97, be deemed to include any office, place of employment and any valuable security or other equivalent of money, and any valuable consideration; and expressions referring to money shall be construed accordingly;

“personal expenses”, as used with respect to the expenditure of any candidate in relation to an election, includes the reasonable travelling expenses of the candidate and the reasonable expenses of his living at hotels or elsewhere for the purposes of, and in relation to, the election;

Sub. Leg.

“poll card” means the poll card referred to in rule 38 of the Election Rules;

“polling agent” means a Polling Agent appointed under the Election Rules;

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

“polling division” means a polling division as provided in subsection (3);

“polling station” means any enclosed or unenclosed space secured by a Returning Officer for the taking of the votes of electors on polling day and includes any enlargement of the space where the enlargement is deemed necessary or expedient by a Returning Officer;

“prescribed”, save in Part VI, means prescribed by the Rules;

“qualifying date” means the ninth day after the date fixed as the

- date of commencement of an electoral registration by Proclamation issued under section 30;
- “registered electoral vehicle” means a vehicle, the registration of which has been notified under section 38(4);
- “Registrar” means the Registrar of the Supreme Court;
- “registration area” means a registration area set out in the First Schedule; First Schedule.
- “registration record” includes all information with respect to an elector or non-electoral required under the Act recorded electronically or on a registration card kept in a unit register.
- “registration unit” means a subdivision of a registration area determined in accordance with the Registration Rules; Sub. Leg.
- “return as to election expenses” means a return (including the bills and receipts to be transmitted therewith) to be made under section 52(1);
- “road” has the meaning assigned to it in the Highways Act; Ch. 48:01.
- “stamp” means the stamp prepared for use in marking the ballot papers at an election in accordance with rule 46 of the Election Rules; Sub. Leg.
- “Rules” means Rules made under this Act;
- “Senate” means the Senate referred to in section 40 of the Constitution; Ch. 1:01.
- “Speaker” means the Speaker of the House of Representatives, and includes the Deputy Speaker of that House; and, where the offices of Speaker and Deputy Speaker are both vacant, includes the Clerk of the House of Representatives;
- “special ballot box” has the meaning assigned to it in the Election Rules; Sub. Leg.
- “special elector” has the meaning assigned to it in the Election Rules; Sub. Leg.
- “Special Polling Agent” means a Special Polling Agent appointed under the Election Rules; Sub. Leg.
- “Tobago House of Assembly” means the Assembly established under the Tobago House of Assembly Act; Ch. 25:03.

“Tobago House of Assembly election” means the election of a person or persons to serve as an Assemblyman or Assemblymen in the Tobago House of Assembly;

“unit register” means a unit register established by a Registration Officer under section 18(1);

“voter” means any person who votes at an election;

“writ” means the writ for an election.

(2) For the purposes of this Act, a registration unit shall be deemed to be a polling division.

(3) A reference in this Act to an Assistant Registration Officer or to a Scrutineer shall, unless the contrary intention appears, be read as including a reference to a temporary Assistant Registration Officer or to a temporary Scrutineer, as the case may be.

(4) References in this Act to the City of Port-of-Spain or the City of San Fernando or to the Borough of Arima or the Borough of Point Fortin or the Borough of Chaguanas shall be construed as references to the said City and Borough described respectively in the First Schedule to the Municipal Corporations Act.

Ch. 25:04.

PART I

OFFICERS OF THE COMMISSION

Chief Election Officer.
[28 of 1976
25 of 1987
51 of 2000].

3. (1) Subject to section 71 of the Constitution, in the exercise of its functions under the Constitution, the Commission shall exercise general direction and supervision over the administrative conduct of elections and enforce on the part of all Election Officers fairness, impartiality and compliance with this Act.

(2) There shall be a Chief Election Officer who shall, subject to any general or special directions of the Commission, perform such functions and duties and exercise such powers of the Commission in such manner as the Commission may from time to time direct, including any of the following duties:

- (a) to make such arrangements and do such things as are necessary for the initiation and maintenance of the unit and central registers in accordance with this Act, and for that purpose to make

arrangements for the preparation and issue of the necessary forms and instruments and for the collection and keeping of such records as may be necessary;

- (b) to issue to Election Officers such instruction as he may, from time to time, deem necessary to ensure the effective execution of the provisions of this Act; and
- (c) to execute and perform all other powers and duties that by this Act or by the Commission are conferred or imposed on him.

(3) Before entering upon his duties under this Act, the Chief Election Officer shall take and subscribe before a Judge an oath in the form set out as Form No. 1 in the Prescribed Forms Rules.

Sub. Leg.
Form 1.

(4) There shall be a Deputy Chief Election Officer who is subject to the authority, direction and control of the Commission, and he shall perform such of the functions and exercise such of the powers of the Chief Election Officer as may be assigned to him by the Commission.

(5) In the absence of the Chief Election Officer or if the office is vacant, the Deputy Chief Election Officer may act in his place and, while so acting, shall possess the like powers and perform the like duties as a Chief Election Officer.

(6) There shall be an Assistant Chief Election Officer who is subject to the authority, direction and control of the Commission, and he shall perform such of the functions and exercise such of the powers of the Chief Election Officer as may be assigned to him by the Commission.

(7) In the absence of the Deputy Chief Election Officer or if the office is vacant, the Assistant Chief Election Officer may act in his place and, while so acting, shall possess the like powers and perform the like duties as a Deputy Chief Election Officer.

4. (1) There shall be a Registration Officer for each registration area and such number of Assistant Registration

Registration
Officers, etc.
[51 of 2000].

Officers, official photographers, clerks and messengers for each registration area in Trinidad and Tobago as the Commission may consider necessary to assist the Registration Officers in the discharge of their duties.

(2) The Chief Election Officer may assign Assistant Registration Officers to one or more polling divisions.

(3) If in his opinion circumstances so require, the Chief Election Officer may, and if so directed by the Commission, shall—

Sub. Leg.

(a) require Assistant Registration Officers to visit every house within the polling divisions assigned to them and to receive applications for registration under the Registration Rules;

(b) assign Assistant Registration Officers to any psychiatric facility, to any place where persons are detained in legal custody, to any divisional headquarters of the Police Service or to the headquarters of the Trinidad and Tobago Defence Force.

Scrutineers.
[20 of 1976].

5. (1) Subject to subsection (2), a political party having a member or members as candidates for a Parliamentary election is entitled to nominate persons for appointment as Scrutineers in connection with the registration of persons during a period of electoral registration, and the Commission shall appoint each person so nominated to be a Scrutineer; and the Commission shall, at the request of the political party which nominated a Scrutineer, remove the Scrutineer from office.

(2) The number of Scrutineers appointed by the Commission on the nomination of a political party shall not exceed the number of Assistant Registration Officers for the time being, and each Scrutineer shall be assigned to an Assistant Registration Officer by the political party which nominated him.

(3) The Commission may, after consultation with the political party that nominated a Scrutineer for the appointment, remove the Scrutineer from office if the Commission considers

him for good and sufficient cause to be unfit or incompetent to discharge the duties of his office, or if the Scrutineer at any time refuses or wilfully neglects to perform any of his functions under this Act.

(4) Upon his removal from office as in subsection (3), the Scrutineer shall forthwith cease to act in his office and shall not be entitled to any remuneration in respect of any period after his removal.

(5) A Scrutineer is not entitled to any remuneration from the Commission in respect of any period during which he has acted as such, unless the political party at the instance of which he was appointed a Scrutineer nominates a candidate for the electoral district for which he was appointed a Scrutineer.

6. (1) For the purposes of an election in an electoral district, the Commission shall appoint a Returning Officer for the electoral district and such officer may be required to complete a course of training in the duties to be performed relating to the office of Returning Officer.

Returning
Officers.
[51 of 2000].

(2) Forthwith upon his appointment, a Returning Officer shall, with the approval of the Commission, establish an office in his electoral district, or, at some convenient place outside the district, and shall cause an advertisement of the address of the office to be placed in at least one daily newspaper in circulation in Trinidad and Tobago.

7. (1) For the purposes of an election in an electoral district, there shall be one or more Election Clerks for the electoral district.

Election Clerks.

(2) Where more than one Election Clerk is appointed, the Commission shall specify the order of seniority among them and may assign any such Election Clerk to an area forming part of the electoral district.

(3) If at any time between the issue of a writ for an election and the delivery or transmission to the Commission of the election

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return for that election, the Returning Officer dies or becomes incapable of performing his functions as such, the Election Clerk, where only one such Clerk has been appointed, or the Senior Election Clerk, where more than one such Clerk has been appointed, shall forthwith report the fact to the Commission and shall perform the functions of the Returning Officer until some other person is appointed as Returning Officer or the Returning Officer ceases to be incapable of performing and resumes his functions.

Presiding
Officers and
Poll Clerks.
[20 of 1976].

8. (1) For the purposes of an election in an electoral district, there shall be a Presiding Officer and a Deputy Presiding Officer for each polling station in the electoral district.

(2) For the purposes of an election in an electoral district, there shall be such number of Poll Clerks as may be necessary for each polling station in the electoral district, and where more than one such Poll Clerk has been appointed for a polling station, the Returning Officer shall specify the order of seniority among them.

(3) Where a Presiding Officer dies or becomes unable to perform his functions during the taking of the poll, the Deputy Presiding Officer shall forthwith report the fact to the Returning Officer and shall perform the functions of the Presiding Officer until some other person is appointed as Presiding Officer or the Presiding Officer resumes his functions.

(4) Subject to subsection (3), if a Poll Clerk dies or becomes incapable of performing his functions during the taking of the poll, the Presiding Officer shall forthwith report the fact to the Returning Officer, and some other person may forthwith be appointed to act as a Poll Clerk until some other person is appointed as Poll Clerk or the Poll Clerk resumes his duties.

Commission to
appoint
Officers,
Clerks, etc.
[20 of 1976].

9. (1) The appointment of persons to the offices referred to in sections 7 and 8 shall be made by the Commission.

(2) A person appointed to an office referred to in subsection (1) shall not by reason of the appointment be deemed to be a public officer.

(3) The Commission shall not appoint to any of the offices referred to in subsection (1) any person who has not completed to

the satisfaction of the Commission a course of training in the duties which he will be required to perform in that office.

(4) The Commission may dismiss without cause any person who holds an office referred to in subsection (1).

10. No candidate for election to and no member of the House of Representatives or of a Municipal Council or the Tobago House of Assembly may be appointed as an Election Officer; and, if any Election Officer becomes a candidate or such a member, he shall vacate his office.

Candidates and members not to be Election Officers.

PART II

FRANCHISE AND REGISTRATION

11. (1) The persons entitled to vote under rule 36 of the Election Rules at an election in an electoral district are electors for that electoral district.

Electors.
[20 of 1976].
Sub. Leg.

* (2) Where an elector for an electoral district has ceased to reside in that electoral district he shall not on that account cease to be qualified to be an elector for that electoral district until he has become qualified under section 12(c) to be an elector for another electoral district.

12. (1) Subject to this Act, a person is qualified to be an elector for an electoral district at a Parliamentary election, a Municipal Council election or the Tobago House of Assembly election, who on the qualifying date has resided in that electoral district for a period of at least two months preceding the qualifying date—

Qualifications for registration as Parliamentary, Municipal Council or Tobago House of Assembly electors.
[20 of 1976
28 of 1976
8 of 1980
37 of 1980
51 of 2000].

(a) is a citizen of Trinidad and Tobago of the age of eighteen years or upwards; or

(b) is a Commonwealth citizen, other than a citizen of Trinidad and Tobago, of the age of eighteen years or upwards who has resided in Trinidad and Tobago for a period of at least one year immediately preceding such date, and who is, and for a period

*Section 12(c) has been repealed by Act No. 51 of 2000.

Ch. 18:01. of one year immediately preceding such date has been, a resident in Trinidad and Tobago within the meaning of section 5(1) of the Immigration Act, the proof whereof lies with such person; and

(c) *(Repealed by Act No. 51 of 2000).*

(2) The onus of proving the requirements set out in subsection (1) shall lie with the person seeking to qualify as an elector.

Qualification for registration as Municipal Council electors. [20 of 1976 8 of 1980 51 of 2000].

13. (1) Subject to this Act, a person is qualified to be an elector for an electoral district at a Municipal Council election who is of the age of eighteen years or upwards and who on the qualifying date—

Ch. 18:01.

- (a) is a citizen of Trinidad and Tobago; or
- (b) is a Commonwealth citizen, other than a citizen of Trinidad and Tobago, and who is, and for a period of at least one year immediately preceding such date has been, a resident of Trinidad and Tobago within the meaning of section 5(1) of the Immigration Act; or
- (c) is not a Commonwealth citizen but has or will have resided in Trinidad and Tobago for a continuous period of at least five years immediately preceding such date; and
- (d) has resided for a period of at least two months immediately preceding the qualifying date in that electoral district or, but for the circumstances entitling him to vote by post, would have been resident in that electoral district immediately before proceeding out of Trinidad and Tobago; or
- (e) on the qualifying date and for a period of at least twelve months immediately preceding that date (in this section referred to as the qualifying period) has or will have resided within ten miles of the City or Borough, as the case may be, the ten miles to be measured along the nearest road or way by land or water, and during that period—
 - (i) has or will have been in occupation of any rateable hereditaments in the City or Borough assessed in the current house rate

book or a portion of such rateable hereditaments (in this section referred to as qualifying property) for which he shall have really and *bona fide* paid, during the qualifying period, rent at a rate not less than sixty dollars a year; or

- (ii) has or will have been in occupation as owner of qualifying property of an annual rateable value of not less than sixty dollars.

(2) Where the qualifying property or any part of it is jointly occupied by more persons than one, each of the occupiers shall be entitled in respect of such property or part of it jointly occupied if the annual rateable value at which the property is rated to the house tax or the yearly rent *bona fide* paid by the occupiers for one year at least in respect of the property shall be an amount which, when divided by the number of occupiers, shall give a *bona fide* rent of not less than sixty dollars a year for each of the occupiers.

(3) The qualifying property need not be, during the whole of the qualifying period, the same property or in the same electoral district but may be different properties in the same electoral district or in different electoral districts and in any such case the owner or occupier of such property shall be registered in the electoral district in which he last owned or occupied such property during the qualifying period.

(4) When a person succeeds to qualifying property by descent, marriage settlement or demise, then for the purposes of qualification, the occupancy of the property by a predecessor in title and the rating of the predecessor in respect thereof shall be equivalent to the occupancy and rating of the successor, and rating in the name of the predecessor shall, until a new rate is made after the date of succession, be equivalent to rating in the name of the successor and the successor shall not be required to prove his own occupancy or rating before the succession.

(5) The onus of proving the requirements set out in subsection (1) shall lie with the person seeking to qualify as an elector

Change of residence of elector and registration of minors as electors. [20 of 1976].

14. (1) Where on the date of the commencement of an electoral registration a person is not qualified as an elector but would be so qualified if he continued until the qualifying date to reside in an electoral district or within ten miles of a City or Borough, as the case may be, he shall be registered as an elector.

(2) A person who on the date of the commencement of an electoral registration is not of the age of eighteen years, but will be of that age on the qualifying date and is otherwise qualified as an elector, shall be registered as an elector.

Disqualification of electors. [20 of 1976].

Ch. 28:02.

15. (1) No person is qualified to be or to remain registered as an elector who—

- (a) is mentally ill, within the meaning of the Mental Health Act;
- (b) is under sentence of death imposed on him by a Court in any part of the Commonwealth or is serving a sentence of imprisonment (by whatever name called) exceeding twelve months imposed on him by such a Court or substituted by competent authority for some other sentence imposed on him by such a Court or is under such a sentence of death or imprisonment the execution of which has been suspended;
- (c) is disqualified for registration as an elector by virtue of any law in force in Trinidad and Tobago by reason of his having been convicted of any offence relating to elections.

(2) No person, other than a person referred to in section 13(1)(c), is qualified to remain registered as an elector if he ceases to be a Commonwealth Citizen.

Registration of persons. [8 of 1960].

16. (1) From time to time and in accordance with this Act and the Rules made hereunder there shall be registered—

- (a) all persons who are qualified to be registered as electors; and
- (b) all other persons in Trinidad and Tobago of the age of fifteen years and over except such persons as are exempted by Order of the President or are disqualified by virtue of section 15(1).

(2) The registration of persons referred to in subsection (1)(a) shall be kept clearly distinct from that of those persons referred to in subsection (1)(b).

(3) Nothing in this Act shall be construed as making it obligatory for any person to be registered under this Act or as subjecting a person not registered under this Act to a penalty for failing to furnish an Election Officer with information relevant to his registration under this Act.

17. (1) Trinidad and Tobago shall be divided into the registration areas set out in the First Schedule.

Registration areas and registration units.
First Schedule.
Sub. Leg.

(2) The registration areas referred to in subsection (1) shall be subdivided in accordance with the Registration Rules into the number of registration units as the Commission may consider necessary or expedient.

(3) In accordance with the Registration Rules, the Commission may increase or decrease the number of registration units and may vary the boundaries of any registration unit.

18. (1) Every Registration Officer shall establish a unit register for each registration unit in his registration area and the register shall consist of the originals of the registration records of all persons registered under section 16 in respect of that registration unit.

Registers.
[51 of 2000].

(2) The Commission shall establish a central register for Trinidad and Tobago which shall consist of a computerised database and the duplicates of the registration records of all persons registered under section 16.

19. (1) Subject to this Act, no person shall be registered in more than one unit register for the purpose of any category of election or more than once in a unit register.

Registration to be in one unit.

(2) Subject to this Act, a person shall be registered in respect of the registration unit in which on the qualifying date he has his place of residence.

(3) If a person who is qualified to be registered as an elector has his place of residence in more than one registration unit, he shall, subject to this Act, be registered in respect of the registration unit for which he opts.

(4) If within such time as may be determined by the Commission a person does not exercise the option referred to in subsection (3), the registration unit in respect of which he is to be registered shall be decided—

- (a) where the registration units are situated in the same registration area, by the Registration Officer of the area; and
- (b) where the registration units are situated in more than one registration area, by the Commission.

(5) For the purposes of this Act, the place of residence of a person shall be determined in accordance with the Registration Rules.

Sub. Leg.

Registration records.
[51 of 2000].
Sub. Leg.

20. (1) Every original of a registration record shall be kept in the appropriate unit register until such time as the Registration Rules provide for its transfer to another unit register.

(2) Every duplicate of a registration record shall be transmitted to the Chief Election Officer in accordance with the Registration Rules.

Sub. Leg.

(3) Registration records shall contain those matters and particulars as may be prescribed by the Registration Rules.

Transfers of registrations.

21. (1) Whenever a person who is registered under section 16(1)(b) becomes qualified to be registered under section 16(1)(a), his registration under section 16(1)(b) shall be cancelled and he shall be registered under section 16(1)(a) in accordance with the Registration Rules.

Sub. Leg.

(2) Subsection (1) shall not apply so as to require the registration of a person under section 16(1)(b) to be cancelled, who becomes qualified to be registered under section 16(1)(a) by reason only of the provisions of section 13(1)(c), (d) or (e).

(3) Whenever a person who is registered under section 16(1)(a) has ceased to be qualified to be so registered, his registration under section 16(1)(a) shall be cancelled and he shall be registered under section 16(1)(b) in accordance with the Registration Rules.

Sub. Leg.

22. (1) Notwithstanding any provision of this Act or any other rule of law to the contrary, the Registration Officer shall remove the registration record of a person to whom this section applies from among the registration records of persons referred to in section 16(1)(b) and shall place them among those of persons referred to in section 16(1)(a) and thereupon the persons to whom those registration records relate shall be deemed to have applied for registration as electors and to have been so registered for all the purposes of this Act.

Transfer of registration of persons eighteen years of age.
[20 of 1976
51 of 2000].

(2) This section applies to a person who is registered under section 16(1)(b) and who is, or at the qualifying date will be, eighteen years of age and who is otherwise *prima facie* qualified to be registered as an elector under section 16(1)(a).

23. The Chief Election Officer shall cause identification cards containing the prescribed matters and particulars to be issued in accordance with the Registration Rules.

Identification cards.

Sub. Leg.

24. (1) The Chief Election Officer may by notice require any person, within such time and in such form as may be specified in the notice, to furnish him with such information as it is within the power of that person to give, and as may be relevant to the registration or the cancellation of a registration of a person under this Act.

Power of Chief Election Officer to require information.
[20 of 1976
51 of 2000].

(2) Where the Chief Election Officer is satisfied as to the accuracy of any information furnished under subsection (1), he may, after notifying the person concerned as to his intention to do so, with the approval of the Commission, make such changes on the registration record of any such person as are necessary to ensure the accuracy of the registration record, but no such changes shall be made during an electoral registration under Part III of the Election Rules.

Sub. Leg.

25. (1) An objection to the registration by an Assistant Registration Officer or an Authorised Registering Officer of any person as an elector or non-elector may be made in accordance with the Registration Rules to the appropriate Registration Officer by

Objection to registration and disallowance of registration.
[8 of 1980
51 of 2000].
Sub. Leg.

L.R.O. 1/2006

any elector or where the registration is during a period of an electoral registration, by any elector or by a Scrutineer assigned to the Assistant Registration Officer or the Authorised Registering Officer; and the Registration Officer may allow or disallow the objection.

Sub. Leg. (2) Where an Assistant Registration Officer or an Authorised Registering Officer has disallowed the registration of a person as an elector, or where the registration is during the period of an electoral registration, that person or a Scrutineer assigned to the Assistant Registration Officer or the Authorised Registering Officer, may apply in accordance with the Registration Rules to the appropriate Registration Officer for the registration of that person as an elector; and the Registration Officer may allow or disallow the application.

(3) A person whose registration has been disallowed by the Registration Officer may appeal in writing to the Chief Election Officer.

Appeal to Court of Appeal. [51 of 2000]. Sub. Leg. **26.** (1) An appeal lies to the Court of Appeal against the decision of the Chief Election Officer under section 25 or under the Registration Rules.

(2) An appellant under this section shall give written notice of appeal to the Chief Election Officer within fourteen days after the date on which the decision is given, specifying the grounds of appeal.

(3) The Chief Election Officer shall immediately forward the notice of appeal to the Registrar and to the opposite party, if any, and shall also forward to the Registrar a statement of material facts that, in his opinion, have been established in the case, and of his decision upon the whole case and upon any point specified as a ground of appeal; and he shall also furnish to the Court of Appeal any further information that the Court of Appeal may require and he is able to furnish.

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

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

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

(7) The right of any elector to vote at an election is not prejudiced by any appeal pending under this section; and any vote given at an election in pursuance of that right is as valid as if no such appeal were pending, and is not affected by a subsequent decision of the appeal.

(8) Notice shall be given to the Chief Election Officer and to the Registration Officer of the registration area concerned by the Registrar of the decision of the Court of Appeal on any appeal under this section; and the Chief Election Officer and the Registration Officer shall make such alterations in the central register and in the appropriate unit registers respectively as may be required to give effect to the decision.

(9) A decision of the Court of Appeal under this section is final to all intents and purposes.

27. (1) Where any change is made in the number or the boundaries of registration units, the Chief Election Officer, in consultation with the Registration Officer of any registration area affected by the change, may, in accordance with the Registration Rules, combine or divide any registers or transfer registration records from one register to another or make such other adjustments in the registers affected as are rendered necessary by the changes.

Adaptation of registers on change in registration units. [51 of 2000]. Sub. Leg.

(2) The Registration Officer shall notify, in writing, registrants who are affected by the changes made pursuant to subsection (1).

28. No misnomer or inaccurate description of any person or place named in any register or in any list, record, card, nomination paper, notice or other document required for the purposes of this

Misnomers in registers, etc.

Act shall affect the full operation of the document with respect to that person or place in any case where the name or description of the person or place is such as to be commonly understood.

Commission to
prepare and
publish register
annually.
[8 of 1980
38 of 1980
51 of 2000].

29. (1) The Commission shall, in respect of each Parliamentary, Municipal Council and the Tobago House of Assembly electoral district, publish on 1st July of every year a list (hereinafter referred to as the annual list) of all persons qualified to be, and duly registered as, electors in that electoral district.

(2) The annual list shall continue in force until 30th June of the following year and on the commencement of an electoral registration shall be deemed to be the preliminary list of electors for that electoral district.

(3) The President may by Order in any year vary the date specified in subsections (1) and (2) wherever it appears to him that circumstances have arisen that warrant the variation.

(4) If the list or any part of a list relating to an electoral district is not published within the time specified in subsection (1) or by Order made under subsection (3), then until the day following that on which it is published the list or the corresponding part of the previous list (whether prepared before or after the commencement of this Act) shall continue in force.

(5) Notwithstanding subsections (2) and (4), the President may by Order declare any existing list of electors for an electoral district to be the preliminary list for that electoral district for the purposes of an electoral registration.

(6) }
(6A) } *(Repealed by Act No. 51 of 2000).*

(7) The Commission may adapt an annual list so as to take account of changes in boundaries or in the designated number of a polling division.

Electoral
registration.
[51 of 2000].

30. (1) For the purposes of an election, the President may, by Proclamation, direct that an electoral registration shall be conducted in the Registration Area Offices or the Temporary Registration Area Offices established in the electoral district in which the election is to be held.

(2) A Proclamation under subsection (1) shall specify the election to which the Proclamation relates, and shall fix the date of commencement of the electoral registration.

(3) The President may, by a subsequent Proclamation, fix the date of the termination of an electoral registration.

(4) An electoral registration shall be conducted in the accordance with the Registration Rules.

Sub. Leg.

PART III
ELECTIONS

31. Any person who is holding, or acting in, the office of Chief Election Officer, or Deputy Chief Election Officer or Assistant Chief Election Officer or of Returning Officer shall, so long as he holds, or is acting in, the office, be disqualified for membership of the House of Representatives, a Municipal Council or the Tobago House of Assembly.

Disqualification of Chief Election Officer, Deputy Chief Election Officer, Assistant Chief Election Officer and Returning Officers. [51 of 2000].

32. (1) A person is disqualified for membership of the House of Representatives or a Municipal Council or the Tobago House of Assembly if he holds, or is acting in, any office or appointment that is specified in the Second Schedule.

Disqualifying officers, and appointments.

Second Schedule.

(2) The President may by Order amend the Second Schedule by deleting the reference to any office or appointment mentioned therein or by including other offices or appointments therein or otherwise as he may consider expedient.

(3) An Order referred to in subsection (2) shall be subject to negative resolution of the Senate and the House of Representatives.

33. (1) An election shall be instituted by a writ of election issued by the President under the Seal of the President of the Republic of Trinidad and Tobago addressed to the Returning Officer for the electoral district for which the election is to be held; and every such writ shall be forwarded to the Commission for transmission to the Returning Officer to whom it is addressed.

Writs of election. [51 of 2000].

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(2) In the case of a general election, the writs of election for all electoral districts for which the election is to be held shall be dated on the same day and shall fix the date for the nomination of candidates and the date for the taking of the poll.

Sub. Leg.
Form 2.

(3) Every writ of election shall be in the form set out as Form No. 2 in the Prescribed Forms Rules and shall specify—

- (a) the day of the nomination of candidates, being not less than fourteen days after the day of issue of the writ;
- (b) the day upon which, if necessary, the poll shall be taken, being not less than twenty-one days after nomination day;
- (c) the day the writ is returnable to the Commission.

Sub. Leg.

(4) On receipt of the writ, the Returning Officer shall endorse thereon the date of receipt of the writ and shall proceed to hold the election in accordance with the Election Rules.

Government
authorised to
adjourn polling
day in event of
emergency.

34. (1) Where at any time between the issue of a writ under section 33(1) and the day appointed by the writ for the holding of a poll at any election the President is satisfied that it is expedient to do so by reason of—

- (a) the existence of a state of war affecting Trinidad and Tobago;
- (b) the declaration of a state of emergency in Trinidad and Tobago or any part thereof by any authority empowered to make such a declaration;
- (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;
- (d) the likelihood that the revised lists of electors for all electoral districts or for any particular electoral district will not be ready before the day appointed for the holding of the poll; or
- (e) the likelihood that any essential electoral equipment, supplies or materials will not be available in adequate quantities upon the day appointed for the holding of the poll,

the President may by Proclamation adjourn the holding of the poll to some other day specified in the Proclamation being not more than thirty days after the day specified in the writ.

(2) Any Proclamation made pursuant to subsection (1)(b), (c), (d) or (e) may be expressed to apply only to the electoral districts as are specified in the Proclamation, in which event the poll shall be taken in any electoral districts not so specified upon the day appointed in the writ for the holding of the poll.

(3) Where any Proclamation is made under this section, the writs for all the electoral districts to which the Proclamation applies shall be deemed to be amended by substituting for the day specified in the writs for the holding of the poll the day specified in the Proclamation.

(4) Subject to subsection (5), where a Proclamation under this section is made before the day that would have been nomination day if the Proclamation had not been made, or where any Proclamation under this section is made after nomination day on the ground set out in subsection (1)(d), nomination day is hereby adjourned to the day specified in the Proclamation.

(5) If the new nomination day specified under subsection (4) is a Sunday or a public holiday, nomination day is hereby adjourned to the first day, not being a Sunday or public holiday, after the new nomination day.

(6) Where a Proclamation is made under this section after nomination day on a ground other than the ground set out in subsection (1)(d), the adjournment by the Proclamation of the day upon which the poll is taken in no way affects the validity of any nomination validly made upon nomination day; and no other nomination shall be made.

(7) Where a Proclamation is made under this section after nomination day on the ground set out in subsection (1)(d), the adjournment by the Proclamation of the day upon which the poll is to be held does not affect the validity of any nomination made prior to the Proclamation and that could validly be made on the day to which nomination day was adjourned; and nominations of other persons qualified as candidates for the election in question may be made.

Rules for
elections.
Sub. Leg.

35. (1) The proceedings at an election shall be conducted in accordance with the Election Rules.

(2) Returning Officers at elections shall do all such acts and things as may be necessary for effectually conducting elections in the manner provided by the Election Rules.

Sub. Leg.

(3) No election shall be declared invalid by reason of any act by a Returning Officer or any other person in breach of his official duty in connection with the election or otherwise or of the Election Rules if it appears to the Court having cognisance of the question that the act did not materially affect the result of the election.

Place and
manner of
voting and
facility to
employees to
vote.
Sub. Leg.

36. (1) Save as otherwise provided by the Election Rules, all persons voting as electors at an election shall do so in person at the polling station allotted to them under the Election Rules.

(2) Every employer shall on polling day allow every elector in his 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 any penalty by reason of his absence during that period.

Voting at
elections.

37. At an election no person shall as an elector—

- (a) give more than one vote for any one candidate;
- (b) vote for more than one candidate; or
- (c) vote in more than one electoral district or more than once in the same electoral district.

Registration of
motor vehicles
as electoral
vehicles.
[20 of 1976].

38. (1) At any time between nomination day and the fifth day next before polling day any duly nominated candidate or the election agent of the candidate may by notice in writing require the appropriate police officer to register as electoral vehicles on behalf of the candidate so many and such motor vehicles as may be specified in the notice, but that notice shall not be given in respect of the registration as electoral vehicles on behalf of any candidate of more than one motor vehicle for every such number, prescribed in relation thereto in the Third Schedule, of electors whose names appear upon the lists of electors for the relevant electoral district.

Third Schedule.

- (2) Every notice under subsection (1) shall specify—
- (a) the name of the candidate by or on behalf of whom it is given;
 - (b) the electoral district for which he is candidate;
 - (c) the total number of vehicles, not being more than the number prescribed under subsection (1), which are desired to be registered as electoral vehicles on his behalf;
 - (d) the name and address of the driver of each of the vehicles and the number of his driving permit; and
 - (e) the name and address of the owner of every such vehicle and the type, make and registration number under the Motor Vehicles and Road Traffic Act of every such vehicle. Ch. 48:50.

(3) So soon as may be after the receipt of any notice under subsection (1), the appropriate police officer shall satisfy himself by personal enquiry or otherwise as he may think fit—

- (a) as to the truth of the matters specified pursuant to subsection (2) in the notice;
- (b) that the owner of every motor vehicle specified in the notice consents to the use of the motor vehicle as an electoral vehicle on behalf of the candidate by or on whose behalf the notice was given; and
- (c) that application has not been made for the registration of the motor vehicle as an electoral vehicle on behalf of any other candidate in that electoral district or in any other electoral district.

(4) The appropriate police officer shall satisfy himself as to the matters referred to in subsection (3) and shall, not later than seventy-two hours after the receipt by him of the notice under subsection (1), notify the candidate by or on whose behalf the notice under subsection (1) was given of the registration of the vehicles to which the notice relates as electoral vehicles on behalf of the candidate and shall supply to the candidate or to his election agent not less than three electoral vehicle placards and a driver's card in respect of every vehicle so registered.

Ch. 48:50.

- (5) Every electoral vehicle placard shall specify—
- (a) that the vehicle to which the placard relates is a registered electoral vehicle;
 - (b) the registration number (under the Motor Vehicles and Road Traffic Act) of the vehicle; and
 - (c) the name of the electoral district in respect of which the vehicle is registered as an electoral vehicle.

(6) Every electoral vehicle placard shall conform with the following provisions, that is to say:

- (a) all letters shall be three and one-half inches high;
- (b) every part of every letter shall be five-eighths of an inch wide;
- (c) the total width of the space taken by every letter shall be two and one-half inches,

and shall be fixed one on either side and one on the back of the registered electoral vehicle in an upright position so that every letter on the placard is upright and easily distinguishable in the case of a placard fixed on the side of the vehicle, from the side of the vehicle, and in the case of the placard fixed on the back of the vehicle, from the back of the vehicle.

(7) Every driver's card shall specify that he is the driver of a registered electoral vehicle, the matters mentioned in subsection (5)(b) and (c), and the name of the candidate on whose behalf the vehicle is registered as an electoral vehicle.

(8) Where a motor vehicle registered as an electoral vehicle (in the section referred to as the electoral vehicle) is, on or before polling day, destroyed or damaged or for any other reason becomes unavailable for use as an electoral vehicle—

- (a) the candidate on whose behalf the electoral vehicle was registered under this section or his election agent may give notice under subsection (1) in respect of another motor vehicle and request that it be registered in the place of the electoral vehicle;

- (b) on the surrender to the appropriate police officer of the electoral vehicle placards of the electoral vehicle, or on the production to him of evidence by statutory declaration or otherwise accounting satisfactorily for the failure to surrender the same, the appropriate police officer shall cancel the registration of the electoral vehicle and in its place register as an electoral vehicle on behalf of the candidate the motor vehicle mentioned in the notice given to him under paragraph (a);
- (c) the preceding subsections shall apply *mutatis mutandis* in respect of a notice given under paragraph (a).

(9) In this section “the appropriate police officer” means a police officer designated for the purposes of this section by the Commissioner of Police by Notification.

(10) For the purposes of this section, the Chief Election Officer shall inform the Commissioner of Police in writing of the number of electors in each electoral district.

PART IV

ELECTION CAMPAIGN

39. Section 38, sections 44 to 59 and sections 76 to 87 do not apply in respect of a Municipal Council election. Exception.

40. (1) Not later than five clear days before polling day, a person shall be named by or on behalf of each candidate as the candidate’s election agent, and the name and address of the candidate’s election agent shall be declared in writing by the candidate or some other person on his behalf to the Returning Officer not later than that time. Appointment of election agents. [51 of 2000].

(2) A candidate may name himself as election agent and thereupon shall, so far as circumstances admit, be subject to this Act both as a candidate and as an election agent, and, except where the context otherwise requires, any reference in this Act to an election agent shall be construed to refer to the candidate acting in his capacity of election agent.

(3) One election agent only shall be appointed for each candidate, but the appointment, whether the election agent appointed be the candidate himself or not, may be revoked.

(4) If whether before, during or after the election the appointment of an election agent is revoked or an election agent dies, another election agent shall be appointed forthwith and his name and address declared in writing by the candidate or some other person on his behalf to the Returning Officer.

(5) Upon the name and address of an election agent being declared to the Returning Officer, the Returning Officer shall forthwith give public notice of that name and address.

Appointment
of sub-agent.

41. (1) The election agent of any candidate may appoint one deputy (in this Act referred to as a sub-agent) in respect of each polling division.

(2) An election agent may act in relation to any matter in a polling division by the sub-agent for that polling division and anything done for the purposes of this Act by or to the sub-agent in his polling division shall be deemed to be done by or to the election agent, and any act or default of a sub-agent which, if he were an election agent, would be an illegal practice or other offence against this Act shall be an illegal practice or offence against this Act committed by the sub-agent and the sub-agent shall be liable to be punished accordingly, and the candidate shall suffer the like incapacity as if the act or default had been the act or default of the election agent.

(3) Not later than three clear days before the day of the poll the election agent shall declare in writing the name and address of every sub-agent to the Returning Officer, and the Returning Officer shall forthwith give public notice of the name and address of every sub-agent so declared.

(4) The appointment of a sub-agent shall not be vacated by the election agent who appointed him ceasing to be election agent, but may be revoked by the election agent for the time being of the candidate, and in the event of the revocation of the appointment or the death of the sub-agent another sub-agent may

be appointed, and his name and address shall be forthwith declared in writing by the candidate or some other person on his behalf to the Returning Officer, who shall forthwith give public notice of the name and address so declared.

42. (1) Every election agent or sub-agent shall have an office to which all claims, notices, writs, summonses and documents may be sent, and the address of the office shall be declared at the same time as the appointment of the agent or the sub-agent to the Returning Officer, and shall be stated in the public notice of the name of the agent or sub-agent.

Office of
election
agent.

(2) Any claim, notice, writ, summons or document delivered at the office of the election agent or sub-agent and addressed to him shall be deemed to have been served on him and every election agent or sub-agent may in respect of any matter connected with the election in which he is acting be sued in any Court having jurisdiction at the place where his office is situated.

43. (1) If no person's name and address are given as required by section 40 as the election agent of a candidate who remains validly nominated at the latest time for delivery of notices of withdrawals, the candidate shall be deemed at that time to have named himself as election agent and to have revoked any appointment of another person as his election agent.

Effect of
default in
appointment of
election agent.

(2) If the person whose name and address have been so given as those of the candidate's election agent (not being the candidate himself) dies and a new appointment is not made on the day of the death or on the following day, the candidate shall be deemed to have appointed himself as election agent as from the time of the death.

(3) If the appointment of a candidate's election agent is revoked without a new appointment being made the candidate himself shall be deemed to have been appointed (or reappointed) election agent.

(4) Where a candidate is by virtue of this section to be treated as his own election agent, he shall be deemed to have his office at his address as given in his nomination paper.

(5) The Returning Officer, on being satisfied that a candidate is by virtue of this section to be treated as his own election agent, shall forthwith proceed to publish the like notice as if the name and address of the candidate and the address of his office had been duly given to him under sections 40 and 42.

ELECTION EXPENSES

Making of contracts through election agent.

44. (1) The election agent of a candidate shall appoint every Polling Agent, Clerk and messenger employed for payment on behalf of the candidate at an election, and hire every committee room hired on behalf of the candidate.

(2) A contract whereby any election expenses are incurred shall not be enforceable against a candidate at the election unless made by the candidate himself or by his election agent.

Payment of expenses through election agent. [51 of 2000].

45. (1) Except as permitted by section 46 or in pursuance of section 49 or 50, no payment and no advance or deposit shall be made by a candidate or by any agent on behalf of the candidate or by any other person at any time in respect of election expenses otherwise than by or through the election agent of the candidate.

(2) Every payment made by an election agent in respect of any election expenses shall, except where less than one hundred dollars, be vouched for by a bill stating the particulars and by a receipt.

(3) All money provided by any person other than the candidate for any election expenses, whether as a gift, loan, advance or deposit, shall be paid to the candidate or his election agent and not otherwise.

Personal expenses of candidate and petty expenses. [51 of 2000].

46. (1) The candidate at an election may pay any personal expenses incurred by him on account of or in connection with or incidental to the election; but the amount which a candidate may pay shall not exceed five thousand dollars, and any further personal expenses so incurred by him shall be paid by his election agent.

(2) The candidate shall send to his election agent, within the time limited by this Act for sending in claims, a written statement of the amount of personal expenses paid as mentioned above by the candidate.

(3) Any person may, if so authorised in writing by the election agent of the candidate, pay any necessary expenses for stationery, postage and other petty expenses to a total amount not exceeding that named in the authority, but any excess above the total amount so named shall be paid by the election agent.

(4) A statement of the particulars of payments made by any person so authorised shall be sent to the election agent within the time limited by this Act for sending in claims, and shall be vouched for by a bill containing the receipt of that person.

47. (1) No expenses shall, with a view to promoting or procuring the election of a candidate at an election, be incurred by any person other than the candidate, his election agent and persons authorised in writing by the election agent on account—

Prohibition of expenses not authorised by election agent. [20 of 1976 51 of 2000].

- (a) of holding public meetings or organising any public display;
 - (b) of issuing advertisements, circulars or publications; or;
 - (c) of otherwise presenting to the electors the candidate or his views or the extent or nature of his backing or disparaging another candidate.
- (2) Subsection (1) shall not—
- (a) restrict the publication of any matter relating to the election in a newspaper or other periodical;
 - (b) apply to any expenses not exceeding in the aggregate the sum of one hundred dollars which may be incurred by an individual and are not incurred in pursuance of a plan suggested by or concerted with others or to expenses incurred by any person in travelling or similar personal expenses;
 - (c) apply to any expenses incurred in the holding of any meeting to disseminate political information or to promote the principles of a political party or a political or other association in cultivating the goodwill of a constituency.

(3) Where a person incurs any expenses required by this section to be authorised by the election agent, that person shall within twenty-one days after the date of publication of the result of the election send to the Chief Election Officer a return of the amount of those expenses, stating the election at which and the candidate in whose support they were incurred, and the return shall be accompanied by a declaration made by that person (or in the case of an association or body of persons, by a director, general manager, secretary or other similar officer) verifying the return and giving particulars of the matters for which the expenses were incurred.

(4) Subsection (3) does not apply to any person engaged or employed for payment or promise of payment by the candidate or his election agent.

(5) The return and declaration under the above provisions shall be in the form set out as Form No. 3 in the Prescribed Forms Rules and the authority received from the election agent shall be annexed to and deemed to form part of the return.

Sub. Leg.
Form 3.

Limitation of
election
expenses.
[20 of 1976
37 of 1980
51 of 2000].

48. (1) No sum shall be paid and no expenses shall be incurred by a candidate at an election or by his election agent whether before, during or after an election on account of or in respect of the conduct or management of an election in excess of the amount of fifty thousand dollars in the case of a Parliamentary election or twenty-five thousand dollars in the case of a Municipal Council or the Tobago House of Assembly election.

(2) The above maximum amount shall not be required to cover the candidate's personal expenses.

(3) In determining the maximum amount regard shall not be had to any deposit required to be made by a candidate in accordance with the Election Rules.

Sub. Leg.

Time for
sending in and
paying claims.

49. (1) Every claim against a candidate or his election agent in respect of election expenses which is not sent in to the election agent within twenty-one days after the day on which the result of the election is declared shall be barred and not paid.

(2) All election expenses shall be paid within thirty-five days after the day on which the result of the election is declared.

(3) The claimant or the candidate or his election agent may apply to the High Court for leave to pay a claim for any election expenses, although sent in after the said period of twenty-one days or although sent in to the candidate and not to the election agent, and the Court on cause shown to its satisfaction may by order grant the leave.

(4) Any sum specified in the order of leave of the High Court may be paid by the candidate or his election agent and when paid in pursuance of the order shall not be deemed to be in contravention of subsection (2).

50. (1) If the election agent disputes any claim sent in to him within the period of twenty-one days mentioned in section 49 or refuses or fails to pay the claim within the period of thirty-five days so mentioned, the claim shall be deemed to be a disputed claim. Disputed claims.

(2) The claimant may, if he thinks fit, bring an action for a disputed claim in any competent Court, and any sum paid by the candidate or his agent in pursuance of the judgment or order of the Court shall not be deemed to be in contravention of section 47(1) or section 49(2).

(3) Section 49(3) and (4) shall apply in relation to a disputed claim as they apply in relation to a claim for election expenses sent in after the said period of twenty-one days.

51. So far as circumstances admit, this Act shall apply to a claim for his remuneration by an election agent and to the payment thereof in like manner as if he were any other creditor, and if any difference arises respecting the amount of the claim, the claim shall be a disputed claim within the meaning of this Act and be dealt with accordingly. Claim by election agent.

52. (1) Within forty-two days after the day on which the result of the election is declared, the election agent of every candidate at the election shall transmit to the Chief Election Officer a true return in the form set out as Form No. 4 in the Prescribed Forms Rules containing, as respects that candidate, a statement of all payments made by the election agent together with all the bills and receipts. Return as to election expenses.
Sub. Leg. Form 4.

(2) The return shall deal under a separate heading or subheading with any expenses included in the return—

- (a) with respect to which a return is required to be made under section 47(3); or
- (b) which are on account of the remuneration or expenses of speakers at public meetings.

(3) The return shall also contain with respect to that candidate—

- (a) a statement of the amount of personal expenses, if any, paid by the candidate;
- (b) a statement of all disputed claims of which the election agent is aware;
- (c) a statement of all the unpaid claims, if any, of which the election agent is aware, in respect of which application has been or is about to be made to the High Court;
- (d) a statement of all money, securities and equivalent of money received by the election agent from the candidate or any other person for the purposes of election expenses incurred or to be incurred, with a statement of the name of every person from whom they may have been received.

(4) Where the candidate is his own election agent, a statement of all money, securities and equivalent of money paid by the candidate shall be substituted in the return as to election expenses for the statement of money, securities and equivalent of money received by the election agent from the candidate.

(5) Where, after the date at which the return as to election expenses is transmitted, leave is given by the High Court under section 49(3) for any claims to be paid, the candidate or his election agent shall, within seven days after the payment thereof, transmit to the Chief Election Officer a return of the sums paid in pursuance of the order of leave, accompanied by a copy of the order of the High Court giving the leave; and in default he shall be deemed to have failed to comply with the requirements of this section without the authorised excuse as is mentioned in section 56.

53. (1) The return transmitted under section 52(1) shall be accompanied by a declaration made by the election agent before a Justice in the form set out as Form No. 5 in the Prescribed Forms Rules.

Declaration as to election expenses.
Sub. Leg. Form 5.

(2) At the same time that the election agent transmits the return or within seven days afterwards, the candidate shall transmit or cause to be transmitted to the Chief Election Officer a declaration made by him before a Justice in the form set out as Form No. 5 in the Prescribed Forms Rules.

(3) Where the candidate is out of Trinidad and Tobago when the return is so transmitted, the declaration required by this subsection may be made by him within fourteen days after his return to Trinidad and Tobago, and in that case shall be forthwith transmitted to the Chief Election Officer but the delay hereby authorised in making the declaration does not exonerate the election agent from complying with this Act as to the return and declaration as to election expenses.

(4) Where the candidate is his own election agent, the declaration by an election agent as to election expenses need not be made and the declaration by the candidate as to election expenses shall be modified as specified in the form set out as Form No. 5 in the Prescribed Forms Rules.

Sub. Leg. Form 5.

54. Notwithstanding anything contained in sections 52 and 53, no return or declaration as to election expenses shall be required in the case of a person—

Cases where return and declaration not needed.

- (a) who is a candidate at an election but is so only because he has been declared by others to be a candidate;
- (b) who has not consented to the declaration or taken any part as a candidate in the election.

55. (1) Where an electoral vehicle has been employed by or on behalf of a candidate under section 38 there shall be included in the return as to election expenses in respect of the candidate as an expense the sum actually paid for the hire of the vehicle or the sum of four hundred dollars, whichever is the greater.

Imputed expense for hire of electoral vehicle.
[20 of 1976
51 of 2000].

(2) The President may by Order approved by the Senate and the House of Representatives alter the sum of four hundred dollars mentioned in subsection (1).

Authorised
excuses for
failures as
respects return
and declaration.

56. (1) A candidate or his election agent may apply for relief under this section to the High Court.

(2) Relief under this section may be granted—

(a) to a candidate, in respect of any failure to transmit the return and declaration as to election expenses or any part of them, or in respect of any error or false statement therein; or

(b) to an election agent, in respect of the failure to transmit the return and declaration which he was required to transmit, or any part of them, or in respect of any error or false statement therein.

(3) The application for relief may be made on the ground that the failure, error or false statement arose—

(a) by reason of the illness of the applicant;

(b) where the applicant is the candidate, by reason of the absence, death, illness or misconduct of his election agent or sub-agent or of any clerk or officer of such agent;

(c) where the applicant is the election agent, by reason of the death or illness of any prior election agent of the candidate or of the absence, death, illness or misconduct of any sub-agent, clerk or officer of any election agent of the candidate; or

(d) by reason of inadvertence or any reasonable cause of a like nature,

and not by reason of any want of good faith on the part of the applicant.

(4) The Court may, after the notice of the application in the electoral district and on production of such evidence of the grounds stated in the application and of the good faith of the application, and otherwise, as to the Court seems fit, make such order for allowing an authorised excuse for the failure, error or false statement as to the Court seems just.

(5) Where it is proved to the Court by the candidate that any act of the election agent in relation to the return and declarations was without the sanction or connivance of the candidate, and that the candidate took all reasonable means for preventing the act, the Court shall relieve the candidate from the consequences of the act of the election agent.

(6) An Order under subsection (4) may make the allowance conditional on the making of the return and declaration in a modified form or within an extended time and upon the compliance with such other terms as to the Court seems best calculated for carrying into effect the objects of the above provisions relating to the expenses of a candidate.

(7) An Order under subsection (4) relieves the applicant for the Order from any liability or consequences under this Act in respect of the matter excused by the Order.

(8) The date of the Order, or if conditions and terms are to be complied with, the date at which the applicant fully complies with them, is referred to in this Act as the date of the allowance of the authorised excuse.

57. (1) Where on an application under section 56 it appears to the Court that any person who is or has been an election agent has refused or failed to make a return, or to supply the particulars as will enable the candidate and his election agent respectively to comply with the provisions of this Act as to the return or declarations as to election expenses, the Court, before making an Order under the section, shall order that person to attend before the Court.

Power of Court to require information from election agent.

(2) The Court shall, on the attendance of that person unless he shows cause to the contrary, order him to make the return and declarations or to deliver a statement of the particulars required to be contained in the return as to the Court seems just, within such time, to such persons and in such manner as the Court may direct, or may order him to be examined with respect to the particulars.

58. The Chief Election Officer shall, within ten days after he receives from the election agent of a candidate a return as to election

Publication of summary of return.

expenses, publish a summary of the return in at least one newspaper, accompanied by a notice stating the date on which the return and declaration were received by him and that the return and declaration (including the accompanying documents) can be inspected at the office of the Chief Election Officer.

Inspection of returns and declarations. [51 of 2000].

59. (1) Any returns or declarations (including the accompanying documents) sent in under sections 47, 52 and 53 to the Chief Election Officer shall be retained by the Chief Election Officer in his office for safe keeping and such returns or declarations (including the accompanying documents) shall at all reasonable times during two years next after they are received by him be open to inspection by any person on payment of a fee of two dollars and fifty cents; and the Chief Election Officer shall on demand furnish copies thereof or any part thereof at the price of one dollar and fifty cents for every one hundred and twenty words or part thereof.

(2) Subject to subsection (3), after the expiration of the two years the Chief Election Officer may cause the returns and declarations (including the accompanying documents) to be destroyed or, if the candidate or his election agent so require, shall return them to the candidate.

(3) Any returns or declarations sent under section 47 shall be returned, not to the candidate if he or his election agent so require, but to the person sending them if he so require.

PART V

OFFENCES

OFFENCES BY ELECTION OFFICERS, ETC.

Offences by Registration Officers, etc. [51 of 2000].

60. (1) A Registration Officer or an Assistant Registration Officer is guilty of a corrupt practice who, wilfully or without reasonable excuse—

- (a) omits from a unit register for the registration area or registration unit for which he has been appointed the registration record of any person entitled to have the record entered therein; or

- (b) enters in the register the registration record of any person who is not entitled to have the said record entered therein or the registration record of any fictitious or non-existent person.

(2) A Registration Officer or an Assistant Registration Officer is guilty of a corrupt practice who, wilfully or without reasonable excuse—

- (a) enters any false or incorrect matter or thing upon a registration record or an identification card in a unit register for the registration area or registration unit for which he has been appointed; or
- (b) omits to enter upon a registration record or in any such register, any relevant matter or thing that he knows or reasonably believes to be true.

61. An Election Officer, other than a Registration Officer or Assistant Registration Officer, is guilty of a corrupt practice, who—

- (a) makes, in any record, return or other document that he is required to keep or make under this Act, any entry that he knows or has reasonable cause to believe to be false, or does not believe to be true;
- (b) permits any person whom he knows or has reasonable cause to believe not to be a physically incapacitated person to vote in the manner provided for the physically incapacitated persons;
- (c) refuses to permit any person whom he knows or has reasonable cause to believe to be a physically incapacitated person to vote in the manner provided for the physically incapacitated persons;
- (d) except as provided in this Act, permits any person to vote at a polling station at which he knows or has reasonable cause to believe that such person is not entitled to vote;
- (e) wilfully prevents any person from voting at a polling station at which he knows or has reasonable cause to believe such person is entitled to vote;

Offences by
Election
Officers other
than
Registration
Officers.

- (f) wilfully rejects or refuses to count any ballot that he knows or has reasonable cause to believe is validly cast for any candidate in accordance with this Act; or
- (g) wilfully counts any ballot that he knows or has reasonable cause to believe was cast contrary to this Act.

Breaches of
official duty.
[51 of 2000].

62. (1) An Election Officer required by this Act to take any oath or affirmation who wilfully or negligently fails in any material particular to perform the undertaking made by him in the oath or affirmation is liable on summary conviction to a fine of fifteen thousand dollars and to imprisonment for twelve months.

(2) (a) If a person to whom this subsection applies, or who is for the time being under a duty to discharge any of the functions of such a person, is, without reasonable cause, guilty of any act in breach of his official duty, he is liable on summary conviction to a fine of fifteen thousand dollars and to imprisonment for twelve months.

(b) An action for damages does not lie in respect of the breach of his official duty by any person to whom this subsection applies.

(c) This subsection applies to any Election Officer or any person appointed to perform any duty under this Act in connection with his official duties, and the expression "official duty" is for the purposes of this section to be construed accordingly but does not include duties imposed otherwise than by this Act.

(3) If any Returning Officer wilfully delays, neglects or refuses to return any person who ought to be returned to serve as a member of the House of Representatives, a Municipal Council or the Tobago House of Assembly and if it has been determined on the hearing of a representation petition that the person was entitled to have been so returned, the Returning Officer shall, without prejudice to any civil or criminal liability which he may have incurred thereby, forfeit to the person the sum of twenty-five thousand dollars.

63. (1) A Scrutineer, a Presiding Officer, a Deputy Presiding Officer or a Poll Clerk who, when performing his duties under this Act and any other Election Officer who, at any time, attempts to persuade any person to vote for or support or to refrain from voting for or from supporting any person as a candidate for any election or as a candidate for nomination on behalf of any political party for the election, or to support any political party, or attempts to ascertain for what candidate or party any person intends to vote, is liable on summary conviction to a fine of fifteen thousand dollars and to imprisonment for six months.

Prohibition of canvassing by Election Officers and the Police. [20 of 1976 51 of 2000].

(2) An Election Officer, other than a Scrutineer, who addresses any meeting on behalf of any candidate or political party, or in any way actively associates himself with the election campaign of any candidate or political party is liable on summary conviction to a fine of fifteen thousand dollars and to imprisonment for six months.

(3) Any member of the Police Service, of the Special Reserve Police, or of the Estate Police who by word, message, writing or in any other manner endeavours to persuade any person to give or dissuade any person from giving his vote at any election is liable on summary conviction to a fine of thirty thousand dollars and to imprisonment for twelve months; but nothing in this subsection shall subject any such member to any penalty for anything done in the discharge of his duty as such member.

64. (1) The following persons, that is to say:

- (a) the Chief Election Officer, the Deputy Chief Election Officer, an Assistant Chief Election Officer, Returning Officer, Registration Supervisor, Election Clerk, Presiding Officer, Deputy Presiding Officer, Poll Clerk or Police Officer on duty attending at a polling station;
- (b) every candidate or election agent or polling agent so attending,

Requirement of secrecy. [20 of 1976 28 of 1976 26 of 1986 25 of 1987 51 of 2000].

shall maintain and aid in maintaining the secrecy of voting.

(2) Every person attending at the counting of votes shall maintain and aid in maintaining the secrecy of voting.

(3) No person shall—

- (a) interfere with or attempt to interfere with an elector when he is voting;
- (b) otherwise obtain or attempt to obtain at a polling station information as to the candidate or political party for whom an elector in that station is about to vote or has voted;
- (c) communicate at any time to any person any information obtained in a polling station as to the candidate or political party for whom an elector in that station is about to vote or has voted;
- (d) directly or indirectly induce an elector to disclose to any person the name of the candidate or political party for whom he has or has not voted.

(4) Every person attending the proceedings in connection with the issue of ballot papers shall maintain and aid in maintaining the secrecy of the voting.

(5) No person having undertaken to assist a physically incapacitated elector to vote shall communicate at any time to any person any information as to the candidate or political party for whom that elector intends to vote or has voted.

(6) If any person fails to comply with this section he is liable on summary conviction to a fine of seven thousand, five hundred dollars or to imprisonment for six months.

**OFFENCES RELATING TO REGISTRATION, ELECTION
DOCUMENTS, ETC.**

Illegal
registration.

65. (1) A person is guilty of an offence who, knowingly, is unlawfully registered in more than one unit register for the purpose of any category of election or more than once in any unit register.

(2) A person is guilty of an offence who induces or procures some other person to do an act if he knows that such act is, or but for that person's want of knowledge would be, an offence by that other person under subsection (1).

(3) An offence under this section is an illegal practice.

(4) A candidate is not liable nor is his election avoided for an illegal practice under this section by any agent of his other than for an offence under subsection (2).

66. (1) Any person who without lawful authority wilfully destroys, mutilates, defaces or makes any alteration to an identification card or a poll card—

Destroying or defacing identification cards or other documents. [51 of 2000].

(a) where the identification card or the poll card relates to such person, is liable on summary conviction to a fine of seven thousand, five hundred dollars or to imprisonment for six months;

(b) where the identification card or the poll card relates to some other person, is guilty of a corrupt practice.

(2) Any person who without lawful authority destroys, mutilates, defaces or removes, or makes any alteration in, any register or any notice published in pursuance of this Act or any document or copy thereof that has been made available for inspection by the public in pursuance of this Act is liable on summary conviction to a fine of seven thousand, five hundred dollars or to imprisonment for six months.

67. (1) Any person who objects in accordance with the Registration Rules to the registration of any other person as an elector upon any grounds that he knows or has reasonable cause to believe to be false is liable on summary conviction to a fine of seven thousand, five hundred dollars or to imprisonment for six months.

Making false objection or statement and failure to give information. [51 of 2000]. Sub. Leg.

(2) Any person who knowingly makes a false statement for the purpose of being registered or of remaining registered as an elector is liable on summary conviction to a fine of seven thousand, five hundred dollars and to imprisonment for six months.

(3) Any person who in relation to any registration under this Act makes before a Registration Officer or Assistant Registration Officer or an Authorised Registering Officer any

statement upon oath or any solemn affirmation that he knows or has reasonable cause to believe to be false or does not believe to be true is liable on summary conviction to a fine of fifteen thousand dollars or to imprisonment for twelve months.

(4) Subject to section 16(3), where a person who is requested under this Act by the Chief Election Officer, a Registration Officer, an Assistant Registration Officer or an Authorised Registering Officer to furnish him with information fails to comply with the request, or gives information which he knows to be false or does not believe to be true, such person is liable on summary conviction to a fine of fifteen thousand dollars or to imprisonment for twelve months.

Selling or purchasing or pledging identification or poll cards.

68. A person is guilty of a corrupt practice who sells or attempts to sell, or purchases or attempts to purchase, or pledges or attempts to pledge, or receives by way of pledge in any manner whatsoever an identification card of an elector or a poll card issued to an elector or any document or thing purporting to be an identification card of an elector or a poll card issued to an elector.

Forgery of registration records and identification cards. [51 of 2000].

69. (1) A person who with intent to deceive, forges or counterfeits any registration record or identification card is liable on conviction on indictment to imprisonment for a term of seven years.

(2) A person is guilty of a corrupt practice who is guilty of an offence under this section.

Tampering with nomination papers, ballot papers, etc. [20 of 1976, 28 of 1976, 51 of 2000].

70. (1) A person is guilty of an offence if at any election he—

- (a) fraudulently defaces or fraudulently destroys any nomination paper;
- (b) forges or counterfeits any ballot paper;
- (c) fraudulently defaces or fraudulently destroys any ballot paper;
- (d) without due authority supplies any ballot paper to any person;
- (e) fraudulently puts into any postal ballot box any paper other than the ballot paper which he is authorised by law to put in;

- (f) without due authority destroys, takes, opens or otherwise interferes with any ballot box or special ballot paper then in use for the purposes of the election;
- (g) fraudulently defaces or fraudulently destroys any x-stamp; or
- (h) fraudulently or without due authority, as the case may be, attempts to do any of the above acts.

(2) A person guilty of an offence under this section is liable on summary conviction if he is a Returning Officer or an Election Clerk to a fine of fifteen thousand dollars or to imprisonment for twelve months; or if he is any other person to a fine of seven thousand, five hundred dollars or to imprisonment for six months.

71. (1) A person who wilfully destroys or damages a ballot box or any part thereof or, without lawful authority, interferes with any ballot box or any part thereof which has been prepared for use, or is in use at an election, is liable on conviction on indictment to a fine of sixty thousand dollars and to imprisonment for two years.

Tampering with ballot boxes. [20 of 1976 51 of 2000].

(2) A person is guilty of a corrupt practice who is guilty of an offence under subsection (1).

(3) A person who wilfully destroys or damages or, without lawful authority, interferes with any ballot box or any part thereof otherwise than as provided for in subsection (1) is liable on conviction on indictment to a fine of sixty thousand dollars and to imprisonment for two years.

OFFENCES RELATING TO ELECTION CAMPAIGN

72. (1) Any person who at a lawful public meeting to which this section applies acts, or incites others to act, in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called is guilty of a corrupt practice.

Disturbance at election meetings. [51 of 2000].

(2) This section applies to a political meeting held in an electoral district between the date of the publication of a notice of election under the Election Rules and polling day.

Sub. Leg.

L.R.O. 1/2006

(3) If any Police Officer reasonably suspects any person of committing an offence under this section, he may require that person to declare to him immediately his name and address and, if that person refuses or fails so to declare his name or address or gives a false name or address, he is liable on summary conviction to a fine of seven hundred and fifty dollars, and if he refuses or fails so to declare his name or address or if the Police Officer reasonably suspects him of giving a false name or address, the Police Officer may without warrant arrest him.

Premises not to be used as committee rooms.

73. (1) Any person who hires or uses any premises to which this section applies or any part of the premises for a committee room for the purpose of promoting or procuring the election of a candidate, or lets any premises to which this section applies or any part of the premises knowing that it was intended to use them or that part as a committee room is guilty of an illegal hiring.

(2) Subject to subsection (3), this section applies to any premises—

- (a) that are licensed for the sale of any intoxicating liquor for consumption on or off the premises or on which refreshment of any kind (whether food or drink) is ordinarily sold for consumption on the premises; or
- (b) where any intoxicating liquor is supplied to members of a club, society or association, other than a permanent political club.

(3) This section does not apply to the hiring, using, letting, or permitting the use of any part of premises that is ordinarily let for the purposes of chambers or offices, or the holding of public meetings, or of arbitrations, if that part has a separate entrance and no direct communication with any part of the premises on which any intoxicating liquor or refreshment is sold or supplied as mentioned above.

False statement in relation to candidate.

74. (1) Any person who, or any director of any body or association corporate which, before or during an election and for the purposes of affecting the return of any candidate at the election,

makes or publishes any false statement of fact in relation to the personal character or conduct of the candidate, is guilty of an illegal practice unless he can show that he had reasonable grounds for believing, and did believe, the statement to be true.

(2) A person making or publishing any false statement of fact as in subsection (1) may be restrained by interim or perpetual injunction by the High Court from any repetition of that false statement or of a false statement of a similar character in relation to the candidate and, for the purposes of granting an interim injunction, *prima facie* proof of the falsity of the statement is sufficient.

(3) A person is guilty of an illegal practice who, before or during an election, knowingly publishes a false statement of withdrawal of a candidate at the election for the purpose of promoting or procuring the election of another candidate.

75. A person who corruptly induces or procures any other person to withdraw from being a candidate at an election in consideration of any payment or promise of payment, and a person withdrawing in pursuance of the inducement or procurement, is guilty of an illegal payment.

Corrupt withdrawal from candidature.

76. (1) A person shall not—

- (a) print or publish, or cause to be printed or published, any bill, placard or poster having reference to an election or any printed document distributed for the purpose of promoting or procuring the election of a candidate;
- (b) post or cause to be posted any such bill, placard or poster as above mentioned; or
- (c) distribute or cause to be distributed any printed document for that purpose,

Name and address of printer on election publication. [51 of 2000].

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

(2) For the purposes of this section, any process for multiplying copies of a document, other than copying it by hand, shall be deemed to be printing, and the expression “printer” shall be construed accordingly.

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(3) A candidate or election agent acting in contravention of this section is guilty of an illegal practice, and any other person so acting is liable on summary conviction to a fine of fifteen thousand dollars.

Providing money for illegal purposes.

77. Where any person knowingly provides money for any payment which is contrary to this Act, or for any expenses incurred in excess of any maximum amount allowed by this Act, or for replacing any money expended in any such payment or expenses, except where the payment or the incurring of the expenses may have been previously allowed in pursuance of section 149 to be an exception, that person is guilty of an illegal payment.

No payment of expenses except through election agent.

78. A person who makes any payment, advance or deposit in contravention of section 45(1) or (3) or provides any money for any such payment, advance or deposit is guilty of an illegal practice.

Expenses not authorised by election agent.

79. (1) Subject to subsections (2) and (3), if any person incurs, or aids, abets, counsels or procures any other person to incur, any expenses in contravention of section 47 or knowingly makes a declaration required by section 47(3) falsely, he is guilty of a corrupt practice, and if a person fails to send any declaration or return as required by section 47, he is guilty of an illegal practice.

(2) The Court by whom a person is convicted under this section may, if it thinks it just in the special circumstances of the case, mitigate or entirely remit any incapacity imposed by virtue of section 148(2).

(3) A candidate shall not be liable and his election shall not be avoided for a corrupt or illegal practice under this section committed by an agent without his consent or connivance.

(4) Where an act of an association or body of persons, corporate or unincorporate, is an offence declared to be a corrupt or illegal practice by this section, any person who at the time of the act was a director, general manager, secretary or other similar officer of the association or body, or was purporting to act in any such capacity, is deemed to be guilty of that offence, unless he proves that the act took place without his consent or connivance.

and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

80. Any candidate or election agent who knowingly makes any payment or incurs any expense in contravention of section 48 is guilty of an illegal practice. Expenditure in excess of maximum.

81. (1) Subject to subsection (2), an election agent who pays a claim in contravention of section 49(1) or makes a payment in contravention of section 49(2) is guilty of an illegal practice. Payment of late claim.

(2) Where the Court at the conclusion of the trial of a representation petition certifies that it has been proved to the Court by the candidate that any payment was made by an election agent without the sanction or connivance of the candidate, the election of the candidate shall not be void, nor shall he be subject to any incapacity under this Act by reason only of the payment having been made in contravention of section 49.

82. Subject to section 56, if a candidate or election agent fails to comply with the requirements of section 52 or section 53, he is guilty of an illegal practice. Failure to make return or declaration as to expenses.

83. If a candidate or election agent knowingly makes a declaration required by section 53 falsely, he is guilty of a corrupt practice. Making of false declaration.

84. If a person fails to comply with any order of the Court made under section 57, the Court may order him to pay a fine of eighty-five thousand dollars. Failure to comply with order of Court. [51 of 2000].

OFFENCES ON POLLING DAY

85. (1) Subject to subsection (3), a person shall not, with a view to supporting or opposing the candidature of any individual as against any other or others at an election, either let, lend or employ, or hire, borrow or use, any motor vehicle or any animal drawn vehicle or any animal for the purpose of the conveyance of electors to or from the poll, and if he does so, he is guilty of an illegal practice. Use of motor vehicle, etc., for conveying of electors to the poll.

(2) Where any motor vehicle or any animal drawn vehicle or any animal is let, lent, employed, hired, borrowed or used for the purpose of the conveyance of electors to or from the poll, it shall be presumed until the contrary is proved that the motor vehicle, animal drawn vehicle or animal was so let, lent, employed, hired, borrowed or used with a view to supporting or opposing the candidature of some individual as against some other or others at the election.

(3) Subject to subsection (4), nothing in this section shall—

- (a) prevent any motor vehicle, any animal drawn vehicle or any animal being let to or hired, employed or used by an elector, or several electors at their joint cost, for the purpose of being conveyed to or from the poll;
- (b) prevent any person employing any motor vehicle or any animal drawn vehicle or any animal for the purpose of conveying to or from the poll himself or any member of the same household, or borrowing any such vehicle or animal from a member of the same household to be employed for that purpose; or
- (c) apply to any motor vehicle registered as an electoral vehicle on behalf of any candidate, in relation to the user of such vehicle in accordance with section 86.

(4) In any prosecution under this section the burden of proving any exemption under subsection (3)(a), (b) or (c) shall be on the person charged.

(5) In this section, “members of the same household” includes a visitor spending the night before or after polling day in the same dwelling house and a person employed by a member of the household at the dwelling house unless so employed exclusively for the purpose of that member’s trade, profession or business.

86. (1) No registered electoral vehicle shall be, at any time on polling day between one hour before the opening of the poll and one hour after the closing of the poll, on any road—

Restriction on user of registered electoral vehicles.

- (a) unless there is prominently displayed upon the vehicle the electoral vehicle placards in respect of that vehicle; or
- (b) subject to subsection (2), outside the boundaries of the electoral district in respect of which it is a registered electoral vehicle; and
- (c) when more than five passengers are upon such vehicle.

(2) Subsection (1)(b) does not apply to the presence of any motor vehicle upon a road outside the boundaries of the electoral district in respect of which the vehicle is registered as an electoral vehicle at any time when the vehicle is actually transporting electors in the electoral district from some point in the electoral district by the most direct route between such points practicable for motor traffic.

(3) A person is guilty of an illegal practice who, in contravention of this section—

- (a) drives or causes or permits to be driven any registered electoral vehicle; or
- (b) is or causes any other person to be a passenger upon any such vehicle at a time when he knows or has reasonable cause to believe that such vehicle is being driven.

87. (1) A police officer may stop any motor vehicle or animal drawn vehicle which he has reason to believe is being driven or has been driven contrary to section 85 or section 86 and to question the driver of or any passenger in or upon the vehicle, whether stopped on his instructions or not, with a view to determining whether a breach of any of those sections is being or has been committed.

Power to question passengers and detain vehicles. [51 of 2000].

(2) If the driver of any such vehicle—

- (a) refuses or fails to answer a question lawfully put to him under subsection (1);

- (b) obstructs the police officer in the execution of his duty; or
- (c) fails to obey any direction of the police officer requiring him to comply with section 85 or 86 in respect of the vehicle,

the police officer may require the driver to drive the vehicle to the nearest police station where it may be detained until one hour after the closing of the poll, and may arrest the driver without a warrant.

(3) If a passenger refuses or fails to answer a question lawfully put to him under subsection (1), the police officer may require him, by force if necessary, to leave the vehicle, and may arrest him without a warrant.

(4) Any driver of any such vehicle who, upon being required to do so in accordance with subsection (2), refuses or fails to drive the vehicle to the nearest police station is guilty of an illegal practice.

(5) Any driver of any such vehicle or any passenger in or upon such vehicle who refuses or fails to answer any question lawfully put to him by a police officer under subsection (1) is guilty of an offence and liable on summary conviction to a fine of four thousand dollars or to imprisonment for three months.

Prohibition of employment of bands of music. [51 of 2000].

88. (1) No person shall hire or make use of any band of music on polling day within an electoral district for which an election is being held until two hours after the closing of the poll.

(2) No person shall play in any band of music at any meeting or in any procession held on polling day within an electoral district for which an election is being held until two hours after the closing of the poll.

(3) Any person who contravenes this section is liable on summary conviction to a fine of seven thousand, five hundred dollars or to imprisonment for six months.

Loudspeakers, banners, favours, badges, etc., prohibited. [51 of 2000].

89. (1) No person shall furnish or supply any public address apparatus, loudspeaker, bunting, ensign, banner, standard or set of colours or any flag to any person with intent that it should be worn or used on polling day within an electoral district for which an election

is being held on any motor or other vehicle as political propaganda on polling day, and no person shall on polling day carry, wear or use within such electoral district any public address apparatus, loudspeaker, bunting, ensign, banner, standard or set of colours or flag, on any motor or other vehicle or otherwise as political propaganda.

(2) No person shall furnish or supply any flag, ribbon, label, symbol or like favour or any article of clothing to or for any person with intent that it be worn or used by any person within an electoral district on polling day as a 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, symbol or like favour or any article of clothing as such badge within an electoral district on polling day.

(3) Nothing contained in subsection (1) shall be deemed to extend to the furnishing, supplying, carrying, wearing or using of any banner bearing only the name of any candidate or party or only such name preceded by the words "Vote for".

(4) Any person who contravenes this section is liable on summary conviction to a fine of seven thousand, five hundred dollars or to imprisonment for six months.

90. (1) Subject to subsection (2), during the hours when the poll is open on polling day no persons shall assemble or congregate in a polling station or within one hundred yards thereof.

Persons not to congregate near polling stations. [51 of 2000].

(2) This section does not apply to—

- (a) any electors who are waiting to vote at such polling station and who obey such instructions as may be given by the Presiding Officer or any Police Officer for the purpose of forming a queue with other electors so waiting; or
- (b) any person who under this Act lawfully enters and remains in such station.

(3) Any person who contravenes this section is liable on summary conviction to a fine of seven thousand, five hundred dollars or to imprisonment for three months.

Influencing electors to vote for any candidate. [51 of 2000].

91. (1) During the hours that the poll is open upon polling day no person shall, in any polling station or upon any road or in any public place within one hundred yards of any polling station, seek to influence any elector to vote or to refrain from voting for any candidate or political party or to ascertain for whom any elector intends to vote or has voted.

(2) Any person who contravenes this section is liable on summary conviction to a fine of seven thousand, five hundred dollars or to imprisonment for three months.

Intoxicating liquor not to be sold. [20 of 1976 51 of 2000]. Ch. 84:10.

92. (1) No intoxicating liquor shall be sold, offered or exposed for sale, or given away at any premises licensed under the Liquor Licences Act and situated in any electoral district for which an election is being held at any time between the opening and the closing of the poll on polling day.

Ch. 21:01.

(2) No intoxicating liquor shall be supplied to any person on the premises of any club registered under the Registration of Clubs Act, and situated in any electoral district for which an election is being held at any time between the opening and the closing of the poll on polling day.

(3) Any person who contravenes subsection (1) or (2) is liable on summary conviction to a fine of fifteen thousand dollars or to imprisonment for six months.

(4) No person shall on polling day consume any intoxicating liquor within a polling station.

(5) No Presiding Officer, Deputy Presiding Officer or Poll Clerk shall consume any intoxicating liquor on polling day within any polling station.

(6) Any person who contravenes subsection (4) or (5) is liable on summary conviction to a fine of four thousand dollars or to imprisonment for three months.

Interference with employees' time off for voting. [51 of 2000].

93. An employer who fails to comply with any of the provisions of section 36(2) and any person who directly or indirectly by intimidation, undue influence, or in any other way interferes with

the granting to an elector of the prescribed period for voting referred to in that subsection is liable on summary conviction to a fine of thirty thousand dollars or to imprisonment for twelve months.

94. (1) A person is guilty of an offence who votes at an election— Illegal voting.
[28 of 1976].

- (a) knowing that he is not entitled to vote at the election;
- (b) as an elector more than once in the same electoral district or in more than one electoral district; or
- (c) for which he is entitled to vote as a special elector, otherwise than in accordance with Part IV of the Election Rules.

Sub. Leg.

(2) A person is guilty of an offence who induces or procures some other person to do an act if he knows that such act is, or but for that other person's want of knowledge would be, an offence by that other person under subsection (1).

(3) An offence under this section is an illegal practice.

(4) A candidate is not liable, nor is his election avoided, for an illegal practice under this section by any agent of his other than for an offence under subsection (2).

OTHER OFFENCES AND SAVINGS

95. A person is guilty of a corrupt practice who on or before polling day for an election wilfully damages or destroys a vehicle registered as an electoral vehicle for that election. Damage to
electoral
vehicle.

96. (1) A person is guilty of a corrupt practice who is guilty of bribery. Bribery.

(2) A person is guilty of bribery who, directly or indirectly, by himself or by any other person on his behalf—

- (a) gives any money or procures any office to or for any elector or to or for any other 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;

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(b) corruptly does any act as in paragraph (a) on account of any elector having voted or refrained from voting; or

(c) makes any gift or procurement as in paragraph (a) to or for any person in order to induce that person to procure, or endeavour to procure, the return of any person at an election or the vote of any elector,

or if upon or in consequence of any such gift or procurement he procures or engages, promises or endeavours to procure the return of any person at an election or the vote of any elector.

(3) A person is guilty of bribery who—

(a) advances or pays or causes to be advanced or paid any money to or to the use of any other person with the intent that the money or any part thereof will be expended in bribery at any election; or

(b) knowingly pays or causes to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any election.

(4) Subsections (1) to (3) do not extend and shall not be construed to extend to any money paid or agreed to be paid for or on account of any legal expenses incurred in good faith at or concerning an election.

(5) An elector is guilty of bribery who, before or during an election, directly or indirectly by himself or by any other person on his behalf, receives, agrees to receive, or contracts for any money, gift, loan or valuable consideration, office, place or employment for himself or for any other person for voting or agreeing to vote or for refraining or agreeing to refrain from voting.

(6) A person is guilty of bribery who, after an election directly or indirectly by himself or by any other person on his behalf, receives any money or valuable consideration on account of any person having voted or refrained from voting or having induced any other person to vote or refrain from voting.

(7) In this section, “elector” includes any person who has or claims to have a right to vote or is believed by the person offering the bribe to have a right to vote.

(8) For the purposes of this section—

- (a) references to giving money includes references to lending, agreeing to give or lend, offering, promising or promising to procure or to endeavour to procure any money or valuable consideration; and
- (b) references to procuring any office includes references to giving, procuring, agreeing to give or procure, offering, promising or promising to procure or to endeavour to procure any office, place or employment.

97. (1) A person is guilty of a corrupt practice who is guilty of treating. Treating.

(2) A person is guilty of treating who corruptly, by himself or by any other person on his behalf, either before, during or after an election, directly or indirectly gives or provides or pays wholly or in part the expense of giving or providing any food, drink, entertainment or provision to or for any person—

- (a) for the purpose of corruptly influencing that person or any other person to vote or refrain from voting at such election; or
- (b) on account of that person or any other person having voted or refrained from voting, or being about to vote or refrain from voting at such election.

(3) Every elector who corruptly accepts or takes any such food, drink, entertainment or provision is also guilty of treating.

98. (1) A person is guilty of a corrupt practice who is guilty of undue influence. Undue influence.
[20 of 1976].

(2) A person is guilty of undue influence who—

- (a) directly or indirectly, by himself or by any other person on his behalf, makes use of or threatens to make use of any force, violence or restraint,

inflicts or threatens to inflict, by himself or by any other person, any temporal or spiritual injury, damage, harm or loss upon or against any person in order to induce or compel that person to vote or refrain from voting at any election, or on account of that person having voted or refrained from voting at any election;

- (b) by abduction, duress or any fraudulent device or contrivance, impedes or prevents the free exercise of the franchise of an elector or thereby compels, induces or prevails upon an elector either to vote or to refrain from voting at any election; or
- (c) by duress, induces a public officer to use his office to prevail upon an elector to vote in a particular way at any election.

Personation.
[28 of 1976].

99. (1) A person is guilty of a corrupt practice if he commits, or aids, abets, counsels or procures the commission of, the offence of personation.

- (2) A person is guilty of personation at an election if he—
 - (a) votes as some other person whether that other person is living or dead or is a fictitious person;
 - (b) votes for a person whom he knows or has reasonable grounds for supposing to be dead or to be a fictitious person; or
 - (c) votes when there is upon any of his fingers any mark of electoral ink.

(3) For the purposes of this section a person who has presented himself to a Poll Clerk for the purpose of voting at an election or who has marked whether validly or not and returned a ballot paper for the purpose of voting shall be deemed to have voted.

(4) A person charged with personation shall not be convicted except on the evidence of not less than two credible witnesses.

100. (1) Except as otherwise specifically provided, a person guilty of a corrupt practice other than personation is liable— Penalty for corrupt practice. [51 of 2000].

(a) on summary conviction to a fine of fifteen thousand dollars and to imprisonment for six months; or

(b) on conviction on indictment to a fine of thirty thousand dollars and to imprisonment for twelve months.

(2) A person who commits the offence of personation or of aiding, abetting, counselling or procuring the commission of the offence of personation is liable on conviction on indictment to a fine of thirty thousand dollars and to imprisonment for five years.

101. (1) Except as otherwise specifically provided, a person guilty of an illegal practice is liable on summary conviction to a fine of fifteen thousand dollars or to imprisonment for six months. Penalty for illegal practice. [51 of 2000].

(2) On a prosecution for an illegal practice it shall be sufficient to allege that the person charged was guilty of an illegal practice.

102. Any person charged with a corrupt practice may, if the circumstances warrant such finding, be found guilty of an illegal practice, and any person charged with an illegal practice may be found guilty of that offence notwithstanding that the act constituting the offence amounted to a corrupt practice. Findings on charge of corrupt practice or illegal practice.

103. (1) A person guilty of an offence of illegal payment or hiring is on summary conviction liable to a fine of one thousand five hundred dollars or to imprisonment for six months, and on prosecution for that offence it shall be sufficient to allege that the person charged was guilty of an illegal payment or hiring, as the case may be. Penalty for illegal payment or hiring.

(2) A candidate or election agent who is personally guilty of an illegal payment or hiring is guilty of an illegal practice.

(3) Any person charged with an offence of illegal payment or hiring may be found guilty of that offence, notwithstanding that the act constituting the offence amounted to a corrupt or illegal practice.

Saving for elections.

104. (1) Where a person has been declared by others to be a candidate at an election without his consent, nothing in this Act shall be construed to impose any liability on that person, unless he has afterwards given his assent to the declaration or has been nominated.

(2) Nothing in this Act shall be construed as prohibiting the employment of a paid canvasser.

Rights of creditors.

105. The provisions of this Act prohibiting—

- (a) payments and contracts for payments;
- (b) the payment or incurring of election expenses in excess of the maximum allowed by this Act; or
- (c) incurring of expenses not authorised by the election agent,

do not affect the right of any creditor who, when the contract was made or the expense was incurred, did not know that the contract or expense was in contravention of this Act.

PART VI

LEGAL PROCEEDINGS

DISPUTED APPOINTMENTS AND ELECTIONS

Method of questioning appointment or election.

106. (1) The following questions shall be referred to and determined by the High Court in accordance with sections 106 to 129:

- (a) where leave has been granted under section 52(2) of the Constitution, any question whether any person has been validly appointed as a Senator or validly elected as a member of the House of Representatives; and
- (b) any question whether any person has been validly elected as a member or to an office of a Municipal Council or of the Tobago House of Assembly.

(2) Every such reference shall be by a petition, in this Act referred to as a representation petition.

(3) A petition complaining of no return or an insufficient return shall be deemed to be a representation petition.

107. (1) A representation petition may be presented by any one or more of the following persons:

Presentation and service of representation petition.

- (a) in respect of an appointment to the Senate, by any person who on the date of the appointment of the person to whom the petition relates, was entitled to vote as an elector at a Parliamentary election;
- (b) in respect of an election or return to the House of Representatives or to a Municipal Council or to the Tobago House of Assembly, by—
 - (i) a person who had a right to vote at the election; or
 - (ii) a person validly nominated as a candidate at the election.

(2) The person whose appointment, election or return is complained of is hereinafter referred to as the respondent; but, if the petition complains of the conduct of a Returning Officer or Election Clerk, the Returning Officer or Election Clerk shall for the purposes of this Part be deemed to be a respondent.

(3) The petition shall be in the prescribed form, state the prescribed matters and be signed by the petitioner, or all the petitioners if more than one.

(4) The petition shall be presented by delivering it to the Registrar.

(5) The Registrar shall send a copy of the petition—

- (a) in the case of a petition questioning the appointment of a person to the Senate, to the Attorney General; and
- (b) to such other persons as may be prescribed,

and shall cause the petition to be published in the prescribed manner.

(6) The petition shall be served in such manner as may be prescribed.

108. (1) A petition questioning the appointment of a person to the Senate shall be presented within twenty-eight days of the date of the Notification in the *Gazette* of the appointment.

Time for presentation or amendment of representation petition.

(2) Subject to this section, a petition questioning an election or return shall be presented within eight days after the return has been made of the member to whose election the petition relates.

(3) If the petition questions the election or return upon an allegation of corrupt practice and specifically alleges a payment of money or other reward to have been made by the member or on his account or with his privity since the time of the return in pursuance or in furtherance of the alleged corrupt practice, it may be presented within twenty-eight days after the date of the alleged payment.

(4) A petition questioning the election or return upon an allegation of an illegal practice may, so far as respects that illegal practice, be presented—

(a) in the case of a petition relating to membership of the House of Representatives, not later than the expiration of fourteen days after the day specified in subsection (5);

(b) in the case of a petition relating to membership as a Councillor of a Municipal Council or as an Assemblyman of the Tobago House of Assembly, within twenty-eight days after the date of the alleged illegal practice, or before the expiration of the period referred to in subsection (2), whichever is the later;

(c) notwithstanding paragraphs (a) and (b), if specifically alleging a payment of money or some other act to have been made or done since the day specified in subsection (5) by the member to whose election the petition relates or by an agent of his, or with the privity of that member or his election agent, in pursuance or in furtherance of the alleged illegal practice, within twenty-eight days after the date of the alleged payment or other act.

(5) The said day is—

(a) that on which the Chief Election Officer receives the return and declarations as to election expenses by the said member and his election agent;

- (b) where the return and declarations are received on different days, the last of those days; or
- (c) where there is an authorised excuse for failing to make the return and declarations, the date of the allowance of the excuse, or if there was a failure as regards two or more of them, and the excuse was allowed at different times, the date of the allowance of the last excuse.

(6) A petition presented within the time limited by subsection (2) or subsection (3) may, for the purpose of questioning the election or return upon an allegation of an illegal practice, be amended with the leave of the High Court within the time within which a petition questioning the election upon the allegation of that illegal practice could be presented under subsection (4).

(7) Subsections (4), (5) and (6) apply notwithstanding that the act constituting the alleged illegal practice amounted to a corrupt practice.

(8) For the purpose of this section, the allegation that an election is, under this Act, avoided on the grounds that corrupt or illegal practices or illegal payments, employments or hirings were committed in reference to the election for the purpose of promoting or procuring the election of any person thereat and had so extensively prevailed that they may be reasonably supposed to have affected the result of the election, shall be deemed to be an allegation of corrupt practices, notwithstanding that the offences alleged are or include offences other than corrupt practices.

109. (1) At the time of presenting a representation petition or within three days afterwards the petitioner shall give security for all costs which may become payable by him to any witness summoned on his behalf or to any respondent.

Security for costs—
representation
petition.
[51 of 2000].

- (2) The security shall be—
 - (a) in the case of a petition relating to membership of the Senate or of the House of Representatives, an amount of twenty thousand dollars; and

(b) in the case of a petition relating to membership as a Councillor of a Municipal Council or as an Assemblyman of the Tobago House of Assembly, an amount not exceeding ten thousand dollars as the High Court, on summons, directs,

and shall be given in the prescribed manner by recognisance entered into by any number of sureties not exceeding four or by a deposit of money, or partly in one way and partly in the other.

Notice of presentation and security and copy of petition to be served on respondent.

110. Within the prescribed time, not exceeding five days after the presentation of the petition, the petitioner shall, in the prescribed manner, serve on the respondent a notice of the presentation of the petition and of the nature of the proposed security, and a copy of the petition.

Objections to security.

111. (1) Within a further prescribed time, not exceeding ten days after service of the notice of the presentation of the petition, the respondent may object in writing to any recognisance on the ground that any surety is insufficient or is dead or cannot be found or ascertained for want of a sufficient description in the recognisance, or that a person named in the recognisance has not duly acknowledged the recognisance.

(2) If the objection is allowed, the petitioner may, within a further prescribed time not exceeding five days, remove it by a deposit in the prescribed manner of such sum of money as will in accordance with subsection (3) or subsection (4) make the security sufficient.

(3) Any objection to a recognisance may be heard and determined by the Registrar, and the Registrar may, if he allows the objection, direct what sum should be deposited so as to make the security sufficient.

(4) A determination or direction by the Registrar under subsection (3) may be reviewed by the High Court and upon such review the Court may make any determination or give any direction which the Registrar may have made or given.

(5) If no security is given as required by section 109 or any objection is allowed and not removed as mentioned above, no further proceeding shall be had on the petition.

112. On the expiration of the time limited for objections or, after objection made, on the objection being disallowed or removed, whichever last happens, the petition shall be at issue. Petition at issue.

113. (1) A representation petition shall be tried by the High Court in open Court, without a jury, and notice of the time and place of trial shall be given in the prescribed manner not less than fourteen days before the day of trial. Trial of petition.

(2) The jurisdiction of the High Court to try representation petitions may be exercised by a single Judge.

(3) The Court may in its discretion adjourn the trial from time to time, but the trial shall, so far as is practicable consistently with the interests of justice in respect of the trial, be continued from day to day on every lawful day until its conclusion.

(4) The trial of a petition relating to membership of the Senate or of the House of Representatives shall be proceeded with notwithstanding the prorogation of Parliament, and in the case of a petition questioning an election or return, notwithstanding the resignation by the respondent as a member of the House of Representatives.

(5) On the trial of the petition, unless the Court otherwise directs, any charge of a corrupt practice may be gone into, and evidence in relation thereto received, before any proof has been given of agency on behalf of any candidate in respect of the corrupt practice.

(6) On the trial of a petition questioning an election or return and claiming the seat for some person, the respondent may give evidence to prove that that person was not duly elected, in the same manner as if he had presented a petition against the election of that person.

114. No elector who has voted at an election shall in any proceedings on a representation petition be required to state for whom he voted. Elector not to be asked for whom he voted.

115. Witnesses shall be summoned and sworn in the same manner as nearly as circumstances admit as in an action tried before the High Court. Witnesses.

Power of Court to summon witnesses at its own instance.

116. (1) On the trial of a representation petition questioning an election or return the Court may, by order under the hand of the Judge, require any person who appears to him to have been concerned in the election to attend as a witness and any person refusing to obey the order is guilty of contempt of Court.

(2) The Court may examine any person so required to attend or who is in Court although he is not called and examined by any party to the petition.

(3) A witness may, after his examination by the Court, be cross-examined by or on behalf of the petitioner and respondent, or either of them.

Witnesses' expenses.

117. (1) The reasonable expenses incurred by any person in appearing to give evidence at the trial of a representation petition, according to the scale allowed to witnesses at the trial of civil actions before the High Court may be allowed to him by a certificate of the Court or of the Registrar; and, if the witness was called and examined by virtue of section 116 shall be deemed part of the expenses of the Court, but otherwise shall be deemed costs of the petition.

(2) The expenses of the Court shall be paid out of such sums as shall be appropriated for the purpose by Parliament.

Conclusion of trial of representation petition.

118. (1) At the conclusion of the trial of a representation petition in respect of an appointment to the Senate, the Court shall determine whether the person whose appointment was questioned was validly appointed or not, and shall forthwith certify in writing the determination to the President and to the President of the Senate.

(2) At the conclusion of the trial of a representation petition in respect of an election or return, the Court shall—

(a) determine whether the person whose election or return is questioned, or any and what other person, was duly returned or elected or whether the election was void;

(b) forthwith certify in writing the determination—
 (i) in the case of a petition relating to membership of the House of Representatives, to the Speaker;

- (ii) in the case of a petition relating to membership of a Municipal Council, to the Minister, to the Town Clerk and to the Chief Executive Officer of the Municipal Council concerned;
- (iii) in the case of a petition relating to membership of the Tobago House of Assembly, to the Minister and to the Chief Administrator, Tobago House of Assembly;
- (c) where any charge is made in a petition relating to membership of the House of Representatives of any corrupt or illegal practice having been committed at the election, the Court may, in addition to giving a certificate, and at the same time, make a special report to the Speaker as to matters arising in the course of the trial an account of which in the judgment of the Court ought to be submitted to the House of Representatives.

(3) The certified determination of a representation petition by the High Court shall, unless varied by the Court of Appeal, be final to all intents and purposes.

(4) In this section “Minister” means the Minister responsible for Local Government.

119. Notwithstanding that it has determined and certified that the person to whom the petition relates was validly appointed or elected, as the case may be, the Court may, if satisfied that since the date of the appointment or election circumstances have arisen by reason of which such person has vacated his seat, proceed under section 136(1) as if the petition were a vacancy petition.

Representation petition treated as vacancy petition.

120. (1) A petitioner shall not withdraw a representation petition questioning an election or return without the leave of the Court on special application made in the prescribed manner and within the prescribed time.

Withdrawal of petition questioning an election or return.

(2) The application shall not be made until the prescribed notice of the intention to make it has been given.

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(3) Where there are more petitioners than one, the application shall not be made except with the consent of all the petitioners.

(4) If a petition is withdrawn the petitioners are liable to pay the costs of the respondent.

Evidence
required for
withdrawal of
petition.

121. (1) Before leave for the withdrawal of a petition is granted, there shall be produced affidavits by all the parties to the petition and their Attorneys-at-law and, if the election was an election at which candidates are required to have election agents, by the election agents of all the parties who were candidates at the election, but the High Court may on cause shown dispense with the affidavit of any particular person if it seems to the Court on special grounds to be just to do so.

(2) Each affidavit shall state that, to the best of the deponent's knowledge and belief, no agreement or terms of any kind whatsoever has or have been made, and no undertaking has been entered into, in relation to the withdrawal of the petition, but if any lawful agreement has been made with respect to the withdrawal of the petition, the affidavit shall set forth that agreement, and shall make the foregoing statement subject to what appears from the affidavit.

(3) The affidavits of the applicant and his Attorney-at-law shall further state the ground on which the petition is sought to be withdrawn.

(4) Copies of the affidavit shall be delivered to the Attorney General at a reasonable time before the application for the withdrawal is heard, and the Court may hear the Attorney General or other representative appointed by him in opposition to the allowance of the withdrawal of the petition, and shall have the power to receive the evidence on oath of any person or persons whose evidence the Attorney General or his representative may consider material.

(5) Where more than one Attorney-at-law is concerned for the petitioner or respondent, whether as agent for another Attorney-at-law or otherwise, the affidavit shall be made by all such Attorneys-at-law.

122. If any person makes any agreement or terms or enters into any undertaking in relation to the withdrawal of a representation petition, and the agreement, terms or undertaking is or are for the withdrawal of the petition in consideration, of any payment, or in consideration that the seat shall at any time be vacated, or in consideration of the withdrawal of any other such representation petition, or is or are (whether lawful or unlawful) not stated in the above-mentioned affidavits, he is liable on conviction on indictment to a fine of three thousand dollars and to imprisonment for twelve months.

Punishment for corrupt withdrawal.

123. (1) On the hearing of the application for leave to withdraw a petition any person who might have been a petitioner in respect of the petition may apply to the Court to be substituted as the petitioner, and the Court may, if the Court thinks fit, substitute him accordingly.

Substitution of new petitioner.

(2) If the proposed withdrawal is in the opinion of the Court the result of any agreement, terms or undertaking prohibited by section 122 or induced by any corrupt bargain or consideration, the Court may by Order direct that the security given on behalf of the original petitioner shall remain as security for any costs that may be incurred by the substituted petitioner, and that, to the extent of the sum named in the security, the original petitioner and his surety shall be liable to pay the costs of the substituted petitioner.

(3) If the Court does not so direct, then the security to the same amount as would be required in the case of a new petition, and subject to the like condition, shall be given on behalf of the substituted petitioner before he proceeds with his petition and within the prescribed time after the order of substitution.

(4) Subject to this section, a substituted petitioner shall, as nearly as may be, stand in the same position and be subject to the same liabilities as the original petitioner.

124. (1) In every case of the withdrawal of a representation petition, the Court giving leave for the withdrawal shall make a report to the persons mentioned in section 118(2)(b).

Report on withdrawal.

(2) The report shall state whether in the opinion of the Court the withdrawal of the petition was the result of any agreement, terms or undertaking or was in consideration of any payment, or in consideration that the seat should be at any time vacated or in consideration of the withdrawal of any other such representation petition or for any other consideration and, if so, shall state the circumstances attending the withdrawal.

Abatement of petition.

125. (1) A representation petition shall be abated by the death of a sole petitioner or of the survivor of several petitioners.

(2) A petition questioning the appointment of any person to the Senate shall be abated if the respondent dies.

(3) The abatement of a petition shall not affect the liability of the petitioner or any other person to the payment of costs incurred in respect of any proceeding taken prior to the abatement.

(4) On the abatement of a petition under subsection (1), the prescribed notice thereof shall be given; and any person who might have been a petitioner in respect of the appointment or election, as the case may be, may, within the prescribed time after the notice is given, apply to the High Court in the prescribed manner to be substituted as a petitioner; and the Court may, if the Court thinks fit, substitute him accordingly.

(5) Security shall be given on behalf of a petitioner so substituted, as in the case of a new petition.

Withdrawal and substitution of respondents before trial.

126. (1) If before the trial of a representation petition questioning an election or return a respondent, other than a Returning Officer or an Election Clerk, gives the prescribed notice that he does not intend to oppose the petition or dies, the Registrar shall give notice thereof in the electoral district to which the petition relates; and any person who might have been a petitioner in respect of the election may, within the prescribed time after the notice is given, apply to the High Court to be admitted as a respondent to oppose the petition, and shall be admitted accordingly; but the number of persons admitted as respondents under this section shall not exceed three.

(2) A respondent who has given the prescribed notice that he does not intend to oppose the petition shall not be allowed to appear or act as a party against the petition in any proceedings thereon.

127. (1) All costs of and incidental to the presentation of a representation petition and the proceedings consequent thereon, except such as are by this Act otherwise provided for, shall be defrayed by the parties to the petition in such manner and in such proportion as the High Court may determine; and in particular any costs which in the opinion of the Court have been caused by vexatious conduct, unfounded allegations or unfounded objections on the part either of the petitioner or of the respondent, and any needless expense incurred or caused on the part of the petitioner or respondent, may be ordered to be defrayed by the parties by whom it has been incurred or caused whether or not they are on the whole successful. Costs of petition.

(2) If a petitioner neglects or refuses, for six months after demand, to pay to any person summoned as a witness on his behalf or to the respondent any sums certified to be due to him for his costs, and the neglect or refusal is, within one year after the demand, proved to the satisfaction of the High Court, every person who under section 109 entered into a recognisance relating to the petition shall be held to have made default in the recognisance, and the recognisance shall thereupon be enforced as if it were a recognisance entered into before the High Court and declared by the High Court to have been forfeited.

128. (1) Where upon the trial of a representation petition questioning an election or return it appears to the Court that any person is proved, whether by providing money or otherwise, to have been extensively engaged in corrupt practices, or to have encouraged or promoted extensive corrupt practices in reference to the election to which the petition relates, the Court may, after giving that person an opportunity of being heard by an Attorney-at-law and examining and cross-examining witnesses to show cause why the order should not be made, order the whole or part of the costs to be paid by that person, and, where such an order is made against more than one person, may order that if the costs cannot be recovered from one or more of those persons they shall be paid by some other of those persons or by either of the parties to the petition. Further provision as to costs of petition.

(2) Where any person appears to the Court to have been guilty of a corrupt or illegal practice, the Court may, after giving that person an opportunity of making a statement to show why the order should not be made, order the whole or any part of the costs of or incidental to any proceeding before the Court, in relation to the offence or to the person, to be paid by the person to such person or persons as the Court may direct.

Jurisdiction.

129. Subject to this Part and of the Rules made thereunder, the principles, practice and rules on which committees of the House of Commons of the Parliament of the United Kingdom used to act in dealing with election petitions shall be observed, so far as may be, by the High Court in the case of representation petitions questioning elections or returns.

DISPUTED VACANCIES

Method of
questioning
vacancies.
[37 of 1980].

130. (1) The following questions shall be referred to and determined by the High Court in accordance with sections 130 to 136:

- (a) where leave has been granted under section 52(1) of the Constitution, any question whether any Senator or member of the House of Representatives has vacated his seat under section 43(2) or section 49(2) of the Constitution or is required under section 43(3) or section 49(3) of the Constitution to cease to exercise any of his functions as a Senator or as a member of the House of Representatives;
- (b) any question whether a member of a Municipal Council or the Tobago House of Assembly has vacated his seat or his office therein.

(2) Every such reference shall be by a petition (hereinafter referred to as a vacancy petition) presented to the Court—

- (a) in the case of the Senate, by—
 - (i) authority of a resolution of the Senate; or
 - (ii) any person who on the date of the presentation of the petition is entitled to vote as an elector at a Parliamentary election;

- (b) in the case of the House of Representatives, by—
- (i) authority of a resolution of the House; or
 - (ii) any person who on the date of the presentation of the petition would be entitled to vote at an election held for the electoral district for which the person to whom the petition relates was elected.

(3) For the purposes of sections 130 to 136, in the case of a petition presented under subsection (2)(a)(i) or under subsection (2)(b)(i) the nominal petitioner shall be the Clerk of the Senate or the Clerk of the House of Representatives, as the case may be.

131. (1) A vacancy petition presented to the High Court shall be in the prescribed form, state the prescribed matters and be signed by such persons as may be prescribed.

Contents,
delivery and
service of
vacancy
petition.

(2) The petition shall be delivered to the Registrar and the Registrar shall send a copy of the petition to such persons as may be prescribed, and shall cause it to be published in the prescribed manner.

(3) The petition shall be served in such manner as may be prescribed.

132. (1) Where a vacancy petition has been presented to the High Court otherwise than by authority of a resolution, the petitioner shall, at the time of delivering the petition to the Registrar or within three days afterwards, give security for all costs which may become payable by him to any witness summoned on his behalf or to any party to the petition.

Security for
costs—vacancy
petition.
[51/1980
37 of 1980
51 of 2000].

- (2) The security shall be—
- (a) in the case of a petition relating to membership of the Senate or of the House of Representatives, an amount of forty thousand dollars; and
 - (b) in the case of a petition relating to membership of a Municipal Council or the Tobago House of Assembly, an amount not exceeding twenty thousand dollars as the High Court, on summons, directs,

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and shall be given in the prescribed manner by recognisance entered into by any number of sureties not exceeding four or by a deposit of money, or partly in one way and partly in the other.

Service of
vacancy
petition.

133. Within the prescribed time, not exceeding five days after delivery of a vacancy petition, the petitioner shall cause notice of the presentation of the petition, and of the nature of the proposed security and a copy of the petition to be served upon—

- (a) the member whose seat is the subject-matter of the petition;
- (b) the Attorney General; and
- (c) such other persons as may be prescribed.

Parties to
vacancy
petition.

134. (1) The parties to a vacancy petition shall be—

- (a) the petitioner;
- (b) the member whose seat is the subject-matter of the petition; and
- (c) such other person as, in the opinion of the Court, is interested in the determination of the question referred and whom the Court directs may be heard upon the hearing of the reference.

(2) The Court shall hear the Attorney General or other representative appointed by him whether or not he is a party to the petition, and shall have the power to receive the evidence on oath of any person or persons whose evidence the Attorney General or his representative may consider material.

Application of
provisions.

135. Subject to such modifications and adaptations as may be necessary for the purpose, the following provisions shall, so far as they are applicable, have effect in relation to proceedings on a vacancy petition presented to the High Court:

- (a) section 111, except that in subsection (5) thereof the reference to section 109 shall be deemed to be a reference to section 132;
- (b) section 112;
- (c) section 113(1) to (4);

- (d) sections 115, 116 and 117;
- (e) section 127, except that in subsection (2) thereof the reference to section 109 shall be deemed to be a reference to section 132.

136. (1) At the conclusion of the hearing of a vacancy petition the High Court shall determine whether or not the member whose seat is the subject-matter of the petition has vacated his seat, and shall forthwith certify in writing the determination as in subsection (1), or section 18(2)(b), as the case may be.

Determination of vacancy petition.

(2) The certified determination of a vacancy petition by the High Court shall, unless varied by the Court of Appeal be final to all intents and purposes.

SPEAKER'S ELECTION AND VACATION OF OFFICE

137. (1) Where leave has been granted under section 52(2) of the Constitution any question whether any person—

Method of questioning election of Speaker or vacation of his office.

- (a) has been validly elected as Speaker of the House of Representatives from among persons who are not Senators or members of the House of Representatives, or having been so elected, has vacated the office of Speaker; or
- (b) who has been elected as Speaker of the House of Representatives from among members of that House has vacated the office of Speaker by virtue of section 50(5) of the Constitution,

shall be referred to and determined by the High Court in accordance with sections 137 to 141.

- (2) No such question shall be referred to the Court except—
 - (a) by the Clerk of the House of Representatives when so authorised by a resolution of the House; or
 - (b) by a member of the House of Representatives.

138. (1) A reference to the High Court questioning whether a person was duly qualified to be elected to be Speaker shall be delivered to the Registrar within twenty-one days of the election.

Delivery of reference.

(2) The reference shall be in the prescribed form, state the prescribed matters and be signed by such person as may be prescribed.

(3) The Registrar shall send a copy of the reference to the Clerk of the House of Representatives, who shall cause it to be laid on the table of the House of Representatives.

Security for costs by Member of Parliament. [51/1980].

139. (1) When a question has been referred to the High Court under section 138 by a member of the House of Representatives, the member so referring the question shall, at the time of delivering the reference to the Registrar or within three days afterwards, give security for all costs which may become payable by him to any witness summoned on his behalf or to any party to the reference.

(2) Security shall be an amount of two thousand dollars and shall be given in the prescribed manner by recognisance entered into by any number of sureties approved by the Court not exceeding four or by a deposit of money, or partly in one way and partly in the other.

Parties to a reference.

140. The parties to a reference to the High Court shall be—

- (a) the Clerk of the House of Representatives or the member referring the question, as the case may be;
- (b) the person whose election or tenure of office as Speaker is questioned;
- (c) such other persons as the Court may direct.

Determination of reference.

141. (1) At the conclusion of the hearing of a reference, the High Court shall determine whether the person had been validly elected as Speaker or whether he had vacated the office of Speaker, as the case may be; and shall forthwith certify in writing the determination to the Clerk of the House of Representatives, who shall cause it to be laid on the table of the House.

(2) The certified determination of a reference under this section by the High Court shall, unless varied by the Court of Appeal, be final to all intents and purposes.

MISCELLANEOUS

142. (1) Any summons, notice or document required to be served on any person with reference to any proceeding under this Part for the purpose of causing him to appear before the High Court may be served by delivering it to that person or by sending it by post by a registered letter to his last known place of abode in Trinidad and Tobago or in such other manner as the Court may direct.

Service of notices.

(2) In proving service by post under this section it shall be sufficient to prove that the letter was pre-paid, properly addressed and registered with the post office.

143. Subject to this Part, the Rules of the Supreme Court with respect to costs to be allowed in actions, causes and matters in the Supreme Court shall in principle and so far as practicable apply to costs of petitions and other proceedings under this Part.

Costs.

144. The Rules Committee established by the Supreme Court of Judicature Act may make Rules of Court prescribing any matter of procedure that is necessary or expedient for the purposes of any of the provisions of this Act.

Rules Committee.
Ch. 4:01.

145. The High Court shall, subject to this Part, have the same powers, jurisdiction and authority with respect to any proceedings brought under or by virtue of this Part as if the proceedings were an ordinary action within its jurisdiction.

Powers of Court.

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

Incapacity of candidate for general corruption, etc., at election.

(2) An election shall not be liable to be avoided otherwise than under this section by reason of general corruption, bribery, treating or intimidation.

Incapacity of candidate for employing corrupt canvasser or agent.

147. If at an election a candidate or his election agent personally engages as a canvasser or agent for the conduct or management of the election any person whom he knows or has reasonable grounds for supposing to be subject to an incapacity to vote at an election by reason of his having been convicted of any corrupt or illegal practice within the meaning of this Act, the candidate shall be incapable of being elected to fill the vacancy or any of the vacancies for which the election is held.

Avoidance of election and incapacities on conviction of corrupt or illegal practice.
[37 of 1980].

148. (1) Subject to section 149, if a candidate who has been elected or his election agent is guilty of any corrupt or illegal practice his election is void.

(2) Subject to section 150, but in addition to any punishment as provided by section 69, 71, 100 or 101 —

(a) a person convicted of a corrupt practice is incapable during a period of seven years from the date of his conviction —

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

(ii) of being elected a member of the House of Representatives or a Municipal Council or the Tobago House of Assembly, or if elected before the conviction, of retaining his seat as such member;

(b) a person convicted of an illegal practice is incapable during a period of five years from the date of his conviction —

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

(ii) of being elected a member of the House of Representatives or a Municipal Council or the Tobago House of Assembly, or if elected before the conviction, of retaining his seat as such member.

(3) In the event of any appeal against a conviction under section 69, 71, 100 or 101 the incapacities referred to in subsection (2) shall continue until the appeal is determined and

thereafter, unless the conviction is quashed, shall remain in force with effect from the date of the determination of the appeal, except the Court hearing the appeal shall direct that the period of the incapacity shall run from the date of the conviction.

149. (1) An application for relief under this section may be made to the High Court.

(2) If it is shown to the Court by such evidence as to the Court seems sufficient—

- (a) that a corrupt or illegal practice committed at an election by the agent of a candidate was committed contrary to the order of the candidate or without his sanction or connivance;
- (b) that the candidate took all reasonable means of preventing the commission of corrupt and illegal practices at the election; and
- (c) that such notice of the application is given in the electoral district as to the Court seems fit,

Power to except innocent act from being corrupt practice, or illegal practice, payment or hiring.

and in the circumstances it seems to the Court to be just that the candidate should not be subject to any of the consequences under this Act of the act constituting the corrupt or illegal practice, the Court may make an order allowing the act to be an exception from the provisions of this Act making it a corrupt or illegal practice on the part of the candidate, and thereupon he shall not be subject to any of the consequences under this Act of the act.

(3) If it is shown to the Court by such evidence as to the Court seems sufficient—

- (a) that any act of any person would apart from this section by reason of being in contravention of this Act be an illegal practice, payment or hiring;
- (b) that the act arose from inadvertence, or from accidental miscalculation or from some other reasonable cause of a like nature, and in any case did not arise from any want of good faith; and
- (c) that such notice of the application is given in the electoral district as to the Court seems fit,

and under the circumstances it seems to the Court to be just that either that or any other person should not be subject to any of the

consequences under this Act of the act, the Court may make an order allowing the act to be an exception from the provisions of this Act making it an illegal practice, payment or hiring, and thereupon no person shall be subject to any of the consequences under this Act of the act.

(4) Notwithstanding this section, the Court determining a representation petition may declare an election void where it is shown that the commission of a corrupt or illegal practice may be reasonably supposed to have affected the result of the election.

(5) A decision of the High Court under this section or under section 150 shall, unless varied by the Court of Appeal, be final to all intents and purposes.

Remission of incapacities.

150. Where any person is subject to any incapacity by virtue of a conviction, and any witness who gave evidence against that person upon the proceeding for the conviction is convicted of perjury in respect of that evidence, the incapacitated person may—

- (a) if no appeal is made, upon or after the expiration of the ordinary period allowed for making an appeal against the conviction of perjury;
- (b) if an appeal is made and the conviction is affirmed, upon or after the date on which that appeal is disposed of; or
- (c) if an appeal is made and is abandoned or fails by reason of non-prosecution thereof, upon or after the date on which that appeal is abandoned or so fails,

apply to the High Court, and the Court, if satisfied that the conviction so far as respects that person was based upon perjury, may order that the incapacity shall thenceforth cease.

Court to report to Chief Election Officer convictions and acquittals for and orders as to corrupt and illegal practices.

151. (1) Where any candidate or other person is convicted of a corrupt or illegal practice, or where any incapacity imposed by virtue of a conviction for a corrupt or illegal practice is remitted by a Court in exercise of the powers conferred on the Court by section 150 then, upon the expiration of the ordinary period allowed for making an

appeal or, if an appeal is made, upon the date on which that appeal is finally disposed of or abandoned or fails by reason of non-prosecution, the Court in which the trial or appeal is conducted shall furnish the Chief Election Officer with a statement setting forth—

- (a) the decision of the Court in which the trial or appeal was conducted or, as the case may be, of the order of the Court made under section 150;
- (b) the name, address and description of the candidate or other person so convicted or acquitted or, as the case may be, in respect of whom such power was exercised; and
- (c) the offence for which such candidate or other person has been convicted or acquitted or, as the case may be, the terms of the order made by the Court.

(2) Immediately upon receiving the statement furnished to him pursuant to subsection (1), the Chief Election Officer shall transmit a copy of the statement to each Registration Officer.

152. (1) A proceeding against a person in respect of an offence to which this section applies may be commenced at any time within one year of the day the offence was committed.

Time limit for prosecutions.

(2) For the purposes of this section, the issue of a summons, warrant or other process shall be deemed to be the commencement of a proceeding, where the service or execution of the same on or against the alleged offender is prevented by the absconding or concealing or act of the alleged offender; but save as above-mentioned service or execution of the same on or against the alleged offender, and not the issue thereof, shall be deemed to be the commencement of the proceeding.

(3) This section applies to any corrupt or illegal practice, any illegal payment or hiring and any offence under section 76.

153. Where any corrupt or illegal practice or any illegal payment or hiring or any offence under section 76 is committed by any association or body of persons, corporate or incorporate, those members of the association or body who have taken part in the commission of that offence are liable to any fine or punishment imposed for that offence by this Act.

Offences by corporations.

Evidence by certificate of holding of elections.

154. On any prosecution for a corrupt or illegal practice or for any illegal payment or hiring the certificate of the Returning Officer at an election that the election mentioned in the certificate was duly held and that the person named in the certificate was a candidate at the election shall be sufficient evidence of the facts stated therein.

Decision of Court of Appeal to be final.

155. Appeals shall lie to the Court of Appeal from any decision or determination of the High Court in respect of any proceedings under sections 49, 56 and 74 or under this Part and a decision of the Court of Appeal shall be final for all purposes whatsoever.

PART VII

GENERAL PROVISIONS

Affirmation instead of oath.

156. Every person who is required to take an oath in pursuance of this Act may elect to make a solemn affirmation instead of taking that oath.

Powers to administer oath or affirmation. [20 of 1976 25 of 1987]. Sub. Leg. Form 6.

157. (1) Save as is provided in section 3(3) every Election Officer shall, before entering upon his duties under this Act take an oath in the form set out as Form No. 6 in the Prescribed Forms Rules before any person authorised by law to administer oaths or affirmations or before the Chief Election Officer, the Deputy Chief Election Officer, an Assistant Chief Election Officer or any Registration Supervisor, Registration Officer, Assistant Registration Officer, Returning Officer, Election Clerk, Presiding Officer, Deputy Presiding Officer or Poll Clerk.

(2) The Chief Election Officer, the Deputy Chief Election Officer, an Assistant Chief Election Officer or any Registration Supervisor, Registration Officer, Assistant Registration Officer, Returning Officer, Election Clerk, Presiding Officer, Deputy Presiding Officer or Poll Clerk are hereby authorised and empowered to administer any oath or affirmation and to take any declaration required by this Act to be made or taken by an Election Officer or any other person.

Public notice.

158. Where the Chief Election Officer or a Returning Officer is required or authorised by this Act to give any public notice, he shall, in the absence of any provision to the contrary, do so by

advertisements in a daily newspaper, placards, hand-bills, radio broadcast or such other means as he thinks best calculated to afford information to the members of the public concerned.

159. (1) In reckoning time for the purpose of this Act or of the Rules made thereunder Saturdays and Sundays shall be included; but Christmas Day, Good Friday and any other public holiday shall be excluded.

Computation
of time.
[20 of 1976]

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

160. All expenses properly incurred by and all remuneration and travelling and subsistence allowances payable to Election Officers and to other persons appointed to perform functions under this Act are hereby appropriated out of the Consolidated Fund of Trinidad and Tobago and shall be paid therefrom on the warrant of the Minister of Finance.

Expenses in
carrying out Act.

161. (1) The President may make Rules providing for such matters as may be necessary or expedient for carrying the purposes of this Act into effect and, in particular without limiting the generality of the foregoing, may make Rules, adding to, rescinding, varying or amending any such Rules.

Rules.
[20 of 1976
26 of 1986].

(2) Rules made under this section may provide that a person who commits any breach of such Rules shall be guilty of an offence and upon summary conviction for such offence is liable to a fine of one thousand five hundred dollars and to imprisonment for six months.

(3) The Registration Rules, the Election Rules and the Prescribed Forms Rules (formerly contained in the Second, Third and Fifth Schedules respectively to this Act) shall be deemed to be made under subsection (1) and may be amended or revoked under that subsection.

Sub. Leg
Schedules.

(4) For the purpose of this Act, a reference in the Prescribed Forms Rules to a "Municipal Council" shall be construed as referring also to the Tobago House of Assembly.

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*(5) Whenever the President is satisfied that it is necessary or expedient for carrying the purposes of the Act into effect that Rules made under subsection (1) should have retrospective effect, those Rules may be given retrospective effect accordingly.

Unit registers
and central
register.
[33 of 1961].

162. The unit registers and the central register established under the repealed Representation of the People Ordinance 1961 shall be deemed to be the unit registers and the central register established under section 18 of this Act.

*This subsection was inserted by Act 26 of 1986 as subsection (4). However, because a subsection (4) already existed, it was inserted as subsection (5).

FIRST SCHEDULE

(Section 17).
[8 of 1980
21 of 1990
8 of 1992].

REGISTRATION AREAS

The City of Port of Spain
The City of San Fernando
The Borough of Arima
The Borough of Point Fortin
The Borough of Chaguanas
The Regional Municipality of Diego Martin
The Regional Municipality of San Juan-Laventille
The Regional Municipality of Tunapuna-Piarco
The Regional Municipality of Sangre Grande
The Regional Municipality of Couva-Tabaquite-Talparo
The Regional Municipality of Mayaro-Rio Claro
The Regional Municipality of Siparia
The Regional Municipality of Penal-Debe
The Regional Municipality of Princes Town

(Section 32).

SECOND SCHEDULE

DISQUALIFYING OFFICES AND APPOINTMENTS

Any office the appointment of which is made or deemed to have been made under Chapter 6, 7, 8, 9, 10 or 11 of the Constitution.

Member of the Trinidad and Tobago Defence Force.

Chairman of the Cocoa (Rehabilitation) Board.

Chairman of the Cocoa and Coffee Industry Board.

Chairman of the Board of Film Censors.

Chairman of the Water and Sewerage Authority.

Chairman of the Trinidad and Tobago Electricity Commission.

Chairman of the Industrial Development Corporation.

Chairman of the National Housing Authority.

Chairman of the Port Authority.

Chairman of the Public Transport Service Corporation.

Chairman of the Sugar Industry Labour Welfare Fund Committee.

Member of an Agricultural Rent Board.

Member of a Rent Assessment Board.

Member of a Liquor Licensing Committee.

Member of the Statutory Authorities' Service Commission.

Member of the Public Utilities Commission.

THIRD SCHEDULE

(Section 38).
[51 of 2000].

ELECTORAL VEHICLES

1. There shall be one electoral vehicle for every six hundred electors in each Parliamentary electoral district.

2. (1) There shall be one electoral vehicle for every five hundred electors in an electoral district in each of the following Regional Municipalities:

- (a) Diego Martin;
- (b) San Juan/Laventille;
- (c) Tunapuna/Piarco;
- (d) Sangre Grande;
- (e) Mayaro/Rio Claro;
- (f) Couva/Tabaquite/Talparo;
- (g) Penal/Debe;
- (h) Princes Town;
- (i) Siparia.

(2) There shall be one electoral vehicle for every four hundred electors in each Tobago House of Assembly electoral district.

SUBSIDIARY LEGISLATION

REGISTRATION RULES

ARRANGEMENT OF RULES

RULE

1. Citation.
2. Interpretation.

PART I

PERMANENT PERSONAL REGISTRATION

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RULE

24. Exemption from taking of photograph.
25. Delivery of documents by Registration Officer to Chief Election Officer.
26. Completion of registration record and identification card by Chief Election Officer.
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RULE

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REGISTRATION RULES

*41/1967.

deemed to be made under section 161

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

Citation.

2. In these Rules—

Interpretation.
[28 of 1976
221/2000].

“acknowledgement of application for registration” means an acknowledgement of application for registration referred to in rule 18;

“check card” means a check card referred to in rule 36;

“Forces special elector” means a member of the Trinidad and Tobago Defence Force who is entitled under the Election Rules to vote as a special elector;

Sub. Leg.

“list of cancellations” means a list of cancellations of registrations referred to in rule 6(1)(e);

“list of questions” means a list of questions referred to in rule 16;

“office hours” means the hours during which an office is open to public business;

“police special elector” means a member of the Police Service established under the Police Service Act, a member of the Special Reserve Police established under the Special Reserve Police Act and a member of the police force of any Municipal Corporation who is entitled under the Election Rules to vote as a special elector;

Ch. 15:01.

Ch. 15:03.

Sub. leg.

“preliminary list” means the annual list published on 1st July in every year or any other list declared by the President to be a preliminary list under section 29 of the Act and referred to in rule 56;

“registered person” means a person who is registered under these Rules;

“registration list” means a registration list referred to in rule 6(1)(d);

*These Rules have been amended by the following: GNs 83/1968, 47/1969, 67/1971, 155/1972, 72/1974, 25/1975, and 20 of 1976, 28 of 1976; 128/1976; 46/1980, 25/1981, 144/1981, 241/1986, 256/1988, 7 of 1992, 214/1994, 221/2000.

“registration number” means the number printed on a registration record or on an identification card as provided in rule 11(3) and rule 26(1)(b) respectively;

“registration office” means the office of a Registration Officer, an Assistant Registration Officer or a Temporary Assistant Registration Officer;

“revised list” means a revised list of electors referred to in rule 62.

PART I

PERMANENT PERSONAL REGISTRATION

Registration area to be divided into polling divisions. [256/1988 221/2000].

3. (1) The Commission may divide every registration area into such registration units (in these Rules referred to as “polling divisions”) as it may approve.

(2) In determining the boundaries of polling divisions, the Commission shall have regard to geographical considerations and any other facts which may affect facility of communication between the various places within the polling divisions.

(3) The Commission may from time to time increase or decrease the number of polling divisions within a registration area and vary the boundaries of any such polling division.

(4) Where it makes any change in the number or boundaries of polling divisions within a registration area, the Commission may direct the registration officer of the area—

- (a) to make the appropriate adaptation to the unit registers; and
- (b) to notify such electors as may be affected by the change.

(5) Polling divisions shall be numbered by the Commission according to a numerical series for Trinidad and Tobago or in such other manner as may be approved by them.

3A. (*Revoked by LN 221/2000*).

4. (1) The Commission shall cause maps of every registration area and of every electoral district to be prepared showing clearly the boundaries of every polling division therein and any other features which it may consider necessary. Maps to be prepared.

(2) Every map prepared under subrule (1) shall be open to inspection by the public at the office of the Commission.

(3) Every map of a registration area prepared under subrule (1) shall be open to inspection by the public at the office of the Registration Officer of the said area.

(4) Every map of an electoral district prepared under subrule (1) shall be open to inspection by the public at the office of the Returning Officer of the district between the date of the publication of an election notice for an election in the district and polling day for the election.

5. (1) Registration Officers and Assistant Registration Officers shall use as their offices for the purpose of these Rules such places as the Chief Election Officer may approve. Registration offices. [155/1972 72/1974].

(2) Subject to subrule (3), the office of the Registration Officer and the Assistant Registration Officer in any registration area shall be open for public business every day, except Saturday, Sunday and any public holiday, between the hours of 8.00 o'clock in the forenoon and 4.12 o'clock in the afternoon, or during such other times as may be approved by the Commission.

(3) Where the office of the Assistant Registration Officer is situated at some place other than that of the Registration Officer, such office shall be open for public business on such days and during such times as may be approved by the Commission.

(4) The Commission shall publish in the *Gazette* and in a daily newspaper the addresses of the offices of the Registration Officers and of the Assistant Registration Officers and the times when such offices are open for public business.

Supply of
registration
records.
[20 of 1976
241/1986
221/2000].

6. (1) There shall be supplied by the Chief Election Officer to every Registration Officer and by the latter to every Assistant Registration Officer in his registration area—

- (a) unused registration records in loose-leaf binders;
- (b) *(Revoked by LN 221/2000)*;
- (c) *(Revoked by LN 241/1986)*;
- (d) from time to time a registration list for each polling division to which the Assistant Registration Officer is assigned, containing the names and addresses of persons registered in the unit register of such polling division;
- (e) from time to time a list of cancellations of registrations containing the names and addresses of persons in Trinidad and Tobago whose registrations have been cancelled;
- (f) such other documents as may be necessary for the performance of his duties.

(2) Save as is provided in rule 75, no person may, except with the permission of the appropriate Registration Officer, remove a registration record from a binder.

7. *(Revoked by LN 241/1986).*

Manner of
registration.
[83/1968
221 of 2000].

8. (1) The registration of persons qualified to be registered shall be effected in the manner set out in these Rules.

(2) Subject to subrules (3) and (4), a person wishing to be registered shall make application to the Registration Officer of the registration area in which he is resident.

(3) Where a person wishing to be registered is physically incapacitated, he shall notify the Registration Officer of the registration area in which he is resident of such infirmity or incapacity and such Registration Officer shall go to the address at which such person is resident and shall effect the registration of such persons in accordance with these Rules.

(4) Where a person wishing to be registered for the purposes of a City or Borough election is qualified as a City or Borough elector under the provisions of section 13(1)(e) of the Act, he shall make application to the Registration Officer of the polling division in which the qualifying property is situated.

9. (1) Notwithstanding anything contained in these Rules, Assistant Registration Officers, when required in pursuance of section 4(3)(a) of the Act, shall—

House to house registration.
[221/2000].

(a) visit every house in the polling division assigned to them and receive applications for registration; and

(b) if satisfied that an applicant for registration is qualified to be registered, effect the registration of the applicant.

(2) Subject to subrule (3), the provisions of this Part which relate to application for registration made in pursuance of rule 8(2) shall apply *mutatis mutandis* to application for registration under this rule.

(3) For the purpose of completing registrations for which applications are received under subrule (1), an official photographer shall accompany Assistant Registration Officers, and shall, subject to rules 23(5) and 24, and after the provisions of rule 23(1) have been complied with, take the photograph of every such applicant.

10. (1) If the Assistant Registration Officer or the Authorised Registering Officer is satisfied that such person is qualified to be registered, and, after examination of the registration list and the list of cancellations, that he is entitled to be registered as an elector, he shall cause a registration record and an acknowledgement of application for registration to be prepared for the person in accordance with these Rules.

Allowance and disallowance of registrations.
[241/1986
221/2000].

(2) If the Assistant Registration Officer or the Authorised Registering Officer is not satisfied as in subrule (1), he shall issue to the person a notice of disallowance, in the form set out as Form No. 8 in the Prescribed Forms Rules, and send a copy of

Sub. Leg.
Form 8.

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the notice to the Registration Officer of the registration area in which the person resides.

Colours and numbering of series of registration records. [221/2000].

10A. (1) Registration records prepared in respect of persons who are citizens of Trinidad and Tobago shall, whether such persons are electors or not, be of the same colour.

(2) Registration records prepared in respect of persons who are Commonwealth Citizens other than citizens of Trinidad and Tobago shall, whether such persons are electors or not, be of a different colour from the colour of those described in subrule (1).

(3) Registration records prepared in respect of persons other than those referred to in subrule (1) or (2), shall be of a different colour from the colour of those described in subrules (1) and (2).

(4) The file number on all registration records whether prepared in respect of electors or non-electors shall be numbered in the same series.

Registration records and identification cards. [83/1968 20 of 1976 214/1986 221/2000]. Sub. Leg. Forms 10 and 11A.

11. (1) Registration records shall be in duplicate in the form set out as Form No. 10 in the Prescribed Forms Rules.

(1A) Persons registered under these Rules shall be issued with identification cards in the form set out as Form No.11A in the Prescribed Forms Rules.

(2) Except as provided in subrules (3) and (4), the registration record for a non-elector who is fifteen years of age or over shall be in duplicate in the same form as that referred to in subrule (1).

(3) For the purposes of a Municipal Council election, the original of the registration record issued to any person who would but for the provisions of section 13(1)(c), (d) or (e) of the Act continue to be a non-elector shall be the same in colour as that referred to in rule 10A(3).

(4) For the purposes of a Municipal Council election and of complying with the provisions of rule 27(1) and of rule 36 of

the Election Rules, the Chief Election Officer shall cause to be prepared in respect of any person qualified as an elector under the provisions of section 13(1)(e) of the Act, a photostatic copy of the original of the registration record issued to such person registered under section 16 of the Act, of a colour to be determined by the Commission. The Chief Election Officer shall make and sign a certificate on each photostatic copy certifying such copy to be a true and correct reproduction of the original of the registration record.

(5) Every registration record referred to in subrule (1) shall carry in addition to the registration number, a registration serial number labelled as File Number which shall be different for each card.

(6) (*Revoked by LN 241/1986*).

12. An Assistant Registration Officer or an Authorised Registering Officer may require any person who wishes to be registered to give him such information, supported by such documentary evidence as he considers necessary, as lies within the power of the person to give, for inclusion in the registration record of that person, and the Assistant Registration Officer or an Authorised Registering Officer shall record the information in ink on the original of the registration record and, by means of carbon paper, on the duplicate of the registration record.

Information to be given by persons to be registered. [241/1986 221/2000].

13. After the necessary particulars have been entered on the registration record, the Assistant Registration Officer or the Authorised Registering Officer shall sign it, and, subject to rule 15, require the person being registered to read and to sign it if he is satisfied that the contents thereof are correct.

Records to be read and signed. [221/2000].

14. (1) Before signing the registration record of a person who is fifteen years of age or over the Assistant Registration Officer or the Authorised Registering Officer shall, if an identification card has previously been issued to the person, require him to surrender the same.

Preparation of identification cards. [241/1986 221/2000].

- (2) Where a person described in subrule (1)—
- (a) surrenders his identification card; or
 - (b) gives a satisfactory excuse for his failure to do so; or
 - (c) has not previously been issued with an identification card,

the Chief Election Officer shall cause the required particulars to be entered on an identification card for that purpose.

(3) The print on an identification card in the Form set out as Form No. 11A in the Prescribed Forms Rules issued—

Sub. Leg.
Form 11A.

- (a) to a citizen of Trinidad and Tobago, whether an elector or not,

shall be in the colour blue;

- (b) to a Commonwealth Citizen other than a citizen of Trinidad and Tobago, whether an elector or not,

shall be in the colour red;

- (c) to a person other than those described in paragraph (a) or paragraph (b),

shall be in the colour orange.

(4) A facsimile signature of the Chief Election Officer shall be placed on every identification card.

(5) In subrule (4) “Chief Election Officer” includes his predecessors in office.

(6) Subject to rule 15, a person to whom a completed identification card is being delivered shall read it and sign it in the presence of the Registration Officer, or any other authorised officer if he is satisfied that the contents are correct.

Rule 15 to
apply *mutatis
mutandis* to the
delivery of
identification
cards.
[241/1986
221/2000].

14A. The provisions of rule 15 which apply to the preparation of registration records by Assistant Registration Officers or the Authorised Registering Officers in respect of the registration of persons who are unable to read shall apply *mutatis mutandis* to the delivery of completed identification cards to the said class of persons.

15. (1) Where a person who is being registered is unable to read, the Assistant Registration Officer or the Authorised Registering Officer shall, subject to subrule (2), read to him the contents of his registration record.

Person unable to read or write. [241/1986 221/2000].

(2) Before reading the contents of a registration record as in subrule (1), the Assistant Registration Officer or the Authorised Registering Officer shall inform the person who is being registered that the contents will, should he so desire, be read to him in the presence of a witness of his own choice.

(3) Should the person referred to in subrule (2) inform the Assistant Registration Officer or the Authorised Registering Officer that he wishes the contents to be read to him in the presence of a witness of his own choice, the Assistant Registration Officer or the Authorised Registering Officer shall read the contents to the person in the presence of the witness as is there and then produced; but where no such witness is there and then available, the person may fix with the Assistant Registration Officer or the Authorised Registering Officer a time not later than three days thereafter for the production of his witness and, at the time so fixed, the Assistant Registration Officer or the Authorised Registering Officer shall read the contents to the person in the presence of the witness, if any, as may then be produced.

(4) Where a person who is being registered is unable to sign his name because of illiteracy or physical disability he shall, subject to subrule (5), make an impression in ink on the original and the duplicate of his registration record as follows:

- (a) with his right thumb;
- (b) with his left thumb, should he not have a right thumb; or
- (c) with any other finger, should he not have any thumb.

(5) If a person referred to in subrule (4) has no finger on either hand, the registration record of the person shall be signed for and on behalf of the person by a friend of his choice in the presence of the Assistant Registration Officer or the Authorised Registering Officer.

(6) When an impression is made under subrule (4) with a finger other than the right thumb, the Assistant Registration Officer or the Authorised Registering Officer shall make a note of the finger with which it is made upon the original and the duplicate of the registration record of the person who made the impression.

List of
questions.
[221/2000].

Sub. Leg.
Form 12.

16. (1) A person being registered as an elector who does not affix his signature to his registration record may be required by the Assistant Registration Officer or the Authorised Registering Officer to answer any five of the twenty questions listed in the form set out as Form No. 12 in the Prescribed Forms Rules.

(2) Before requiring a person to answer questions as in subrule (1), the Assistant Registration Officer or the Authorised Registering Officer shall inform such person that the questions will, should he so desire, be asked in the presence of a witness of his own choice.

(3) Should the person referred to in subrule (1) inform the Assistant Registration Officer or the Authorised Registering Officer that he wishes the questions to be asked in the presence of a witness of his own choice, the Assistant Registration Officer or the Authorised Registering Officer shall ask the questions in the presence of the witness as is there and then produced; but where no such witness is there and then available, such person may fix with the Assistant Registration Officer or the Authorised Registering Officer a time not later than three days thereafter for the production of his witness and, at the time so fixed, the Assistant Registration Officer or the Authorised Registering Officer shall ask the questions of the person in the presence of the witness, if any, as may then be produced.

(4) In the presence of the person being registered and, where there is a witness, in the presence also of the witness, the Assistant Registration Officer or the Authorised Registering Officer shall record on the list of questions the answer to every question asked by him.

(5) The Assistant Registration Officer or the Authorised Registering Officer and, where there is a witness, such witness as well shall affix their signatures below the answers referred to in subrule (4).

(6) After the answers have been recorded and signed, the list of questions shall be numbered by the Assistant Registration Officer or the Authorised Registering Officer in sequence in respect of each polling division, and such number shall be placed on the original and on the duplicate of the appropriate registration record in the place provided for the registrant's signature.

(7) After the list of questions has been numbered as in subrule (6), it shall be kept confidentially in a separate file by the Assistant Registration Officer who shall not permit any person other than the Chief Election Officer and the Registration Officer of his registration area to have access to that file.

17. (1) An Assistant Registration Officer or an Authorised Registering Officer, upon being satisfied that a registration record cannot conveniently be used or that he is unable to complete such record, shall cancel it by entering the word "spoiled" upon the registration record.

Spoilt and disallowed registration records. [221/2000].

(2) A registration record that has not been completed because of the disallowance of a registration shall be cancelled by the Assistant Registration Officer or the Authorised Registering Officer by marking upon it the word "disallowed".

(3) *(Revoked by LN 221/2000).*

18. (1) An Assistant Registration Officer or an Authorised Registering Officer shall issue, in respect of every person applying for registration, an acknowledgement of application for registration in the form set out as Form 13 in the Prescribed Forms Rules.

Acknowledgement of application for registration. [221/2000].

Sub. Leg. Form 13.

(2) The Assistant Registration Officer or the Authorised Registering Officer shall record the required particulars, affix his signature to the acknowledgement and deliver same to the applicant.

(3) Every acknowledgement issued under subrule (1) shall certify that the applicant has been photographed by the Commission's photographer, or has submitted two identical prints of a recent photograph.

Correction of errors or omissions in the registration record. [20 of 1976 221/2000].

19. (1) Any clerical error or omission in a registration record, and any other error in any such record that has been caused by the inadvertence of an Assistant Registration Officer or an Authorised Registering Officer, or the person seeking registration may be corrected or inserted, as the case may require, by an Assistant Registration Officer or an Authorised Registering Officer.

(2) Where the description of the address of a registered person has been altered by lawful authority, a Registration Officer may make the appropriate alteration on the registration record of that person.

(3) The provisions of rule 15(1) to (3) shall apply *mutatis mutandis* in respect of corrections, insertions and alterations made under this rule.

(4) A correction, insertion or alteration made under this rule shall be initialled by the Assistant Registration Officer or the Authorised Registering Officer and by the person to whom the record relates, or by a witness present, as the case may be.

(5) The Registration Officer or the Authorised Registering Officer shall inform the Chief Election Officer of any correction, insertion or alteration made under this rule and the Chief Election Officer shall make or cause to be made the requisite changes in the computerised database and the appropriate duplicate registration record.

Correction of errors in names and dates of birth. [221/2000].

20. (1) Where a person is popularly known or called by one name which is a name other than that appearing on his certificate of birth or baptismal certificate and is registered under the popular name, the Registration Officer shall, subject to subrule (3), alter the name entered on the registration record relating to that person.

(2) Where a person at the time that he is seeking registration gives as the date of his birth a date which he subsequently discovers to be inaccurate, he shall notify the Registration Officer of the registration area in which he is resident, and the Registration Officer may, subject to subrule (3), alter the date on the registration record relating to that person.

(3) Before an alteration described in subrule (1) or (2) is made, the Registration Officer shall require—

- (a) in the case of an inappropriate name, the production of a birth or baptismal certificate showing the appropriate name and proper proof that the person named in the certificate is the same person as the applicant for the alteration of the name entered on the identification card relating to the person;
- (b) in the case of an inaccurate date of birth, a birth certificate with an affidavit attached thereto deposing that the date mentioned in the certificate relates to the birth of the applicant or, where a birth certificate is unobtainable, an affidavit deposing to the true date of the birth of the applicant; and
- (c) in either case, a check card given under the hand of the person assigned for the purpose under rule 37 for the registration area in which the applicant resides certifying the correctness of the information given under paragraph (a) or paragraph (b).

(4) The Registration Officer shall inform the Chief Election Officer of any alteration made under this rule and the Chief Election Officer shall make or cause to be made the requisite changes on the appropriate duplicate registration record.

21. (1) An Assistant Registration Officer or any other authorised officer shall keep in safe keeping and shall not permit

Documents to
be safely kept.
[241/1986
221/2000].

L.R.O. 1/2006

any person to have unlawful access to unused, completed or cancelled—

- (a) registration records;
- (b) identification cards;
- (c) inventory forms;
- (d) check cards;
- (e) notices of disallowance of registrations;
- (f) minors' registration cards;
- (g) acknowledgement of Application for Registration; and
- (h) answers to lists of questions.

(2) Should it be necessary for an Assistant Registration Officer or any other Authorised Officer to keep any of the documents mentioned in subrule (1) overnight he shall lock them in a container provided for that purpose by the Commission.

Delivery of documents by Assistant Registration Officer or an Authorised Registering Officer to Registration Officer. 221/2000].

22. At such times as the Commission may direct, an Assistant Registration Officer or an Authorised Registering Officer shall deliver to the appropriate Registration Officer all registration records, cards, forms, binders or other documents that have been completed or used by him or delivered to him in the performance of his duties.

Photograph and completion of registration. [46/1980 241/1986 221/2000].

23. (1) On completion of the registration record, where the person applying for registration does not furnish the required prints of his photograph, he shall be directed to the official photographer to have his photograph taken before an acknowledgement of application for registration under rule 18 is issued.

(2) The official photographer shall thereafter take the photograph of such person, enter the date in the space provided in Section "A" of Form 13, affix his signature thereto, and give to the applicant Section "B" of the said Form 13.

Form 13.

(3) Notwithstanding any other rule, the registration of a person shall not be deemed to be completed until his photograph

has been taken in accordance with subrules (1) and (2) or until prints of his photograph have been accepted in accordance with subrule (3) or until prints of his photograph have been accepted in accordance with rule 23A.

(4) The official photographer shall transmit the photographs taken by him under subrule (2), or accepted by him under subrule (5), to the appropriate Registration Officer. On receipt thereof, the Registration Officer, or the Authorised Registering Officer, shall attach one print of the photograph to the registration record in respect of the same person, and file same appropriately in the register of the relevant polling division.

23A. (1) Notwithstanding anything contained in these Rules, an Assistant Registration Officer or an official photographer may accept from a person who has applied for registration or to have his registration updated or whose identification card is being substituted pursuant to rule 49 two recent prints of his photograph certified by a person designated by the Commission and of a size and type specified by the Commission.

Circumstances in which photographs other than official acceptable. [241/1986].

(2) Prints of photographs accepted under subrule (1) shall be submitted to the appropriate Registration Officer as directed by the Commission and on receipt thereof the Registration Officer shall transmit the same to the Commission.

24. (1) Where a person objects to the taking of his photograph for the reason that his face is disfigured or on religious grounds or on any other ground which the Registration Officer considers to be reasonable, the Registration Officer shall, on application by such person, exempt him from compliance with and from the operation of rule 23.

Exemption from taking of photograph. [241/1986 221/2000].

*(2) An application under this rule shall be completed by the applicant and handed to the Assistant Registration Officer or an Authorised Registering Officer before an acknowledgement of application for registration is issued under rule 18.

Sub. Leg.

*An application for exemption under this rule is in Form No. 14 of the Prescribed Forms Rules.

(3) On receipt of an application under subrule (2), the Assistant Registration Officer or the Authorised Registering Officer shall attach same to the completed registration record and the other related documents.

(4) The Assistant Registration Officer or the Authorised Registering Officer shall endorse his recommendation on the application and shall forward the same together with the other documents related to such person to the Registration Officer.

(5) If the Registration Officer is not satisfied that the applicant qualifies for exemption, he shall hold an enquiry in relation to the same and the provisions of rule 35 other than subrules (8) to (10) of that rule shall apply *mutatis mutandis* in relation to such an enquiry.

(6) If the Registration Officer grants the application without, or after holding, an enquiry, he shall endorse, on the application and in the space for the photograph on the registration record of such person, the words "Exempt from Photograph" together with his signature, and shall enter in the place reserved for remarks on the registration record the reason for the exemption, and he shall return the documents to the Assistant Registration Officer or the Authorised Registering Officer.

(7) The Assistant Registration Officer or the Authorised Registering Officer, on receipt of the granted application, shall issue an acknowledgement of application on which he shall record the words "Exempt from Photograph" in Sections "A" and "B", affix his signature thereto and give Section "B" to the applicant.

(7A) Where a Registration Officer grants an application under this rule, he shall notify the Chief Election Officer who shall endorse in the space for the photograph on the identification card of such person the words "Exempt from Photograph" and affix his signature.

(8) Where an application under this rule is refused, the Registration Officer shall, subject to the applicant's compliance with rule 23, issue an acknowledgement of application for registration.

(9) Where a person has complied with rule 23 but his photograph has been spoilt or misplaced, the Registration Officer

may require him to have his photograph retaken until a proper photograph has been obtained or until prints of his photograph have been accepted in accordance with rule 23A.

25. At such times as the Commission may direct, a Registration Officer shall transmit to the Chief Election Officer the duplicates of the registration records that were received by the Registration Officer from the Assistant Registration Officers or the Authorised Registering Officers or completed by him in the performance of his duties under these Rules, together with prints of the photographs received by the Registration Officer from the official photographer under rule 23(4).

Delivery of documents by Registration Officer to Chief Election Officer. [221/2000].

26. (1) On receipt of the documents referred to in rule 25 in respect of the same person, the Chief Election Officer shall—

Completion of registration record and identification card by Chief Election Officer. [46/1980 221/2000].

- (a) cause a print of the photograph to be properly attached to the duplicate registration record and an image of the said photograph to be stored in the computerised database;
- (b) thereafter cause the information to be processed to produce a laminated identification card with a unique registration number; and
- (c) return the identification card to the Registration Officer and, if applicable, file the duplicate registration record at the Central Electoral Office.

(2) Where a document, negative film or instant film photograph required to be sent to the Chief Election Officer under these Rules is not received by him, or is lost, or there is any error or insufficiency therein, the Chief Election Officer may require the appropriate Registration Officer, or Assistant Registration Officer or Authorised Registering Officer to cause the same to be remedied.

(3) The provisions of these Rules which govern any action which should or might have been taken in the first instance in respect of such document or negative film or instant film photograph shall apply in respect of such document or negative film or instant film photograph and any action may be taken thereunder to effect the said remedy.

Filing of registration records in unit registers. [83/1968 221/2000].

27. (1) Subject to subrule (2), on receipt of the originals of the registration record or of the photostatic copies of registration records prepared under rules 11(4) and 48(2) from the Chief Election Officer, the Registration Officer shall file the same in a unit register in a binder designed for that purpose so as to enable the records to be staggered in such manner that only the name at the beginning of each registration record will remain uncovered.

(2) Where a check card has been issued under rule 37, the registration record of the person affected shall not be filed as provided in subrule (1) until the report of the person assigned for the purpose under rule 36 has been received and a decision made thereon by the Registration Officer approving the registration of the elector.

(3) The binder referred to in subrule (1) shall be capable of being locked in such manner that no registration record filed therein may be removed except by the application of force.

Arrangement of unit registers. [28 of 1976 241/1986 221/2000].

28. (1) A Registration Officer shall arrange the originals of the registration records in alphabetical order according to family names and addresses.

(2) }
to } **(Revoked by LN 241/1986).**
(3) }

(4) The original registration records of electors and non-electors shall be kept in separate binders.

(5) The registration records of police special electors, of the Forces special electors, and of Municipal Council electors qualified under section 13(1)(e) of the Act shall be kept separate from those of other electors, and separate from each other.

Filing of records in central register. [221/2000].

29. (1) Subject to subrule (2), the Chief Election Officer shall place in the series mentioned in rule 30 the duplicates of the registration records received by him from Registration Officers.

(2) The Chief Election Officer shall not file the duplicate of any registration record of an elector which is being checked by

the person assigned for that purpose under rule 36 until the report of that person upon that record has been received and a decision made thereon by the Registration Officer approving of the registration of the elector.

30. The duplicates of all registration records referred to in rule 26(1)(c) shall be arranged by the Chief Election Officer and filed together in the central register in alphabetical order according to family names.

Arrangement of central register. [221/2000].

31. (1) The Registration Officer shall cause a completed identification card to be delivered to the person to whom it relates in exchange for the Section “B” of the acknowledgement of application for registration issued under rules 18(1) and 24(7).

Delivery of identification cards. [241/1986 221/2000].

(2) The identification card shall be delivered by the Assistant Registration Officer or such other person as may be assigned for that purpose by the Chief Election Officer, to the person to whom the identification card relates.

(3) Subject to subrule (4), before delivery of an identification card, the recipient shall sign his name or make his impression in the manner set out in rule 15(4) to (6) on the original of the registration record.

(4) Where the person delivering the identification card is satisfied—

- (a) that the person to whom it relates is unable to produce the acknowledgement of application for registration; and
- (b) as to the identity of such person,

he may issue the identification card on the person giving him a receipt in a form approved by the Chief Election Officer.

(5) An identification card issued by the Commission shall be valid for such period as may be determined by the Commission.

(6) The Commission may, by notice, published in the *Gazette* and at least in one daily newspaper, extend the expiry date of identification cards issued by it, for any period that the Commission considers appropriate.

31A. }
 to } (*Revoked by LN 221/2000*).
 31B. }

Objection to
 registration.

Sub. Leg.
 Form 15.

32. An elector or during an electoral registration a Scrutineer who objects to the registration of a person as an elector in pursuance of section 25 of the Act shall do so by filling out a notice of objection in the form set out as Form No. 15 in the Prescribed Forms Rules which shall consist of a postcard in duplicate, and by transmitting by registered post or delivering by hand one section to the appropriate Registration Officer and the other section to the person to whose registration objection is being made.

Application to
 Registration
 Officer for
 registration.

Sub. Leg.
 Form 16.

33. (1) A person, or during an electoral registration, a Scrutineer who applies for the registration of a person as an elector in pursuance of section 16 or 25 of the Act shall do so by filling out an application in the form set out as Form No. 16 in the Prescribed Forms Rules.

(2) An application referred to in subrule (1) shall be delivered by hand to the appropriate Registration Officer by the person whose registration is sought in the application, or during an electoral registration by the Scrutineer making the application in the presence of the person.

Review of
 registration by
 Registration
 Officer.

34. (1) Subject to this rule, a Registration Officer shall consider an objection to a registration or an application for registration made to him under section 25 of the Act.

(2) The Registration Officer shall on receipt of an objection to a registration proceed to hold an enquiry as provided for in rule 35.

(3) An objection or an application referred to in subrule (1) may be made at any time.

(4) If the Registration Officer is satisfied immediately and without further enquiry that an applicant for registration is entitled to be registered as an elector he shall approve the application and register the person as an elector in the appropriate unit register.

(5) If the Registration Officer is not satisfied as in subrule (4), he shall issue a check card; and, if on receipt of the report of the person assigned for the purpose under rule 37 he is satisfied that the applicant is entitled to be registered as an elector, he shall register him as such in the appropriate unit register.

(6) If on receipt of the report of the person assigned for the purpose under rule 36 the Registration Officer is not satisfied as in subrule (4), he shall proceed to hold an enquiry as provided for in rule 35.

35. (1) The Registration Officer shall give notice of an enquiry held under this rule to—

Enquiry by
Registration
Officer.
[221/2000].

- (a) the Assistant Registration Officer or the Authorised Registering Officer who allowed the registration objected to or disallowed the registration in respect of which the application is made;
- (b) in the case of an objection, the objector and the person whose registration has been objected to;
- (c) in the case of an application, the applicant, and the person whose registration has been disallowed.

(2) A notice referred to in subrule (1) shall be in the form set out as Form No. 17 in the Prescribed Forms Rules, and shall be given by registered post or by hand not less than three clear days before the time fixed for the holding of the enquiry.

Sub. Leg.
Form 17.

(3) The Registration Officer may summon such witnesses as he may consider necessary and may order the production of any document that he may deem necessary, and he shall summon any witnesses as he may be requested by any of the persons referred to in subrule (1) to summon.

L.R.O. 1/2006

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(4) The Registration Officer shall permit the persons referred to in subrule (1) and the witnesses summoned under subrule (3) to appear before him and to be heard.

(5) A person referred to in subrule (1) may appear either in person or by any other person, other than as Attorney-at-law, on his behalf.

(6) The Registration Officer may, either at the request of any person referred to in subrule (1) or without such request, require that the evidence given by any person at such hearing shall be upon oath or affirmation and may administer the necessary oath or cause the necessary affirmation to be made in his presence.

(7) The Registration Officer shall make and keep a record of all evidence taken and all documents produced during the enquiry as well as of his decision and the reasons therefor.

(8) Should the Registration Officer allow an application he shall register the applicant as an elector in the appropriate unit register.

(9) Should the Registration Officer disallow an application he shall issue to the applicant and to the person whose registration has been disallowed a notice of disallowance in the form set out as Form No. 18 in the Prescribed Forms Rules, and keep a duplicate copy of the notice together with the other papers relative to the application.

Sub. Leg.
Form 18.

(10) Should the Registration Officer allow an objection he shall thereupon cancel the registration record of the person whose registration is objected to in the manner set out in rule 41(5) to (8).

Check card.
Sub. Leg.
Form 19.

36. A check card shall be in the form set out as Form No. 19 in the Prescribed Forms Rules, and shall be issued by a Registration Officer to the person assigned the duty of checking particulars on registration records by the Chief Election Officer; and the Registration Officer shall forthwith inform the Chief Election Officer of the issue thereof.

37. Where a check card is issued to a person so assigned he shall report his findings upon the check card which he shall sign and deliver to the Registration Officer who issued the check card to him.

Report of findings.

38. (1) Subject to subrule (5), when the report of any person assigned for the purpose of rule 36 discloses any discrepancies between particulars in a registration record and any information obtained by such person, the Registration Officer shall notify the person whose name appears on the registration record, in the form set out as Form No. 20 in the Prescribed Forms Rules of his intention to hold an enquiry into the matter.

Action in case of discrepancies. [221/2000].

Sub. Leg. Form 20.

(2) Subject to subrules (3) and (4), the provisions of rule 35 shall apply *mutatis mutandis* to an enquiry held under this rule.

(3) Notice of the enquiry shall be given to the person described in the registration record and to the person who carried out the check.

(4) If at the conclusion of the enquiry the Registration Officer is satisfied that the person mentioned in the check card is not entitled to be registered as an elector he shall thereupon cancel the registration record of the person in the manner set out in rule 41(5) to (8).

(5) Where the discrepancies referred to in subrule (1) relate to errors made in respect of the description of—

- (a) the registration area;
- (b) the polling division;
- (c) the physical features, occupational, or marital status of the registered person; or
- (d) information concerning minors,

this rule shall not apply but the Registration Officer or the Assistant Registration Officer or the Authorised Registering Officer may make such corrections to the registration record of such person as may be necessary and shall notify the registrant of the corrections.

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Report of result of enquiry. [221/2000].

39. Forthwith upon the completion of an enquiry under rule 35 or 38, the Registration Officer shall inform the Chief Election Officer and the person whose name appears upon the registration record of his decision in the matter.

Custody of check cards. [221/2000].

40. A Registration Officer shall keep all signed check cards in two different groups; one group containing check cards upon which the particulars of the relevant registration records were found by the person assigned for the purpose under rule 36 or by the Registration Officer after an enquiry to be correct, and the other group containing check cards upon which the particulars of the relevant record cards were found to be incorrect.

Cancellation of registration. [20 of 1976 [221/2000].

41. (1) Subject to subrules (2) and (3), a Registration Officer shall cancel the registration—

- (a) of any person who the Registration Officer is satisfied is dead or no longer has his place of residence in Trinidad and Tobago;
- (b) of any person registered as an elector in his registration area who has ceased to be qualified as such;
- (c) of any person registered as a non-electors in his registration area who has been registered as an elector.

(2) A Registration Officer shall not cancel the registration of a person who is absent from Trinidad and Tobago by reason only of his being in the diplomatic service of Trinidad and Tobago or his being a member of the household of a member of such diplomatic service or of his being a member of the public service who is so absent for any purpose approved by the President.

(3) A Registration Officer shall not cancel the registration of any person registered as a non-electors in his registration area who is qualified under section 13(1)(c), (d), or (e) of the Act to be registered as an elector in a Municipal Council election.

(4) The Registration Officer shall send a notice, in the form set out as Form No. 21 in the Prescribed Forms Rules, to an elector whose registration he proposes to cancel under this rule—

Sub. Leg.
Form 21.

- (a) setting out the reason for the cancellation;
- (b) indicating the time when he proposes to cancel the same; and
- (c) requiring the elector within such time to produce his identification card to the Registration Officer.

(5) A notice under subrule (4) shall be sent to the address at which the elector is registered or may be delivered to him in person.

(6) If an elector to whom a notice has been sent under this rule satisfies the Registration Officer that the cancellation of his registration is not justified, the Registration Officer shall not cancel the same; but if he is so satisfied after he has cancelled the registration he may reinstate the registration, making the necessary correction on the registration record.

(7) Where the Registration Officer cancels the registration of a person under this rule he shall stamp or write the word “cancelled” on the face of the registration record of that person, and the identification card of the person shall be retained by the Registration Officer for destruction.

(8) Where an elector fails for any reason to produce his identification card to the Registration Officer when required to do so under subrule (4)(c) he shall make satisfactory explanation, by statutory declaration or otherwise, of his failure to produce the identification card.

(9) An elector to whom subrule (6) applies who contravenes subrule (8) is guilty of an offence against these Rules.

(10) The Registration Officer shall enter the reason for the cancellation of a registration record by making a mark thereon against the appropriate number as provided for in subrule (11), and shall affix his signature to any such entry.

(11) An entry against a number in a registration record opposite to the reason for cancellation shall denote that the reason for cancellation is that set out opposite the number as follows:

1. Not a Commonwealth Citizen;
2. Under the age of 18;
3. Not resident in Trinidad and Tobago for the required period;
4. Not resident in an electoral district for the required period;
5. Not resident in the registration area;
6. Double registration;
7. Dead;
8. Serving sentence of imprisonment of over one year;
9. Under sentence of death;
10. Adjudged of unsound mind or certified to be insane;
11. Convicted of corrupt practice;
12. Convicted of illegal practice;
13. New registration record issued.

(12) Forthwith on the cancellation of a registration under this rule, the Registration Officer shall inform the person whose registration has been cancelled and the Chief Election Officer of the same, the reason therefor and the date of cancellation; and the Chief Election Officer shall thereupon cause the duplicate of the appropriate registration record to be cancelled in the manner set out in subrules (7) to (9).

Disposal of disused registration records and identification cards. [221/2000].

42. (1) A Registration Officer and the Chief Election Officer shall remove cancelled registration records from the unit and central registers respectively, and shall arrange them in the manner set out in rules 28 and 30 respectively.

(2) A Registration Officer and the Chief Election Officer shall keep cancelled registration records for as long a period as the

reason for the cancellation exists, but in no case shall that period be less than two years, and on the expiration of that period he shall destroy them.

(3) A Registration Officer shall send all registration records which have been used but have not been completed to the Chief Election Officer who shall keep them in safe custody; and on the expiration of one year following his receipt of the same he shall destroy any such registration records.

(4) The Chief Election Officer shall keep a note of the file numbers of the registration records destroyed by him under this rule.

(5) A Registration Officer shall send all identification cards, which have been surrendered or transmitted to him, to the Chief Election Officer who shall destroy the same.

43. (1) A registered person who has changed his place of residence from one polling division to another in the same registration area or from one address to another in the same polling division shall give notice to the Registration Officer of the registration area of the change of residence in the form set out as Form No. 22 in the Prescribed Forms Rules.

Change of place of residence in registration area or polling division. [221/2000].

Sub. Leg. Form 22.

(2) Upon the receipt of a notice referred to in subrule (1), the Registration Officer shall, if he is satisfied as to the identity of the person giving the notice and as to the correctness of the other particulars contained therein, make such corrections on the registration record of such person as may be necessary.

(3) When a person has given a notice under subrule (1) and the Registration Officer is not satisfied as in subrule (2), he shall issue a check card in connection therewith.

(4) After the Registration Officer has received the report upon a check card issued under subrule (3) he shall, if he is then satisfied as in subrule (2), make such corrections on the registration record of the person as may be necessary.

(5) The Registration Officer, after correcting a registration record in accordance with subrule (2) or (4), shall—

- (a) where the person has changed his place of residence from one polling division to another in the same registration area, transfer the registration record of that person to its place in the appropriate unit register in accordance with rule 28;
- (b) where the person has changed his place of residence from one address to another in the same polling division, transfer the registration record of that person to its proper place in the same unit register in accordance with rule 28;
- (c) notify the transfer to the Chief Election Officer who shall make the necessary correction in the registration record of the person in the central register;
- (d) inform the person to whom the registration record relates that the transfer has been made.

(6) Notwithstanding anything contained in this rule, where a registered person has changed his place of residence in the circumstances contemplated by subrule (1) and the new address of the person falls within a different electoral district, the date of the change of address on the corrected registration record shall be inserted as an amendment to the date originally recorded on the registration record of the person.

Change of place of residence from one registration area to another. [221/2000].

44. (1) Where a registered person changes his place of residence from one registration area to another, he shall notify in writing the Registration Officer of the registration area in which he resides as a result of his change of residence and thereupon the registration record of that person shall be transferred to the unit register for the polling division in which he resides.

(2) Subject to subrule (3), rule 43(2), (3), (4) and (5) shall apply *mutatis mutandis* to the transfer of registration records made under subrule (1).

(3) Where a registered person has changed his place of residence from one registration area to another on such a number of occasions as to render the registration record relating to that person incapable of accommodating any further changes, the Registration Officer of the area to which the person has last removed shall examine the registration record and shall, if he is satisfied that no further entries can conveniently be made thereon, notify the registered person and shall re-register that person in the manner set out in these Rules for the registration of persons qualified to be registered.

- 45.** (1) Where a registered person changes his name he shall —
- (a) give notice to the Registration Officer of the registration area in which he is registered of the change of name in the form set out as Form No. 23 in the Prescribed Forms Rules;
 - (b) produce to the Registration Officer satisfactory evidence of the change; and
 - (c) surrender to the Registration Officer his identification card.

Change of name.
[241/1986
221/2000].

Sub. Leg.
Form 23.

(2) If the Registration Officer is not satisfied as to the identity of the person giving the notice or as to his change of name, he shall issue a check card in connection therewith.

(3) If upon receipt of the notice under subrule (1), or of the report upon a check card issued under subrule (2), the Registration Officer is satisfied as to the identity of the person and his change of name, he shall cause to be issued to such person a new identification card bearing the new name and shall alter the registration record of such person accordingly.

46. (1) An Election Officer shall give a receipt to any other Election Officer for any document received by the former from the latter under these Rules except in cases where the Commission directs that the receipts need not be given.

Receipts for documents.

(2) An Election Officer shall give a receipt to any person who delivers to him any notice or application or other document required to be delivered to such officer under these Rules.

Replacement of lost, mutilated, inaccurate, etc., identification cards. [241/1986 221/2000].

47. (1) Where an identification card has been issued to any person—

- (a) who claims that it has been lost, stolen, destroyed, mutilated or defaced; or
- (b) which is discovered to contain information given by the person which is inaccurate or incorrect,

he may apply to the Registration Officer for the time being for the area in which he resides for the replacement of the identification card, and the Registration Officer, if he is satisfied by statutory declaration or otherwise, that the application is a *bona fide* one, shall recommend the issue to the person of a replacement identification card.

Sub. Leg. Form 24.

(2) An application under subrule (1) shall be in the form set out as Form No. 24 in the Prescribed Forms Rules and shall be accompanied by the fee specified in subrule (9).

(3) The Registration Officer shall not recommend the issue of a replacement identification card until, in the case of a card—

- (a) which is discovered to contain inaccurate or incorrect information; or
- (b) which has become mutilated or defaced,

the card has been delivered to him for destruction.

(4) Rule 14 shall apply *mutatis mutandis* in relation to a replacement identification card.

(5) Subject to subrule (6), a replacement identification card shall contain such particulars as were recorded on the identification card of the person to whom it relates.

(6) When a Registration Officer recommends the issue of a replacement identification card, he shall request the Chief Election Officer to issue a replacement identification card and the Chief Election Officer may—

- (a) insert therein the print of a photograph different from that which was affixed to the identification

card which it replaces if he is satisfied that it is a sufficiently good likeness of the person to whom it relates; and

- (b) in a case where it is discovered that an identification card contains information which is inaccurate or incorrect, insert such corrections on the replacement identification card as, after an enquiry provided for in these Rules, he may consider necessary and proper.

(7) Whenever a Registration Officer recommends the issue of a replacement identification card, he shall make or cause to be made an entry in the space allocated for remarks on the appropriate registration record showing the date of his recommendation; and shall transmit to the Chief Election Officer, in cases where the original identification card is required by these Rules to be surrendered, the surrendered identification card.

(7A) On acceptance of the recommendation of a Registration Officer under subrule (7), the Chief Election Officer shall issue a replacement identification card and shall cause the requisite entries to be made in the duplicate of the relevant registration record.

(8) A Registration Officer, on being satisfied as to the death of any person registered in his registration area to whom an identification card was issued under these Rules, shall, as soon as practicable after being so satisfied, require the personal representative of the person or any person in possession of the same to surrender to him the identification card that was issued to that person, if the Registration Officer is satisfied that it is within the power of any such person to do so.

(9) There shall be payable for every replacement identification card—

- (a) in the case of a first issue, ten dollars;
(b) in the case of any further issue, twenty dollars,

but the President may, except where a replacement identification card is issued as a result of incorrect or inaccurate information given by the person to whom the card relates on the ground of poverty or for other good cause, remit or refund the fee or any part thereof.

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Partial or total loss of registration records. [20 of 1976 221/2000].

48. (1) If both the original and the duplicate of a registration record of an elector are lost, mutilated, defaced or destroyed, the appropriate Registration Officer shall require that elector to be registered anew, and if he neglects or refuses to do so, the Registration Officer shall require him to surrender his identification card.

(2) If either the original or the duplicate of a registration record of an elector is lost, mutilated, defaced or destroyed, the Chief Election Officer shall prepare a photostatic record from the remaining copy and that copy shall be deemed to replace the lost, mutilated, defaced or destroyed original or duplicate of the registration record, as the case may be; and the Chief Election Officer shall make and sign a certificate on the photostatic copy to the effect that it is a true and correct reproduction.

(3) (Revoked by LN 221/2000).

Substitution of identification cards. [47/1969 *25/1975].

49. (1) The Commission may, from time to time, by notice published in the Gazette and in at least one daily newspaper, require every holder of an identification card to surrender the card for inspection and may, if it considers it proper, substitute a new identification card with a fresh photograph for the identification card so surrendered.

(2) Any person who fails to surrender such card for inspection when required to do so under subrule (1) is guilty of an offence against these Rules.

PART II

ANNUAL LIST OF ELECTORS

Annual list. [221/2000].

50. (1) The Commission shall, once in every year, cause to be prepared the list of electors of each electoral district which the Commission is required to publish in every year pursuant to section 29 of the Act.

(2) For the purpose of complying with subrule (1), the Registration Officer of every registration area shall cause to be prepared a list of all persons duly registered as electors in each Parliamentary, Municipal Council and Tobago House of Assembly electoral district in his registration area.

*By rule 3 deemed to have come into operation on 1st January 1974.

(3) The annual list of electors referred to in subrule (1) in respect of—

(a) Parliamentary and the Tobago House of Assembly electors shall be in the form set out as Form No. 25 in the Prescribed Forms Rules; and

Sub. Leg.
Form 25.

(b) Municipal Council electors shall be in the form set out as Form No. 26 in the Prescribed Forms Rules.

Sub. Leg.
Form 26.

(4) The names and addresses of electors in the list of electors referred to in subrule (1) shall be arranged in the manner set forth in rule 28.

(5) Where any elector is qualified to be an elector in a Municipal Council electoral district the nature of the qualification of any person qualified as an elector under section 13(1)(e) of the Act shall be indicated opposite to his name in the annual list and where an elector is an alien that fact shall be indicated by the insertion of the word “(A)” opposite his name.

PART III

ELECTORAL REGISTRATION

51. During the period commencing on the date of the publication of a Proclamation under section 30(1) of the Act and terminating on the date specified in a Proclamation issued by the President under section 30(3) of the Act (hereinafter referred to as the period of an electoral registration)—

Electoral
registration.
[221/2000].

(a) no person shall be registered as an elector under Part I;

(b) no registration shall be objected to except as provided in this Part;

(c) no alteration shall be made in any register as the result of the change in residence or change of name of any registered person in the electoral district to which the Proclamation relates except as provided in this Part.

Office of
Temporary
Assistant
Registration
Officer.

52. (1) A Temporary Assistant Registration Officer shall use as his office for the purpose of conducting an electoral registration such place, hereinafter referred to as a temporary registration office, as may from time to time be designated by the Commission.

(2) The Commission shall publish in the *Gazette* and in at least one daily newspaper the addresses of temporary registration offices and all changes in their addresses.

(3) A temporary registration office shall be open to public business during such hours as from time to time are notified by the Commission in the *Gazette* and in at least one daily newspaper.

(4) A temporary registration office shall be closed on public holidays.

Duties of
Temporary
Assistant
Registration
Officer.

53. (1) Except as provided in subrule (2), it is the duty of a Temporary Assistant Registration Officer to attend at his registration office during an electoral registration from the date of the commencement of an electoral registration to the day before the qualifying date and to register persons who are qualified to be registered as electors for the polling divisions to which the officer is assigned.

(2) It is the duty of a Temporary Assistant Registration Officer when required in pursuance of section 4(3)(a) of the Act, during an electoral registration from the date of the publication of the preliminary lists to the day before the qualifying date to visit every house in the polling division to which he is assigned and to register persons who are qualified as electors for the polling divisions.

Application
of Part I.

54. Except as otherwise provided in these Rules, Part I applies *mutatis mutandis* to an electoral registration, and references in Part I to an Assistant Registration Officer shall be construed as references to a Temporary Assistant Registration Officer.

Attendance of
Scrutineer at
registration.
[241/1986
221/2000].

55. (1) A Scrutineer is entitled to be present at any registration carried out during an electoral registration by the Temporary Assistant Registration Officer to whom he is assigned; but if he is absent the registration is not on that account invalidated.

(2) A Scrutineer may inspect any of the following documents, whether completed or not, in the possession of the Temporary Assistant Registration Officer to whom he is assigned:

- (a) registration records;
- (b) *(Deleted by LN 241/1986)*;
- (c) *(Deleted by LN 221/2000)*;
- (d) notices of disallowance of registration;
- (e) *(Deleted by LN 221/2000)*;
- (f) acknowledgement of application for registration.

(3) A Scrutineer may not see the answers to any questions asked under rule 16 nor may he be present when such answers are being given.

(4) A Scrutineer shall not obstruct a Temporary Assistant Registration Officer in the performance of his duties.

56. (1) On the issue of a Proclamation under section 30 of the Act for the commencement of an electoral registration for a Parliamentary or Municipal Council or a Tobago House of Assembly election the list of electors respectively published on 1st July immediately preceding the date of the commencement or such other list of electors as the President may declare to be the list for that electoral district, shall, in respect of the electors of each electoral district, be the preliminary list of electors for the district. Preliminary list.

(2) The Registration Officer in whose registration area are situated any of the polling divisions of the electoral district to which the Proclamation referred to in subrule (1) relates, shall, not later than the day before the date fixed for the posting of the preliminary list, supply a copy of the preliminary list for each polling division to the Temporary Assistant Registration Officer for the polling division.

57. Where a person has complied with rule 23 but a proper photograph of him has not been obtained in pursuance of rule 24(9) he shall for the purposes only of the election to which the electoral registration relates be registered as if he were exempt from taking Spoilt photographs.

his photograph under rule 24; and on receipt of his identification card the person shall deliver up the duplicate of his certificate as to registration.

Copy of notice of electoral registration to be posted in polling division.

Sub. Leg. Form 27.

58. On the date of the commencement of an electoral registration, the Registration Officer shall cause to be posted in at least two places in each polling division in his registration area to which the Proclamation under section 30 of the Act relates a notice in the form set out as Form No. 27 in the Prescribed Forms Rules and a copy of the preliminary list of electors for the polling division; and the list shall remain so posted until the revised list is posted under rule 62(5).

Application for registration by person not on preliminary list. [128/1976].

59. (1) If any person whose name is not on a preliminary list for a polling division claims that he is qualified to be registered as an elector for the polling division he may make application therefor to the Temporary Assistant Registration Officer for the polling division not later than the eighth day after the posting of the preliminary list under rule 58.

(2) Where a registration is disallowed by an Assistant Registration Officer or by a Temporary Assistant Registration Officer during an electoral registration, an application to the appropriate Registration Officer for the registration of such person shall be made not later than the tenth day after the posting of the preliminary list under rule 58.

Application by elector omitted from preliminary list. [128/1976].

Sub. Leg. Form 28.

60. If any person whose name is not on a preliminary list for a polling division claims that he is registered as an elector for that polling division he shall make application, not later than the eighth day after the posting of the preliminary list under rule 58, to the appropriate Registration Officer, in the form set out as Form No. 28 in the Prescribed Forms Rules, to have his name included in the revised list for that polling division.

Change of place of residence and of name. [128/1976].

61. (1) Subject to this rule, rules 43, 44 and 45 apply during the period of an electoral registration.

(2) A notice of a change of place of residence under rule 43 by any person whose name is on a preliminary list shall be made not later than the eighth day after the posting of the preliminary list under rule 58.

(3) A person whose name is on a preliminary list for a polling division and who has changed his place of residence from the registration area in which the polling division is situated to a polling division in another registration area shall not be registered as an elector for the last mentioned polling division except in accordance with rule 59.

(4) A notice of a change of name under rule 45 by any person whose name is on a preliminary list shall be made not later than the eighth day after the posting of the preliminary list under rule 58.

62. (1) The Registration Officer shall make all necessary removals from, and additions to, the unit registers for his registration area resulting during an electoral registration from the registration of electors or from decisions of the Registration Officer under section 25 of the Act or from corrections under rule 61 or otherwise; and he shall immediately notify all such removals, additions or corrections to the Chief Election Officer, who shall thereupon make corresponding removals, additions and corrections in the central register.

Preparation
of revised list.
[67/1971
20 of 1976].

(2) The Registration Officer shall prepare a revised list of electors for each polling division of the electoral district to which the electoral registration relates that is situated in his registration area containing the names of all electors as they appear in the revised unit register for that polling division, who are registered as electors for the election for which such list has been prepared.

(3) Subject to subrule (4), a revised list in respect of a Parliamentary or a Tobago House of Assembly election shall be in the form set out as Form No. 29 in the Prescribed Forms Rules and the revised list in respect of a Municipal Council election shall be in the form set out as Form No. 30 in the Prescribed Forms Rules; and the entries on every such list shall be consecutively numbered.

Sub. Leg.
Form 29.
Form 30.

(4) Where in the opinion of the Commission, a revised list in the form specified in subrule (3) cannot be completed before the last day for the publication of the list, that revised list may be prepared so as to consist of—

- (a) the preliminary list of electors for that polling division; and
- (b) a list of names of electors to be added to that preliminary list as well as a list of names of persons to be deleted from that preliminary list; and the lists referred to in this paragraph shall reflect the changes effected in the unit register for that polling division subsequent to the publication of the annual list or the preliminary list.

(5) Where the revised list is prepared in accordance with subrule (4), the Registration Officer shall cross off the name of any person from the preliminary list where that name also appears on the list of names to be deleted from the preliminary list, and shall initial every name so crossed out.

(6) Three copies of the list showing the names crossed out by the Registration Officer shall be used at the polling station on polling day, one copy thereof shall be retained by the Returning Officer and two copies shall be posted up in accordance with subrule (8).

(7) Rule 50(5) applies in respect of a revised list for a Municipal Council election.

(8) A revised list shall be posted in the same place as the preliminary list, not later than fourteen days before polling day for the election to which the electoral registration relates, and shall remain so posted for at least seven days.

Objection to registration.

63. (1) Subject to this rule, rules 32 to 35 apply in relation to an objection to the registration as an elector of any person whose name is on a preliminary list or a revised list.

(2) An objection to the registration of a person whose name is on a preliminary list shall be made not later than the fifth day after the posting of the preliminary list under rule 58.

(3) An objection to the registration of a person whose name appears for the first time on a revised list shall be made not later than ten days before polling day for the election to which the electoral registration relates.

(4) The holding of an enquiry into an objection under this rule shall be held not later than seven days before polling day.

64. (1) A Registration Officer shall not later than the fifth day before polling day for the election in respect of which such lists were prepared—

Changes in revised lists. [144/1981].

- (a) delete from the revised lists the names of any electors in respect of whose registration objections have been made and upheld;
- (b) initial any deletions on every revised list that has not been distributed to the appropriate Returning Officer;
- (c) notify the Chief Election Officer of any such deletion;
- (d) notify the appropriate Returning Officer if the revised lists have already been distributed to him.

(2) Where the name of an elector has been inadvertently included on a revised list, the appropriate Registration Officer shall not later than ten days before polling day for the election to which the electoral registration relates—

- (a) delete the name of such elector from the revised lists in which his name inadvertently appears;
- (b) initial any deletions on every revised list that has not been distributed to the appropriate Returning Officer;
- (c) notify the Chief Election Officer of any such deletion; and
- (d) notify the appropriate Returning Officer if the revised lists have already been distributed to him.

64A. (1) Where a Registration Officer is satisfied that the name of a duly registered elector has been inadvertently omitted

Supplemental List. [144/1981].

from the revised list in respect of a polling division or where such Registration Officer becomes aware that the name of an elector has been inadvertently included on such a revised list, the Registration Officer shall forthwith advise the Chief Election Officer of all such omissions or inclusions as the case may be and at the same time provide the Chief Election Officer with a full explanation of the circumstances surrounding such omissions or inclusions.

(2) The Registration Officer shall, with the approval of the Chief Election Officer, prepare a supplemental list in the form set out as Form No. 29A in the Prescribed Form Rules clearly indicating in separate columns the names and addresses of the persons to be added to the revised list and the names and addresses of the persons to be deleted from such revised list and the Registration Officer shall post such supplemental list in the same places as the preliminary list not later than ten days before polling day for the election to which the electoral registration relates and the supplemental list shall remain so posted for at least five days.

Sub. Leg.
Form 29A.

(3) An objection to the inclusion of a name on the supplemental list shall be made not later than six days before polling day for the election to which the electoral registration relates.

(4) The holding of an enquiry into an objection under this rule shall be held not later than four days before polling day.

(5) A Registration Officer shall not later than three days before polling day for the election in respect of which such lists were prepared—

- (a) delete from the supplemental lists the name of any elector in respect of whose registration an objection has been made and upheld;
- (b) initial any deletions on every supplemental list that has not been distributed to the appropriate Returning Officer;
- (c) notify the Chief Election Officer of any such deletion; and
- (d) notify the appropriate Returning Officer if the supplemental lists have already been distributed to him.

65. If, before nomination day for the election to which the electoral registration relates, a Registration Officer finds that the number of registration records in any unit register is too great to be served by a single polling station he may, with the approval of the Commission, divide the unit register into two parts in separate binders in the manner directed by the Commission.

Division of unit register.
[221/2000].

PART IV

GENERAL

66. (1) Subject to this rule, the question as to whether a person is or was resident at any material time or during any material period shall be determined by reference to all the facts of the case.

Manner of determining residence.

(2) The place of residence of a person is generally that place which has always been, or which he has adopted as, the place of his habitation or home to which place, when away therefrom, he intends to return. Specifically, when a person normally sleeps in one place and has his meals or is employed in another place, the place of his residence is where the person sleeps.

(3) Generally, a person's place of residence is where his family is; if he is living apart from his family, with the intent to remain so apart in another place, the place of residence of such person is the other place.

(4) Temporary absence from a place of residence does not cause a loss or change of place of residence.

(5) Any person who has more than one place of residence may opt in respect of which place he desires to be registered, in the form set out as Form No. 31 in the Prescribed Forms Rules, and shall send the same to the Registration Officer or Officers of the registration areas where his places of residence are situated.

Sub. Leg. Form 31.

(6) No person shall for the purposes of these Rules be deemed to be resident in any polling division to which he has come for the purpose of engaging temporarily in any employment of a seasonal nature.

LAWS OF TRINIDAD AND TOBAGO

(7) For the purposes of these Rules, absence from Trinidad and Tobago in the diplomatic service or as a member of the household of a person in such diplomatic service or as a member of the public service for any purpose approved by the President shall not cause a loss or change of residence and a person who is absent from Trinidad and Tobago for this reason only shall be deemed to be residing at the address at which he was resident immediately before departing from Trinidad and Tobago.

Forms to be supplied free of cost.

67. (1) Forms prescribed under the Act which a person is required under the Act to complete and to submit to an Election Officer shall be obtainable free of cost by the person at a registration office or any post office.

Sub. Leg. Form 32.

(2) Any reference in these Rules to a statutory declaration shall be read and construed as a reference to a declaration set out as Form No. 32 in the Prescribed Forms Rules and no fee shall be payable for any such declaration.

(3) Any person who makes any statement in a declaration referred to in subrule (2) which is false in fact or which he knows or believes to be false or does not believe to be true is guilty of an offence against these Rules.

Supply of copies of notices and lists of electors.

68. A Registration Officer shall, on the application of any person, allow that person, under his supervision or that of a person authorised by him, to inspect a unit register or to inspect or to take extracts therefrom; or on payment of the prescribed fee, supply to that person a copy of the list of electors for any polling division in his registration area or of any notice of objection or application for registration or other notice signed by or on behalf of any elector and deposited at a registration office in his area.

Mode of sending documents to Registration Officer.

69. Except as otherwise provided in these Rules, any document required by these Rules to be sent to the Registration Officer shall be addressed to him at his office and may be sent by registered post, postage free, or delivered to him by hand.

70. (1) A Registration Officer, an Assistant Registration Officer or an Authorised Registering Officer or a Temporary Assistant Registration Officer before registering any person as an elector may, where he is in doubt as to the age or nationality of such person, require that person to produce—

Declarations as to age and nationality. [20 of 1976 221/2000].

- (a) either a certificate of birth or a statutory declaration that the person has attained the age of eighteen years; and
- (b) either a certificate of naturalisation or a statutory declaration that he is a Commonwealth Citizen.

(2) No fee shall be payable for any statutory declaration referred to in subrule (1).

71. (1) Whenever a Registration Officer, an Assistant Registration Officer or an Authorised Registering Officer or a Temporary Assistant Registration Officer in the performance of his duties under these Rules does not understand the language spoken by any person he shall appoint an interpreter who shall be the means of communication between him and such person.

Interpreter. [221/2000].

(2) An interpreter appointed under this rule shall take oath in the form set out as Form No. 33 in the Prescribed Forms Rules.

Sub. Leg. Form 33.

72. (1) The Commission may at such time as it thinks fit cause to be sent by hand or by post to any registered person, a form set out as Form No. 34 in the Prescribed Forms Rules.

Enquiries by Commission as to address of registered person. Sub. Leg. Form 34.

(2) The form referred to in subrule (1) shall include an enquiry as to whether the registered person is, at the date of his receipt thereof, resident at his address shown on his registration record and shall require him to record his reply to the enquiry in the space reserved therefor on the form and, within fourteen days after the date thereof, to return it as directed therein to the Chief Election Officer or to the Registration Officer of the registration area in which the person is registered, as the case may be.

(3) On an envelope addressed to any registered person in which is enclosed an enquiry under subrule (2), the words “enquiry as to residence” and the address and official designation of the sender

shall be clearly printed; and, where the envelope is transmitted by post and not delivered to the addressee, it shall be returned to the sender within seven days after having been received at the post office.

(4) A registered person who has received an enquiry under this rule shall reply within the time and in the manner referred to in subrule (2).

(5) Where within the time specified in subrule (2) the Chief Election Officer or the Registration Officer, as the case may be, does not receive a reply to the enquiry or where the form is returned under subrule (3), the Registration Officer may, and at the request of the Chief Election Officer shall, issue a check card in connection therewith.

Checks by
Commission.

73. The Commission may require a Registration Officer to carry out or to cause to be carried out a check of all registered persons or of all electors or of any other persons in his registration area or any part thereof for the purpose of maintaining the accuracy of the unit registers in his registration area.

Delivery of unit
register to
Commission.

74. At such time as it may seem fit, the Commission may direct any Registration Officer to deliver to it any unit register for the registration area of the Registration Officer.

Delivery of
documents to
police.
[221/2000].

75. (1) There may be handed over to the police for investigation—

- (a) on the authority of the Chief Election Officer, the original or the duplicate of a registration record;
- (b) on the authority of a Registration Officer, the original of a registration record in his possession or in that of an Assistant Registration Officer in his registration area.

(2) For the purposes of subrule (1), a registration record may be removed from a binder in which it has been inserted.

(3) Nothing in this rule shall affect the power of the Chief Election Officer or a Registration Officer to deliver any other document to the police for investigation.

76. For the performance of their duties under these Rules there shall be paid to the officers and servants appointed in pursuance of the provisions of the Act such remuneration and allowances as the Commission may determine from time to time.

Remuneration
and allowances.

77. (1) The following persons are guilty of an offence against these Rules:

Offences and
penalties.
[221/2000].

- (a) a Scrutineer who contravenes rule 55(3) or (4);
- (b) a person who fails to obey any summons issued or order made by virtue of rule 35(3);
- (c) a person who, without reasonable excuse, fails to comply with rule 41(1)(c);
- (d) a person who, without reasonable excuse, fails to surrender an identification card in accordance with rule 47(9) or 48(1).

(2) A person guilty of an offence against these Rules is liable on summary conviction to a fine of seven hundred and fifty dollars and to imprisonment for six months.

ELECTION RULES

ARRANGEMENT OF RULES

RULE

1. Citation.
2. Interpretation.

PART I

ISSUE OF WRIT AND NOMINATION OF CANDIDATES

3. Returning Officer to establish office.
4. Election notice.
5. Chief Election Officer to supply Returning Officers with copies of the list of electors.
6. Duty of Returning Officers to decide on nomination documents, and appeal to a Judge against such decision.
7. Nomination of candidates.
8. Statutory declaration of qualifications.
9. Deposit.
10. Right to attend nomination proceedings.
11. Decisions as to validity of nomination papers.
12. Returning Officer to post copy of nomination papers.
13. Transmission, return and forfeiture of deposit.
14. Withdrawal of candidature.
15. Method of election.

PART II

PREPARATION FOR THE POLL

16. Notice of taking of poll.
17. Death of candidate.
18. Manner of voting.
19. Provision of polling station.
20. Ballot boxes.
21. Custody of ballot boxes.

RULE

22. Ballot papers.
23. Symbols.
24. Delivery of unit registers of electors to Returning Officers.
25. Printing and distribution of revised lists of electors.
26. Equipment of polling station.

PART III

TAKING OF THE POLL

27. Hours of poll.
28. Employees' time off for voting.
29. Returning Officer or Poll Clerk may preside at polling station.
30. Polling Agent and Special Polling Agent.
31. Declaration of secrecy.
32. Admission to polling station.
33. Arrangement of polling station.
34. Arrival at polling station of Presiding Officer, etc.
35. Duties of Presiding Officer before opening of poll.
36. Entitlement to vote.
37. Keeping order in the polling station.
38. Duties of a Poll Clerk.
39. Poll cards issued to prospective voters.
40. Duties of Presiding Officer.
41. Additional duties of Presiding Officer where different Municipal Council elections held on same day.
42. Procedure for elector whose name is not on revised list.
43. Procedure where elector's registration record is not in unit register.
44. Guidance ballot.
45. Secrecy of ballot.
46. Manner of voting.
47. Elector to vote with despatch.
48. Voting by an incapacitated elector.

ARRANGEMENT OF RULES—*Continued*

RULE

49. Declaration by incapacitated elector's companion.
50. Mode of voting in special cases.
51. Questions to be put to electors.
52. Challenge of elector.
53. Interpreter.
54. Polling station diary.
55. Spoiled ballots.
56. Suspension or adjournment of poll.
57. Closing of poll.
58. Procedure at closing of poll.

PART IV

SPECIAL VOTING

59. Special elector.
60. Voting by special elector.
61. Voting on polling day.
62. Determination of right to be treated as special elector.
63. Record and list of special electors.
64. Register of special electors.
65. Supply of election material to Returning Officer.
66. Ballot papers for special electors.
67. Persons entitled to be present at issue of ballot papers.
68. Declaration of secrecy.
69. Marking of ballot paper.
70. Refusal to issue ballot paper to special elector.
71. Covering envelope.
72. Delivery of ballot papers for special electors to the office of the Chief Election Officer.
73. Special polling stations.
74. Sealing up of list of special electors.

RULE

75. Hours of special polling station.
76. Establishment of additional special polling station.
77. Times of opening of special polling stations.
78. Minimum duration of poll.
79. Presiding Officers.
80. Supervision by Returning Officer.
81. Duties of employers and persons in charge of certain institutions.
82. Procedure on special voting.
83. Voting by physically incapacitated special electors.
84. Procedure after the close of the special polling station.
85. Transmission of special ballots to the appropriate Returning Officer.
86. Receipt of special envelope.
87. Closure of special polling stations.
88. Special ballot box to be delivered to Presiding Officer.
89. Examination of special ballot box.
- 89A. Receipt to be given by Presiding Officer.
- 89B. Items to be delivered by Returning Officer.
- 89C. Opening of special ballot box.
90. Procedure on receipt of special ballots.
91. Sealing up list of special electors and rejected ballot papers of special electors and declarations of identity.
92. Station diary record of events.
93. Reopening of special ballot boxes.
94. }
to } (*Revoked by LN 240/1986*).
96. }
97. Procedure by Presiding Officer after closing of poll.
98. Loss, etc., of ballot box.
99. Police assistants.

ARRANGEMENT OF RULES—*Continued*

RULE

PART V

PROCEEDINGS AFTER POLL

100. Preliminary count.
101. Ascertainment of number of votes given for each candidate.
102. Ballot not invalidated by mark of Presiding Officer, etc.
103. Equality of votes.
104. Declaration of the result of the poll.
105. Return of unit register of electors.
106. Checking of results of poll.
107. Appointment of counting agent.
108. Election return.
109. Custody of election documents by Commission.

PART VI

GENERAL

110. Remuneration of Returning Officers, etc.
111. Cost of supplying election documents.
112. Remuneration, etc., of witnesses.

SCHEDULE.

ELECTION RULES

*41/1967.

deemed to be made under section 161

1. These Rules may be cited as the Election Rules.

Citation.

2. In these Rules—

Interpretation.

“ballot box” means a receptacle for the reception of ballots cast at a polling station;

[20 of 1976

28 of 1976

240/1986

220/2000].

“carrying case” means a carrying case referred to in rule 26(2)(b);

“declaration of identity” means a declaration of identity referred to in rule 71;

“election notice” means an election notice referred to in rule 4;

“file of answers to questions” means the file referred to in rule 24 and in rule 26(1)(e);

“list of special electors” means a list of electors prepared under rule 63;

“poll card box” means a box referred to in rule 26(1)(g);

“register of electors”, in relation to a polling station, means the unit register or registers of electors or the part of a unit register of electors, subject to such removals therefrom or additions thereto as may be effected under rule 64, containing the names of persons entitled to vote at the polling station and supplied to a Presiding Officer under rule 26(1)(c);

“register of special electors” means the register of special electors referred to in rule 64;

“registration number” means the serial number appearing on the registration record and on the identification card of an elector;

“revised list of electors”, in relation to a polling station, means the revised list of lists of electors containing the names of persons entitled to vote at the polling station and includes the names of those persons added thereto by a supplemental list referred to in rule 64A of the Registration Rules;

Sub. Leg.

*These Rules have been amended by the following: GNs 79/1968, 70/1971, Act No. 20 of 1975, 28 of 1976, GNs 122/1976, 126/1976, 138/1976, 48/1977, Act No. 45 of 1979, LNs 51/1980, 153/1981, 240/1986, 43/1988, 153/1991, 7 of 1992, 115/1992, 131/1992, 203/1998 and 220/2000.

“special ballot box” means a ballot box specially provided for the purpose of special voting under Part IV;

“special elector” means an elector whose name appears on a list of special electors;

“special voter” means a special elector who has cast his vote at an election;

“voting booth” means an enclosure within a polling station provided for voters to mark their ballots in privacy.

PART I

ISSUE OF WRIT AND NOMINATION
OF CANDIDATES

Returning
Officer to
establish office.
[20 of 1976
220/2000].

3. On the receipt by the Commission of a writ of election, the Chief Election Officer shall immediately forward the writ to the Returning Officer to whom it is addressed and the Returning Officer shall, if he has not already done so, establish an office at a location approved by the Commission from which the affairs of the election shall be conducted.

Election notice.
[240/1986].

4. (1) The Returning Officer shall within two days after the receipt of a writ of election or within two days after he has been notified thereof by the Chief Election Officer, whichever may be the sooner, and not less than twelve clear days before the day fixed by the writ as nomination day—

(a) publish in the *Gazette* and in at least one newspaper election notices in the form set out as Form No. 35 in the Prescribed Forms Rules;

(b) cause copies of the notices to be posted at his office and at such other places in the electoral district as he may deem necessary.

Sub. Leg.
Form 35.

(2) Every election notice shall specify—

(a) the day and place fixed under rule 6 for the examination of nomination documents;

(b) the day and place fixed for the nomination of candidates;

- (c) the day and the hours fixed for taking the poll in the event of a contested election;
- (d) the place where and the day and time when the preliminary results of the poll will be announced;
- (e) the place where and the day and time when the numbers of votes given to the several candidates will be finally determined;
- (f) the place where the Returning Officer has established his office.

5. Before the day fixed for the examination of nomination documents, the Chief Election Officer shall supply every Returning Officer with at least two copies of the revised lists of electors for the polling divisions in his electoral district or, where the lists have not yet been prepared, with at least two copies of the preliminary lists for the polling divisions.

Chief Election Officer to supply Returning Officers with copies of the list of electors.

6. (1) On the seventh day preceding nomination day, the Returning Officer shall attend, at the place fixed for the nomination of candidates, between the hours of nine o'clock in the morning and twelve noon for the purpose of receiving for scrutiny from any candidate or his agent the documents which are required by these Rules to be tendered or delivered on nomination day to the Returning Officer by or on behalf of a candidate for the purpose of his nomination.

Duty of Returning Officers to decide on nomination documents, and appeal to a Judge against such decision. [131/1992 220/2000].

(2) Except for the purpose of delivering the documents referred to in subrule (1) or of assisting the Returning Officer, no person is entitled to attend proceedings during the time of the delivery of the documents to the Returning Officer unless he is a candidate or is the election agent of the candidate; but where a candidate acts as his own election agent, he may name one other person who shall be entitled to attend in place of his election agent.

(3) Any person upon whom the right to attend is conferred by subrule (2) shall have the right to inspect and to object to the validity of any nomination paper.

L.R.O. 1/2006

(4) No objections shall be made later than one hour after the close of the time for the delivery of nomination papers to the Returning Officer.

(5) On receipt of the documents referred to in subrule (1), the Returning Officer shall carefully scrutinise the same and shall, not later than the hour of four o'clock on the same day, certify on each copy of the nomination paper and of the statutory declaration of the candidate his decision as to whether the nomination paper is valid, or whether it is invalid and the reasons therefor, and shall thereafter return one copy of the nomination paper and of the statutory declaration to the person presenting the same and shall retain the other copies.

(6) The Returning Officer is entitled to hold a nomination paper invalid only on one of the following grounds:

- (a) that the particulars of the candidate or the person signing the nomination paper or the statutory declaration are not as required by law;
- (b) that the nomination paper or the statutory declaration is not signed as so required.

(7) Where the Returning Officer has certified that the nomination paper of a candidate is invalid, the candidate or his agent may appeal against the decision to a Judge in Chambers not later than the sixth day before nomination day, by filing with the Registrar and serving on the Returning Officer a notice in the form set out as Form No. 36 in the Prescribed Forms Rules.

Sub. Leg.
Form 36.

(8) The Registrar shall give at least two days' notice in writing, to the appellant and to the Returning Officer, of the time and place fixed for the hearing of the appeal.

(9) Every appeal under this rule shall be prosecuted and heard and determined by the Judge in such manner as may be prescribed by Rules of Court, and the costs of every such appeal shall be in the discretion of the Judge.

(10) On every such appeal the appellant or the Returning Officer may be represented by an Attorney-at-Law.

(11) The Judge shall deliver his decision allowing or disallowing the appeal not later than two days before nomination day, and every such decision shall be certified to the Returning Officer under the hand of the Judge or of the Registrar and shall be final to all intents and purposes.

7. (1) On the day and at the place fixed for the nomination of candidates, the Returning Officer shall attend between the hours of nine o'clock in the morning and twelve noon and between the hours of one and three o'clock in the afternoon for the purpose of receiving the nomination of any duly qualified candidate.

Nomination of candidates.
[240/1986].

(2) Every candidate for election shall be nominated by six or more persons, whose names appear on the lists of electors supplied to the Returning Officer under rule 5, signing as proposers a nomination paper in duplicate in the form set out as Form No. 37 or 38, as the case may be, in the Prescribed Forms Rules, but a candidate shall be deemed to be validly nominated notwithstanding that subsequent to his signing the nomination paper any person by whom the nomination paper was signed has been struck off any of the lists of electors for that electoral district.

Sub. Leg.
Forms 37 and 38.

(3) No nomination paper shall be valid or shall be acted upon by the Returning Officer unless it is accompanied by the consent in writing of the person therein nominated or, where the person is absent from Trinidad and Tobago, by the consent of his duly authorised agent expressed in duplicate in the form set out as Form No. 37 or 38, as the case may be, in the Prescribed Forms Rules.

Sub. Leg.
Forms 37 and 38.

(4) The nomination paper shall state the full names and addresses of the candidate and his proposers, the occupation of the candidate and the registration numbers or file numbers of his proposers.

(5) Each candidate shall be nominated by a separate nomination paper.

(6) A person shall not at any election be nominated as a candidate for more than one electoral district.

L.R.O. 1/2006

(7) When at any election nomination papers are received nominating the same person as a candidate for more than one electoral district, every such nomination shall be deemed to be void and the deposit accompanying every such nomination shall forthwith be forfeited and paid into general revenue.

Statutory
declaration of
qualifications.

8. Every candidate shall at the time fixed for the nomination of candidates cause to be delivered to the Returning Officer a statutory declaration of his qualifications made and subscribed to by him or, if he is absent from Trinidad and Tobago on the day when the same is subscribed, by his duly authorised agent, in duplicate in one of the forms set out as Form No. 39, Form No. 40, Form No. 41, Form No. 42, Form No. 43, Form No. 44 in the Prescribed Forms Rules, as the case may be; and if the statutory declaration is not delivered as aforesaid the nomination of the candidate shall be deemed to be void.

Sub. Leg.
Forms 39, 40,
41, 42, 43, 44.

Deposit.
[51/1980
220/2000].

9. (1) A person shall not be validly nominated unless the sum referred to in subrule (2) is deposited by him or on his behalf with the Returning Officer at the place and between the hours referred to in rule 7(1).

(2) The deposit in respect of an election to the House of Representatives is five thousand dollars, and in the case of an election to a Municipal Council or the Tobago House of Assembly is two thousand dollars.

(3) The deposit may be made either by the deposit of any legal tender, or by means of a banker's draft, or, with the consent of the Returning Officer, in any other manner; but the Returning Officer may refuse to accept the deposit sought to be made by means of a banker's draft, if he does not know that the drawer carries on business in Trinidad and Tobago.

Right to attend
nomination
proceedings.

10. Except for the purpose of delivering nomination papers or of assisting the Returning Officer, no person shall be entitled to attend proceedings during the time of the delivery of nomination

papers to the Returning Officer under rule 7 unless he is a person standing nominated as a candidate or is the election agent of such a person; but where a candidate acts as his own election agent, he may name one other person who shall be entitled to attend in place of his election agent.

11. (1) Where a nomination paper and the candidate's consent thereto and his statutory declaration of qualifications are delivered and the deposit is made in accordance with these Rules, the candidate shall be deemed to stand nominated unless and until the Returning Officer decides that the nomination paper is invalid or proof is given to the satisfaction of the Returning Officer of the candidate's death, or the candidate withdraws.

Decisions as to validity of nomination papers.

(2) The Returning Officer shall accept as valid any nomination paper and statutory declaration which under rule 6 has been certified as valid by the Returning Officer or by a Judge or the Registrar.

(3) If the Returning Officer decides that a nomination paper not referred to in subrule (2) is invalid he shall, if he has not previously done so, as soon as practicable certify the same on the nomination paper and statutory declaration as in rule 6(5).

(4) Subject to rule 6(11), the decision of the Returning Officer that a nomination paper is invalid shall be final and shall not be questioned in any proceeding whatsoever.

(5) Subject to subrule (4), nothing in this rule shall prevent the validity of a nomination being questioned on a representation petition.

12. (1) The Returning Officer shall cause a copy of the nomination paper and of the statutory declaration delivered by or on behalf of every candidate to be posted up at the place appointed for the delivery of nomination papers and shall cause the same to be kept posted up for the period of seven days commencing on the day after that fixed for the nomination of candidates.

Returning Officer to post copy of nomination papers.

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(2) Every copy referred to in subrule (1) shall be certified by the Returning Officer to be a correct copy of the original and shall be open for scrutiny by the public while posted up.

(3) Every nomination paper rejected by the Returning Officer shall be endorsed with a note of the decision that the nomination paper is invalid or of any other reason why the person nominated no longer stands nominated.

Transmission, return and forfeiture of deposit.

13. (1) The full amount of every deposit made under rule 9 shall forthwith after its receipt be transmitted by the Returning Officer to the Comptroller of Accounts.

(2) The full amount of every such deposit made under rule 9 shall be returned by the Comptroller of Accounts to the person who made the deposit or his personal representatives upon the production by him or his personal representatives, as the case may be, of a certificate from the Chief Election Officer that the candidate was elected or that he died before the close of the poll on polling day or that he has polled not less than one-eighth of the total number of votes polled by all the candidates in the electoral district.

(3) For the purpose of subrule (2), the number of votes polled by a candidate shall be the number of votes counted for the candidate in accordance with these Rules.

(4) Except as otherwise provided in this rule, every deposit made under rule 9 shall, at the expiration of one month from the conclusion of the election in respect of which it was made, be forfeited and paid into general revenue.

Withdrawal of candidature. [20 of 1976 220/2000].

14. (1) Any candidate may withdraw his candidature at any time not less than five clear days before polling day by delivering to the Returning Officer a declaration in writing to that effect signed by himself and attested by the signatures of at least two of the proposers of his nomination, and any votes cast for the candidate who has so withdrawn shall be null and void.

(2) In the case of a candidate who is outside Trinidad and Tobago, a notice of withdrawal signed by his duly authorised agent and attested by at least two of the proposers of his nomination and accompanied by a written declaration also so signed and attested of the candidate's absence from Trinidad and Tobago shall be of the same effect as a notice of withdrawal under subrule (1); but where the candidate stands nominated by more than one nomination paper, the notice of withdrawal shall be attested by at least two of the proposers on each of the nomination papers filed in favour of the candidate.

(3) When a candidate has withdrawn after the ballot papers are printed, the Returning Officer shall advise each Presiding Officer in his electoral district of the withdrawal and, when time permits, shall distribute to each Presiding Officer a printed notice of withdrawal.

(4) On polling day each Presiding Officer shall post up a copy of the printed notice of withdrawal in a conspicuous place in his polling station.

(5) If time does not permit of the printing and distribution of the notice, the Presiding Officer upon being advised of the withdrawal of any candidate shall himself prepare by hand a notice to that effect and post it up in a conspicuous place in his polling station.

(6) In either case the Presiding Officer shall, before admitting an elector within the voting booth to register his vote, inform the elector of the withdrawal of the candidate.

15. (1) If more than one person stands validly nominated after all the decisions as to the validity or non-validity of all the nomination papers have been made by the Returning Officer, a poll shall be taken in accordance with these Rules.

Method of
election.
[20 of 1976].

(2) If only one person stands validly nominated that nominated person shall forthwith be publicly declared elected by the Returning Officer, who shall immediately thereafter certify

Sub. Leg.
Form 45.

by endorsement on the writ of election, in the forms set out as Form No. 45 in the Prescribed Forms Rules, the return of such candidate and shall return the writ so endorsed to the Chief Election Officer within the time for that purpose specified therein.

(3) Save as is provided for in rule 7, if before a poll is taken under subrule (1) the number of persons standing nominated is reduced to one, the remaining person standing nominated shall be declared to be elected in accordance with subrule (2).

PART II

PREPARATION FOR THE POLL

Notice of
taking of poll.
[220/2000].

16. (1) When a poll is to be taken, the Returning Officer shall, as soon as practicable after nomination day, give notice by publication in one or more daily newspapers of—

- (a) the day on which and the hours during which the poll will be taken;
- (b) the location of each polling station;
- (c) the name and address and occupation of each candidate nominated for election as given in his nomination paper, and the symbol assigned to him.

Sub. Leg.
Form 46.

(2) The Returning Officer shall also cause notices in the form set out as Form No. 46 in the Prescribed Forms Rules to be posted at his office and at such other places in his electoral district as he may deem necessary.

Death of
candidate.

17. (1) If before the closing of the poll proof is given to the satisfaction of the Returning Officer of the death of any of the candidates, the Returning Officer shall countermand notice of the poll, and all proceedings with reference to the election shall be commenced afresh in all respects as if the writ had been received on the day on which proof was given to the Returning Officer of the death; but no fresh nomination shall be necessary in the case of a person shown in the notice of taking of the poll as standing nominated.

(2) Where by reason of the death of a candidate, proceedings are commenced afresh under this rule, then the Returning Officer shall fix—

- (a) a new date for the nomination of candidates being a date not more than fourteen days after the date on which proof was given to him of the death of the person shown as standing nominated; and
- (b) a new date for the taking of the poll which date shall not be less than seven days from the new date fixed for the nomination of candidates.

18. The poll shall be taken by secret ballot and except as provided under Part IV, the votes of electors shall be cast at polling stations established under rule 19. Manner of voting. [20 of 1976].

19. (1) Subject to subrule (1A), the Returning Officer shall establish such number of polling stations in such locations as the Chief Election Officer shall determine, whether within or without the boundaries of his electoral district, each polling station in premises of convenient access, with an outside entrance for the admission of electors, and, where possible, an exit through which electors may leave after they have voted. Provision of polling station. [20 of 1976 240/1986].

(1A) Before the Returning Officer establishes a polling station outside of the boundaries of his electoral district, he shall first obtain the approval of the Chief Election Officer who may grant such approval if he is satisfied that the building which houses the proposed polling station is conveniently located within a reasonable distance of the boundaries of such electoral district.

(2) Each polling station shall contain one or more voting booths so arranged that each elector may be screened from observation and may without interference or interruption mark his ballot paper. In each voting booth there shall be provided a table or desk for the use of electors in marking their ballots.

(3) A polling station may be made to serve more than one polling division.

(4) Each Presiding Officer shall take care before the poll is opened that his polling station is provided with proper conveniences for the purposes of these Rules and that the same are properly arranged for giving effect to the provisions of these Rules with respect to the taking of the poll.

(5) In cases where the unit register of electors for a polling division has been divided into two parts, a polling station shall be provided for each part of the register.

Ballot boxes.
[20 of 1976
240/1986].

20. (1) Ballot boxes shall be constructed of a durable material and designed to accommodate not less than 800 ballots.

(2) Each ballot box shall be designed with a slot at the top for the insertion of the ballot and the slot shall be wide enough to permit insertion of ballots but not their withdrawal. The slot is to be equipped with a locking device operable from the inside of the box so that when it is locked from the inside it cannot be opened unless the box is unlocked by means of the outside lock which is to be located at the upper front of the box;

(3) Ballot boxes shall be numbered consecutively beginning with the number “1” preceded by the initials “E.&B.C.” (Elections and Boundaries Commission).

(4) Each ballot box in use at an election shall bear the name of the electoral district in which it is being used and the polling station number.

Custody of
ballot boxes.
[20 of 1976].

21. (1) The Commission shall cause all ballot boxes to be securely kept and they shall be in its custody and control at all times except when they are in use at an election or when they are being used by a Court for the purposes of a petition or prosecution relating to an election.

(2) The Commission shall cause all ballot boxes to be properly protected and preserved from damage or unnecessary deterioration and to be kept in good and proper repair, and shall not permit any person to tamper with them.

22. (1) As soon as possible after the nomination of candidates for an election the Commission shall cause ballot papers to be printed for use in that election.

Ballot papers.
[70/1971
20 of 1976].

(2) A ballot paper is a paper on which there is printed—

(a) the name of each candidate, arranged alphabetically in order of surnames and numbered consecutively from the top beginning with the number “1”;

(b) the address and occupation of each candidate;

(c) the symbol assigned to each candidate.

(3) The name, address and occupation of a candidate shall be printed on ballot papers exactly as they appear on the nomination paper of that candidate.

(4) A ballot paper when completed shall be in the form set out as Form No. 47 in the Prescribed Forms Rules.

Sub. Leg.
Form 47.

(5) Subject to subrule (6), ballot papers shall be printed by the Government Printer who shall comply with the specifications and delivery dates prescribed by the Chief Election Officer. For this purpose the Government Printer shall keep in stock and in safe custody at all times a sufficient supply of the type of paper required for the printing of ballot papers at an election.

(6) Where the Government Printer is unable to complete the printing of ballot papers he may arrange for the printing to be done by a private printery but ballot papers for one constituency shall not be printed by more than one private printery.

(7) The Government Printer is required to deliver ballot papers wherever they may be printed to the Chief Election Officer. He shall deliver all the ballot papers printed and shall so certify to the Chief Election Officer. He shall also be required to certify that all spoilt or defective ballot papers printed have been destroyed and that all unused paper of the type used for the printing of ballot papers is in his possession and accounted for.

Symbols.
[70/1971
20 of 1976
240/1986
220/2000].
Schedule.

23. (1) There shall be affixed to every ballot paper, opposite the name of each independent candidate, one of the symbols numbered 1 to 15 shown in the Schedule.

(2) On the application of any political party desirous of using at an election the same symbol for all its candidates at the election (in these Rules referred to as “the party symbol”), which application shall be made not later than three days after the publication of the election notice for the election, the Commission may assign to such party the party symbol so applied for, and the symbol shall thereupon become the party symbol of the party for the election and all subsequent elections, unless and until, on application made as above, another party symbol is assigned to the political party.

Schedule.

(3) If a political party does not make an application in accordance with the provisions of subrule (2), the Commission shall in its discretion assign to the party any one of the symbols numbered 16 to 30 shown in the Schedule and the symbol shall be the party symbol of the party for the election.

(4) The party symbols assigned to political parties by the Commission under subrules (2) and (3) shall be affixed to every ballot paper opposite the name of each party candidate.

(5) The Commission shall cause the party symbols assigned under subrules (2) and (3) to be published in the *Gazette* as soon as possible after the party symbols have been so assigned.

(6) A Returning Officer shall not recognise a candidate as a party candidate unless he has been informed on nomination day by the candidate in writing that he is a member of the party and this membership is confirmed by a list of party candidates supplied to the Returning Officer by the party of which he claims membership not later than nomination day.

(7) The Chief Election Officer shall inform all Returning Officers before nomination day of all political parties to which symbols have been assigned, and of the symbols so assigned.

24. The Registration Officers for the polling divisions in the electoral district for which an election is being held shall at least two clear days before polling day transmit to the Returning Officer of that electoral district the unit registers of electors for the polling divisions together with the keys for the binders of the registers and, in respect of each such register, the file of answers to questions given by illiterate and disabled electors on their registration as electors; and on receipt thereof the Returning Officer shall give to the Registration Officer a receipt for the same.

Delivery of unit registers of electors to Returning Officers. [20 of 1976].

25. (1) The Commission shall cause a sufficient number of copies of the revised lists of electors for each polling station to be printed and to be delivered to the appropriate Returning Officer, and the Returning Officer shall dispose of the same in accordance with this rule.

Printing and distribution of revised lists of electors.

(2) An election officer shall be entitled to as many copies of the lists of electors as he requires and as are approved by the Commission.

(3) Every candidate shall be entitled to a copy of the revised list of electors for each polling station in his electoral district free of cost.

(4) The Returning Officer shall retain in his office for inspection by the public a copy of the revised list of electors for each polling station in his electoral district.

(5) Available copies of the revised lists of electors for his electoral district shall be sold by the Returning Officer to candidates and to the general public at a price to be determined by the Commission.

26. (1) The Returning Officer shall at least two clear days before polling day furnish to each Presiding Officer in his electoral district for use at his polling station a ballot box with locking devices, a polling station diary, a stamp with X mark to be used by electors to mark their ballots, and a guidance ballot, together with—

Equipment of polling station. [20 of 1976 220/2000].

(a) at least three copies of printed directions, in the form set out as Form No. 48 in the Prescribed

Sub. Leg. Form 48.

Forms Rules, for the guidance of electors in voting;

- (b) a copy of or excerpts from these Rules;
- (c) the register of electors for the polling station;
- (d) three copies of the revised list of electors entitled to vote at the polling station;
- (e) the file of answers to questions by electors whose names appear on the revised list of electors;
- (f) a sufficient number of poll cards for at least the number of electors on the revised list of electors;
- (g) a poll card box made of some durable material with one lock and key and a slit or narrow opening in the top, and so constructed that poll cards may be introduced therein but cannot be withdrawn therefrom unless the box is unlocked;
- (h) *(Deleted by LN 220/2000)*;
- (i) the several forms of oaths to be administered to electors printed together on a card;
- (j) the necessary envelopes and such other forms and supplies as may be authorised or furnished by the Commission;
- (k) the key to the ballot box, the key to the poll card box, and the key to the carrying case referred to in subrule (2), each sealed in a separate envelope;
- (l) the necessary supplies of electoral ink.

(2) When the register of electors is furnished by the Returning Officer to the Presiding Officer as in subrule (1)(c)—

- (a) the binder of the register shall be locked so that no registration record can be removed from the register unless it is torn therefrom;
- (b) the binder and the file of answers to questions shall be locked in a carrying case and the binder or the carrying case shall be sealed by the Returning Officer before its delivery to the Presiding Officer;

- (c) the Returning Officer shall retain in his possession the key of the binder;
- (d) the carrying case may not be opened, nor shall the seal on the binder or the carrying case be broken, except at such time and place as the Returning Officer shall direct.

(3) Until the opening of the poll the Presiding Officer shall keep the register of electors and file of answers to questions carefully locked in the carrying case referred to in subrule (2), and the other documents and articles furnished to him under subrule (1) carefully locked in the poll card box, and shall take every precaution for their safe keeping and to prevent any person from having unlawful access to them.

(4) Before the hour fixed for the opening of the poll the Presiding Officer shall post in conspicuous places inside and outside the polling station copies of the directions referred to in subrule (1)(a).

(5) Each Presiding Officer shall, before polling day, visit his polling station and see that it is provided with proper conveniences, as provided by these Rules, for taking the poll.

PART III

TAKING OF THE POLL

27. (1) Subject to subrule (2), the taking of the poll at each polling station shall be between six o'clock in the morning and six o'clock in the afternoon of the same day. Hours of poll.

(2) If at the hour of the closing of the poll there are any electors within the polling station who have not cast their votes, the poll shall be kept open a sufficient time to enable them to vote.

28. Every employer shall permit each elector in his employment to be absent from his work on polling day during the hours of the poll for two hours in addition to the normal midday meal hour. Employees' time off for voting.

Returning Officer or Poll Clerk may preside at polling station. [20 of 1976].

29. (1) A Returning Officer may, if he thinks fit, preside at a polling station in his electoral district and these Rules relating to the Presiding Officer shall apply to the Returning Officer so presiding with the necessary modifications as to things to be done by the Returning Officer.

(2) A Presiding Officer may do, by a Deputy Presiding Officer or a Poll Clerk, any act (including the asking of questions) which he is required or authorised by these Rules to do at a polling station except order the arrest, exclusion or removal of any person from the polling station.

Polling Agent and Special Polling Agent. [240/1986].

30. (1) Subject to subrule (2), each candidate or his election agent may before the commencement of the poll, appoint—

- (a) one Polling Agent to attend at each polling station for such purposes as are provided by these Rules; and
- (b) one Special Polling Agent to be present at the issue of ballot papers at special polling stations and to attend the declaration by the Returning Officer of the result of the poll,

but where any such agent is a paid agent he shall be appointed by the election agent.

Sub. Leg. Form 49. Form 50.

(2) An appointment of a Polling Agent shall be in the form set out as Form No. 49 in the Prescribed Forms Rules and an appointment of a Special Polling Agent shall be in the form set out as Form No. 50 in the Prescribed Forms Rules.

(3) An appointment of a Polling Agent shall be made before he assumes duty on polling day and shall be presented by the Polling Agent to the Presiding Officer of the polling station for which he was appointed; and an appointment of a Special Polling Agent shall be presented by the Special Polling Agent to the Returning Officer concerned before he attends any proceedings referred to in subrule (1)(b).

(4) If a Polling Agent or a Special Polling Agent dies, or becomes incapable of acting, the candidate or his election agent,

as the case may be, may appoint another such agent in his place and the provisions of subrules (2) and (3) shall apply in respect of any such appointment.

(5) A candidate may himself do any act or thing which any Polling Agent of his, if appointed, would have been authorised to do, or may assist his Polling Agent in doing any such act or thing; but no candidate and his Polling Agent shall be in the same polling station at the same time for more than ten consecutive minutes.

(6) A Polling Agent may, with the permission of the Presiding Officer, absent himself from the polling station during any period except the hour immediately prior to the closing of the poll.

(7) Where by these Rules any act or thing is required or authorised to be done in the presence of the candidates or their election agents, Polling Agents or Special Polling Agents, the non-attendance of any such candidate or agent at the time and place appointed for the purpose, does not, if the act or thing is otherwise duly done, invalidate the act or thing done.

31. (1) Before entering a polling station a declaration of secrecy, in the form set out as Form No. 51 in the Prescribed Forms Rules, shall be made by every person referred to in rule 32.

Declaration of secrecy. [20 of 1976 43/1988]. Sub. Leg. Form 51.

(2) The Chief Election Officer, the Deputy Chief Election Officer, the Assistant Chief Election Officer, a Registration Supervisor, a Returning Officer or an Election Clerk shall make the declaration referred to in subrule (1) in the presence of a Justice; and any other person shall make the declaration in the presence either of a Justice, Returning Officer or Election Clerk, and section 64(1), (2), (3), (5) and (6) of the Act shall be read to the declarant by the person taking the declaration.

32. The Presiding Officer shall regulate the number of electors to be admitted to his polling station at the same time, and shall exclude all other persons except such of the following

Admission to polling station. [20 of 1976 43/1988 220/2000].

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persons who he is satisfied have made the declaration required under rule 31:

- (a) the candidates and their Election Agents;
- (b) the Polling Agents appointed to attend at the polling station;
- (c) the Police Officers on duty;
- (d) the companions of physically incapacitated electors;
- (e) the Chief Election Officer, the Deputy Chief Election Officer, an Assistant Chief Election Officer, a Registration Supervisor, the Returning Officer, the Election Clerk, the Deputy Presiding Officer and the Poll Clerks;
- (f) such other persons who are authorised in writing by the Returning Officer with the approval of the Commission.

Arrangement of
polling station.
[70/1971
20 of 1976
220/2000].

33. (1) The Presiding Officer shall cause every part of the polling station to be in plain view of himself, the Deputy Presiding Officer, the Poll Clerk and of any Polling Agent, candidate or Election Agent who may be present.

(2) Subject to rule 48, an Election Officer shall not be in a position that will permit him to see how a voter votes or has voted.

(3) Subject to rule 48, the Presiding Officer shall not allow any person except the companion of a physically handicapped, blind or visually impaired voter to be in any position that will permit such person to see or ascertain how that voter votes or has voted.

(4) At frequent intervals during the hours of the poll, but not when an elector is voting, the Presiding Officer or Deputy Presiding Officer shall inspect the voting booth to ensure that it has not been disarranged.

(5) While a poll is in progress neither the ballot box nor the poll card box shall be unlocked for any purpose.

34. The Presiding Officer, the Deputy Presiding Officer, the Poll Clerks and other polling station officers shall arrive at their polling stations on polling day not later than two hours before the opening of the poll.

Arrival at polling station of Presiding Officer, etc. [70/1971 20 of 1976 220/2000].

35. (1) Immediately before the opening of the poll the Presiding Officer shall in the presence of—

Duties of Presiding Officer before opening of poll. [70/1971 20 of 1976 48/1977 220/2000].

- (a) the Deputy Presiding Officer, the Poll Clerks and any other Polling Station Officers; and
- (b) the candidates or their agents,

open and inspect the ballot box to ascertain that there are no ballot papers or other papers or material therein, after which the box shall be locked by means of the outside lock, placed on the table of the officer in charge of the ballot box in full view of all present and shall remain so placed until the close of the poll.

(2) Where neither the candidates nor their agents are present, the Presiding Officer shall call upon two electors to witness the opening of the ballot box.

(3) The Presiding Officer shall open and inspect the poll card box in the same manner as the ballot box. The Presiding Officer shall then lock the poll card box, and place it on the table provided for the officer in charge of the ballot box in full view of all present where it shall remain until the close of the poll.

(4) The Presiding Officer shall in signed writing record in the polling station diary, the opening and inspection of the ballot box and the poll card box and the persons in whose presence the opening and inspection were carried out shall sign the record as witnesses.

36. No person shall be entitled to vote at a polling station for any polling division unless his registration record appears in the unit register of electors for that polling division or his name appears on the revised list of electors for that polling division, or subject to rule 64(2) his name is included on the revised list of electors for that polling station.

Entitlement to vote. [70/1971 20 of 1976 153/1981 220 of 2000].

37. (1) It is the duty of the Presiding Officer to manage and keep order at his polling station.

Keeping order in the polling station. [220/2000].

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(2) If a person misconducts himself in a polling station, or fails to obey the lawful orders of the Presiding Officer, he may immediately, by order of the Presiding Officer, be removed from the polling station by a police officer or by any other person authorised in writing by the Presiding Officer to remove him; and the person so removed shall not without the permission of the Presiding Officer, again enter the polling station on polling day.

(3) Any person so removed may, if charged with the commission in the polling station of an offence, be dealt with as a person taken into custody by a police officer for an offence without a warrant.

(4) The powers conferred by this rule shall not be exercised so as to prevent an elector who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

Duties of a Poll Clerk. [79/1968 20 of 1976 48/1977 153/1991 203/1998 220/2000].

38. (1) Subject to subrule (5), forthwith upon entering a polling station to register his vote at an election, every elector shall hand his identification card to the Poll Clerk who shall thereupon examine the revised list of electors for the polling station.

(2) In subrule (1), the expression "identification card" includes, for the purposes of a Municipal Council election the identification card issued under section 16(1)(b) of the Act, to a person who, but for the provisions of section 13(1)(c), (d) or (e) of the Act, would not be qualified to be registered as an elector.

(3) If the name of the elector is included in the said list, the Poll Clerk shall record on a poll card the consecutive number of the person appearing in the list, and ensure that there is correctly recorded thereon, the name, address and registration number of the person, the name of the electoral district, the number and address of the polling station and the date of the election.

(4) Poll cards shall be in the form set out as Form No. 52 in the Prescribed Forms Rules and shall be numbered consecutively by the Poll Clerk.

Sub. Leg. Form 52.

(5) If a prospective voter does not hand an identification card to the Poll Clerk, he shall give his name and address to the Poll Clerk who, if the name of such person is included on the revised list of electors, shall require the person to take an oath in the form set out as Form No. 53 in the Prescribed Forms Rules, and the Poll Clerk shall record upon the poll card which relates to such person the particulars referred to in subrule (3).

Sub. Leg.
Form 53.

(6) After the Poll Clerk has recorded upon a poll card the particulars referred to in subrule (3) or (5), he shall deliver the same to the elector who shall, subject to subrules (7) and (8), affix to the poll card his signature in the place provided for the same.

(7) Where the elector is unable to sign his name because of illiteracy or physical disability, including blindness or visual impairment, he shall make an impression in ink on the original of the poll card in the place directed by the Poll Clerk as follows:

- (a) with his right thumb, where he has one;
- (b) where he has no right thumb, with the finger, as ascertained by the Poll Clerk from the unit register with which the elector is recorded as having made his impression on the registration record.

*(8) Where the elector has no finger on either hand, the poll card shall be signed for and on his behalf by a companion or a candidate or Polling Agent or an Election Agent; and the Poll Clerk shall make a note to that effect upon the original of the poll card.

(9) After the elector has signed his name or made his impression on the poll card, the Poll Clerk shall deliver to such person his identification card, if any, and direct him to give the poll card and identification card, if any, to the Deputy Presiding Officer or his nominee.

(10) Subject to rule 40(13), the Poll Clerk shall then mark the consecutive number of the poll card on the revised list of electors opposite to the name of the elector.

* "companion" is defined in rule 48(4).

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(11) A prospective voter referred to in subrule (5) may be required by the Presiding Officer to stand in a separate line from and to be attended to after electors with identification cards.

(12) If a person's name does not appear on the revised list of electors, the Poll Clerk shall check the register for the name of that person.

Poll cards issued to prospective voters. [153/1991].

39. (1) During the period intervening between nomination day and polling day the Commission may issue or cause to be issued poll cards to prospective voters whose names appear on the revised list of electors at the addresses stated thereon.

(2) Where a poll card has been issued pursuant to subrule (1), the voter shall on his entering the polling station on polling day hand his poll card and identification card to the Poll Clerk who shall cause the elector to affix his signature or sign his name in the manner prescribed by rule 38(6), (7) or (8) and thereafter subrules (9), (10) and (11) of that rule shall apply.

Duties of Presiding Officer. [20 of 1976 48/1977 115/1992 220/2000].

40. (1) When a person hands his poll card and identification card, if any, to the Presiding Officer or his nominee, the Presiding Officer or his nominee shall compare —

- (a) any signature on the poll card with that of the elector on his identification card; and
- (b) any photograph on the identification card with the face of the person.

(2) *(Revoked by LN 220/2000).*

(3) After having completed the action referred to in subrule (1), if the Presiding Officer or his nominee is satisfied that the person in question is the correct person and is entitled to vote at the election and at the polling station, he shall, where the elector has a hand with any fingers thereon, in the presence of the Poll Clerk and of any Polling Agent, candidate or Election Agent who may be present, inspect all the fingers of the elector.

(4) If no mark of electoral ink appears upon any of the fingers of the elector, the Presiding Officer or his nominee shall signify his permission for the elector to vote by—

- (a) writing the initial letters of his own name on the poll card;
- (b) entering on the stub of the ballot paper intended to be given to that elector the consecutive number as recorded on the poll card and the number recorded against the elector's name on the revised list of electors in use at that polling station;
- (c) carefully detaching the ballots from the stub along the lines of perforation and placing the initial letters of his own name together with the polling station number in the place provided on the ballot for so doing;
- (d) using the guidance ballot, instructing the elector in the procedure for voting and the manner in which the ballot is to be folded after the elector has signified his vote thereon;
- (e) delivering the ballot to the elector;
- (f) handing to the elector the stamp with "X" mark or other instrument provided for electors to mark their ballots at the election and directing the elector to the voting booth where he shall mark his ballot by imprinting or marking an "X" against the particulars of the candidate of his choice with the stamp or other instrument provided therefor.

(5) The elector shall then fold his ballot so that the initials of the Presiding Officer or his nominee can be seen without opening the ballot, proceed to the officer in charge of the ballot box, displaying the ballot and handing over his poll card to him. Where the ballot is not so folded, the officer in charge of the ballot box shall require the elector to fold the ballot as required by this subrule.

(6) The officer in charge of the ballot box upon satisfying himself—

- (a) that the ballot is the ballot that was given to the elector;
- (b) that the ballot is correctly folded,

shall then require the elector to immerse his index finger in the electoral ink and when the elector so immerses his finger the officer shall, after allowing the elector to insert his ballot into the ballot box, indicate on the poll card that the elector has voted and insert the poll card in the poll card box.

However, the officer shall not require an elector to immerse his finger in the electoral ink if he is satisfied—

- (a) that the elector is suffering from some injury to all his fingers which is of such a nature as to render it undesirable for him to immerse any of his fingers in the electoral ink; or
- (b) that there is on the fingers of the elector any substance which in the opinion of the officer is likely to prevent the adhesion of the electoral ink.

(7) Where before issuing a ballot paper to an elector, the Presiding Officer or his nominee inspects the fingers of that elector and finds them marked with electoral ink he shall not allow that elector to vote and shall make an entry to that effect in the polling station diary.

(8) Where after an elector has marked his ballot as required by these Rules he refuses to immerse his finger in the electoral ink, the Deputy Presiding Officer shall not permit him to insert his ballot in the ballot box but shall refer the case to the Presiding Officer, who shall require the elector to hand over his ballot and poll card to him for immediate destruction in the presence of all persons present in the polling station and the officer in charge of the ballot box shall make an entry of this occurrence in the polling station diary.

(9) After having completed the action referred to in subrule (1), if the officer nominated is not satisfied as in subrule (3), subject to rule 41, he shall refer the case to the Presiding Officer and

pass on the poll card and identification card to him for a decision and if the Presiding Officer is not satisfied as in subrule (3), he shall indicate the same to the person and make a note to that effect on the poll card and shall retain the identification card of such person.

(10) If a person referred to in subrule (8) insists on voting, the Presiding Officer shall follow the procedure set out in rule 38(4) to (7) and if the person is permitted to vote under those provisions, he shall not be entitled to do so unless he takes the oath in the form set out as Form No. 54 in the Prescribed Forms Rules.

Sub. Leg.
Form 54.

(11) The Presiding Officer shall note on the poll card the numbers of any oaths or declarations sworn to by an elector.

(12) No elector who has refused to take an oath or affirmation or to make any declaration or to answer any question or to immerse his finger in the electoral ink as required by these Rules shall be permitted to vote; and no such elector shall be again admitted to the polling station on polling day.

(13) Where the Presiding Officer has not permitted an elector to vote, he shall pass the poll card issued to the elector to the Poll Clerk who shall thereupon delete the number of the poll card inserted opposite to the name of the elector on the revised list of electors; and he shall reassign the number to another elector.

(14) Where a Presiding Officer or his nominee has reasonable cause to suspect that there is some foreign matter folded in a ballot, he may examine that ballot by touch but in such a way so as not to contravene the requirement of secrecy.

(15) Where upon examining the ballot, the officer in charge of the ballot box is of the opinion that there is some foreign matter folded therein, he shall so inform the elector and shall not permit the elector to insert the ballot in the ballot box, but shall bring the matter to the attention of the Presiding Officer.

(16) Where the elector denies having placed any foreign matter in his ballot, the Presiding Officer shall call the attention of any Election Officers, any candidates or their agents present at the polling station, to the fact that there appears to be some foreign matter enclosed in the elector's ballot and inform them of his intention not to permit its insertion into the ballot box.

(17) The Presiding Officer shall advise the elector that if he wishes to cast his vote his ballot shall be placed in a special envelope for suspect ballots, kept outside the ballot box.

(18) Where the elector refuses to have his ballot placed in the envelope for suspect ballots, the Presiding Officer shall, in the presence of all persons in the polling station, destroy the ballot and the poll card and make an entry to that effect in the polling station diary.

(19) An elector whose ballot is destroyed under subrule (18) shall not be issued another ballot paper at that election.

Additional duties of Presiding Officer where different Municipal Council elections held same day.

41. Where a Municipal Council election takes place in which election for a City, Borough or Regional Municipality is held on the same day, the Presiding Officer notwithstanding rule 40(6), shall not prohibit a person who is qualified to be an elector for the City or Borough election under section 13(1)(e) of the Act and who presents himself at a polling station—

- (a) in the City or Borough electoral district from voting on the ground only that any finger of such person has a mark of electoral ink in use in the Regional Municipality election; or
- (b) in the Regional Municipality electoral district from voting on the ground only that any finger of such person has a mark of electoral ink in use in the said City or Borough election,

if the Presiding Officer is satisfied that the person is not exercising more than one vote either in the Municipal Council election or in the Regional Municipality election. The Presiding Officer shall require the elector to immerse any finger other than the finger bearing such electoral ink, in the appropriate electoral ink.

Procedure for elector whose name is not on revised list. [20 of 1976 220/2000]. Sub. Leg. Form 54.

42. Where an elector's name does not appear on the revised list of electors for the polling station at which he is qualified to vote but his registration record appears in the unit register, the elector shall be required to take the oath in the form set out as Form No. 54 in the Prescribed Forms Rules before he is permitted to vote and such oath shall be administered by the Presiding Officer or his nominee.

43. (1) Where an elector's registration record is not in the unit register of electors for the polling station at which he is qualified to vote but his name appears on the revised list of electors for that polling station, the elector shall be required to take the oath in the form set out as Form No. 55, 56 or 57 in the Prescribed Forms Rules before he is permitted to vote and such oath shall be administered by the Presiding Officer or his nominee.

Procedure where elector's registration record is not in unit register. [26 of 1976 220/2000]. Sub. Leg. Forms 55, 56 and 57.

(2) Where an elector takes an oath under this rule or under rule 42, the provisions regarding the completion of forms and procedures for the purposes of voting shall apply in so far as is practicable.

44. For the purpose of instructing electors in the procedure for voting and for informing them of the manner in which the ballot is to be folded, the Presiding Officer or his nominee shall use a guidance ballot provided by the Commission.

Guidance ballot. [20 of 1976 220/2000].

45. Except as otherwise provided in these Rules voting shall be secret and obscured from all persons except the voter.

Secrecy of ballot. [20 of 1976].

46. (1) An elector voting at a polling station shall mark his ballot with the stamp or other instrument provided which shall be handed to him by the Presiding Officer or his nominee before he enters the voting booth.

Manner of voting. [20 of 1976 220/2000].

(2) The "X" shall be stamped or marked in the space provided therefor on the right hand side of the name of the candidate as printed on the ballot paper.

(3) A ballot paper shall not be rejected by reason only that the "X" is stamped or marked outside the space provided or that more than one "X" is stamped or marked thereon so long as there is a clear indication as to the candidate for whom the elector intended to vote.

47. (1) Every elector shall vote without undue delay and shall leave the polling station as soon as he has registered his vote.

Electors to vote with despatch. [20 of 1976].

(2) An elector shall not remain in the voting booth for longer than one minute without the consent of the Presiding Officer.

Voting by an incapacitated elector. [203/1998 220/2000].

Sub. Leg. Forms 58 and 59.

48. (1) Subject to rules 38 to 47, the Presiding Officer, on application of an elector who is incapacitated by blindness, visual impairment or by other physical cause and who is, therefore unable to vote in the manner directed by these Rules, shall require the elector to swear an oath in the form set out as Form No. 58 or 59 in the Prescribed Forms Rules, as the case may be, and on making such oath the elector shall be allowed to cast his vote with the use of a template or the assistance of a companion of his choice.

(2) Where a blind or visually impaired elector opts to vote with the use of a template, the Presiding Officer shall provide him with a template to assist him in marking his ballot paper.

(3) For the purposes of these Rules “template” means a pocket-shaped cardboard device opened at the top and the right into which a ballot paper is inserted in such a way that the holes in the template correspond with the circles opposite the names of the candidates.

(4) Subject to subrule (5) for the purposes of these Rules, “a companion” means—

- (a) a person who is entitled to vote as an elector at the election except an Election Officer or a Polling Agent; or
- (b) the father, mother, brother, sister, husband, wife, son or daughter of the elector who has attained the age of eighteen years.

(5) A person incapacitated by blindness, visual impairment or other physical cause shall not be a companion to an elector under these Rules.

(6) Where the assistance of a companion is required the elector may request that the Presiding Officer be present with the elector and his companion in the voting booth.

Declaration by incapacitated elector's companion. [20 of 1976 203/1998]. Sub. Leg. Form 60.

49. (1) Where the elector swears an oath in accordance with Rule 48(1), the Presiding Officer shall require the elector's companion to make a declaration, in the form set out as Form No. 60 in the Prescribed Forms Rules.

(2) Where the Presiding Officer is satisfied that the provisions of rule 48 and subrule (1) of this rule have been complied with, he shall grant the application made under rule 48 and thereupon anything which is, by these Rules, required to be done to or by the elector in connection with the giving of his vote, may be done to, or with the assistance of a template or the companion.

50. (1) Subject to these Rules as to proof of qualification as an elector, if a person representing himself to be a particular elector presents himself to vote at an election after another person has voted as such person, he shall be entitled to vote after taking the oath of identity, in the form set out as Form No. 61 in the Prescribed Forms Rules, and otherwise establishing his identity to the satisfaction of the Presiding Officer.

Mode of voting
in special cases.
[20 of 1976
220/2000].

Sub. Leg.
Form 61.

(2) In such case the Presiding Officer shall place the initial letters of his names on the ballot paper and the poll card of the elector and shall enter thereon—

- (a) a note of the elector having voted after another person had voted as such elector;
- (b) the fact of the oath of identity having been required and taken by such elector; and
- (c) any objections made on behalf of any and of which of the candidates.

(3) Where there is contained in the register of electors a name, address and occupation which corresponds so closely with the name, address and occupation of a person who presents himself to vote at a polling station as to suggest that the entry in such register was intended to refer to him, such person shall, upon taking the oath in the form set out as Form No. 54 in the Prescribed Forms Rules and complying in all other respects with these Rules, be permitted to vote.

Sub. Leg.
Form 54.

(4) An elector, if required by the Presiding Officer, the Poll Clerk, a candidate, a Polling Agent, an Election Agent or by an elector present, shall before voting take an oath in the form set out as Form No. 55 in the Prescribed Forms Rules, and if the elector refuses to take the same, the Presiding Officer shall not permit him to vote and shall make a note to that effect on his poll card.

Form 55.

(5) A married woman whose maiden name appears on the revised list of electors and whose registration record in such name is in the unit register and who presents her identification card bearing her maiden name shall be permitted to vote after having taken such oath as to her identity in the form set out as Form No. 54 in the Prescribed Forms Rules. An entry shall be made in respect of this event in the polling station diary.

Sub. Leg.
Form 54.

Questions to be
put to electors.
[220/2000].

51. (1) A Presiding Officer may, and if required by a candidate or a Polling Agent shall, put to any elector after he has entered the polling station the following questions, or either of them, that is to say —

(a) are you the same person whose name appears as A.B. in the register of electors for this polling station?

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

(2) A person required to answer the above questions or any of them shall not be permitted by the Presiding Officer to vote unless he has answered the first question in the affirmative and the second question in the negative.

(3) Where a prospective voter affixes his impression to the poll card, and his registration record and his identification card, if any, have imprinted thereon an impression in lieu of a signature, the Presiding Officer may, and shall, if required by a candidate or a Polling Agent, put to such person the questions the answers to which, if any, are recorded in respect of such person in the file of answers to questions of illiterate and disabled electors.

(4) The Presiding Officer shall record the answers of a person obtained under subrule (3) in the form set out as Form No. 62 in the Prescribed Forms Rules in the presence of the Poll Clerk and of any Polling Agent, candidate or Election Agent who may be present, and the answers given shall be signed by the Presiding Officer and the Poll Clerk and, if they so desire, by any such Polling Agent, candidate or Election Agent.

Sub. Leg.
Form 62.

(5) If the answers to the questions referred to in subrule (3) are the same or substantially the same as the answers recorded in the file of answers to questions of such elector, the Presiding Officer shall, subject to these Rules, permit such person to vote.

(6) If the questions referred to in subrule (3) are not answered in the manner referred to in subrule (5), such person shall not be permitted to vote unless he takes the oath in the form set out as Form No. 54 in the Prescribed Forms Rules.

Sub. Leg.
Form 54.

(7) The Presiding Officer shall note on the poll card of the elector whether questions have been asked of the elector under any of the preceding subrules.

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

Challenge of
elector.

- (a) a candidate or his Polling Agent or election agent declares to the Presiding Officer that he has reasonable cause to believe that the person has committed an offence of personation and undertakes to substantiate the charge in Court; 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 rule shall not by reason thereof be prevented from voting.

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

53. (1) Whenever the Presiding Officer does not understand the language spoken by any elector, he shall appoint an interpreter who shall be the means of communication between the elector and

Interpreter.

any Election Officer at the polling station with reference to all matters required to enable that elector to vote, but in case no interpreter is found, the elector shall be allowed to vote.

Sub. Leg.
Form 63.

(2) Every interpreter appointed under this rule shall take oath in the form set out as Form No. 63 in the Prescribed Forms Rules, and the Presiding Officer shall make a note on the poll card of the elector of the appointment of the interpreter.

Polling station
diary.
[20 of 1976
220/2000].

54. (1) The Presiding Officer shall cause to be maintained at each polling station a record to be called a polling station diary.

(2) The Presiding Officer shall cause to be recorded in the polling station diary, in addition to any event which in his opinion ought to be so recorded—

- (a) the hour at which the poll was opened and whether the candidates or their agents were present;
- (aa) the names of all officers including the police officer and Polling Agents at the polling station;
- (b) the name of any person who votes under rule 50(1) or (5);
- (c) the name, address and identification card number of any person who claims to be registered and entitled to vote at that polling station but whose name does not appear on the revised list of electors or in the unit register at that polling station;
- (d) the name of any elector who is not permitted to vote because of his refusal to take an oath or to comply with any lawful direction of the Presiding Officer provided for in this Act or the Rules made thereunder and which is required to be complied with before the elector casts his vote;
- (e) any objection recorded by a candidate or his agent;
- (f) a ballot which, to the Presiding Officer, appears to contain some foreign element and is placed in the special envelope reserved for suspect ballots;

- (g) the name of any elector who is required to take an oath and the form of the oath;
- (h) a certificate as to the number of persons who voted at the polling station signed by them and other polling station officials;
- (i) destroyed ballots and spoiled ballots;
- (j) a statement of the result of the poll; and
- (k) the circumstances surrounding any destroyed ballot.

55. An elector who has inadvertently dealt with the ballot paper delivered to him in such manner that it cannot conveniently be used shall return it to the Presiding Officer who shall—

Spoiled ballots.
[20 of 1976].

- (a) deface it in such manner as to render it a spoiled ballot;
- (b) deliver another ballot paper to the elector;
- (c) place the spoiled ballot in an envelope provided therefor; and
- (d) cause a record thereof to be made in the polling station diary.

56. (1) Where proceedings at a polling station are interrupted or obstructed by riot or open violence, the Presiding Officer shall suspend the proceedings and report the matter to the Returning Officer. Where the poll is not reopened by 6.00 p.m. it shall be adjourned until the following day.

Suspension or adjournment of poll.
[20 of 1976].

(2) Where the poll is adjourned at a polling station under this rule—

- (a) the hours of the poll on the day to which it is adjourned shall be the same as for the original day; and
- (b) references in this Act to the close of the poll shall be construed accordingly.

57. Immediately after the last elector has voted after 6.00 p.m. the Presiding Officer shall announce the close of the poll.

Closing of poll.
[20 of 1976].

Procedure at closing of poll. [20 of 1976 240/1986 43/1988 220/2000].

58. (1) The Presiding Officer shall record in the polling station diary the hour at which the poll was closed and the number of persons who voted at that polling station as recorded on the stub of the last ballot paper issued excluding the total number of destroyed and spoiled ballots.

(2) The Presiding Officer shall sign the record in the polling station diary referred to in subrule (1) and cause the Deputy Presiding Officer, the Poll Clerk and such of the candidates or their agents as are present to append their signatures thereto.

PART IV

SPECIAL VOTING

Special elector. [20 of 1976 28 of 1976 240/1986 43/1988 220/2000].

Ch. 15:03.

Ch. 15:02.

59. An elector is eligible to be treated as a special elector if he is—

- (a) a member of the Police Service, of the Special Reserve Police established under the Special Reserve Police Act, or of the Estate Police established under the Supplemental Police Act;
- (b) a member of the Trinidad and Tobago Defence Force;
- (ba) a member of the Prison Service;
- (c) a member of the Commission, the Chief Election Officer, the Deputy Chief Election Officer, and the Assistant Chief Election Officer;
- (d) the Returning Officer of an electoral district other than that in which he is registered for the purposes of the election;
- (e) a Presiding Officer, a Deputy Presiding Officer or a Poll Clerk;
- (f) a Polling Agent;
- (g) a candidate or the husband or wife of a candidate for an electoral district other than that in which he is registered for the purposes of the election;
- (h) an election agent or sub-agent who is registered for the purposes of the election in an electoral district other than that of his candidate;

- (i) unable or likely to be unable to go in person to the polling station at which he is entitled to vote unless he travels between Trinidad and Tobago;
- (j) unable or likely to be unable to go in person to the polling station at which he is entitled to vote by reason of being—
 - (i) a patient in a public hospital, or in a private hospital approved by the Commission, or an inmate in a public institution; or
 - (ii) a prisoner within the meaning of that expression in section 2 of the Prisons Act. Ch. 13:01.
- (k) a member of the flight crew of an aircraft;
- (l) a person engaged in offshore petroleum operations, or any other person or member of any other organisation as the Commission sees fit.

60. (1) Where his application is allowed under rule 62(1) an elector referred to in rule 59 may be treated as a special elector. Voting by special elector. [28 of 1976].

(2) A special elector shall cast his ballot in the manner and at the time and place fixed for the casting of votes of special electors of the category to which he belongs as specified in rule 59.

61. A special elector is not entitled to vote at a polling station on polling day at an election for which he is a special elector. A special elector may vote only in accordance with the provisions of this Part. Voting on polling day. [28 of 1976].

62. (1) An application to be treated as a special elector at an election shall be made between the date of the publication of an election notice and nomination day to the Returning Officer of the electoral district in which the applicant is registered as an elector and shall be allowed by the Returning Officer if he is satisfied that the applicant is eligible to be treated as a special elector. Determination of right to be treated as special elector. [28 of 1976 126/1976 115/1992].

(2) Subject to subrule (3), an application under subrule (1) shall be for a particular election only.

(3) An application under subrule (1) that is made by a member of the Police Service or a member of the Special Reserve Police or of the Estate Police or of the Trinidad and Tobago Defence Force may be granted for an indefinite period but, where such an application is so granted the applicant shall cease to be entitled to be treated as a special elector in pursuance thereof if he ceases to serve in the Police Service or as a member of the Special Reserve Police or of the Estate Police or of the Trinidad and Tobago Defence Force.

Record and list
of special
electors.
[28 of 1976
220/2000].

63. (1) The Returning Officer shall keep a record and a list of special electors and of the addresses furnished by them as the addresses to which their ballot papers are to be sent.

(2) The persons to be entered in the record and list of special electors are those electors whose applications are allowed under rule 62(1).

(3) The record of special electors shall be in the form that appears to the Commission to be convenient.

(4) The names of special electors shall be arranged in the list of special electors in an alphabetical series according to surnames, shall be numbered consecutively and shall be in the form set out as Form No. 64 in the Prescribed Forms Rules.

Sub. Leg.
Form 64.

(5) The Returning Officer shall complete the preparation of the list of special electors not later than three days after nomination day.

(6) Not later than two days after the list of special electors has been prepared the Returning Officer shall publish it by making a copy thereof available for inspection at his office and shall cause a copy thereof to be delivered to the Chief Election Officer and to the Registration Officers of the registration units in which the said special electors are registered for the purposes of the election.

(7) The Returning Officer shall make a copy of the record of special electors available for inspection at his office.

(8) As soon as practicable after the preparation of the list of special electors, the Returning Officer shall, on request, supply to each candidate or his election agent a copy of the list.

(9) A Registration Officer on receiving a list of special electors under subrule (6) shall delete the names of any such electors from the relevant revised lists of electors.

64. The Registration Officer, on receipt of the list of special electors from the Returning Officer, shall remove the registration records of such electors from the register and shall place them in alphabetical order according to surnames in a binder; and the records shall be the register of special electors for such electoral district.

Register of special electors. [28 of 1976 220/2000].

65. Forthwith on the receipt by him of the list of special electors under rule 63(6), the Chief Election Officer shall furnish to the Returning Officer—

Supply of election material to Returning Officer. [28 of 1976 240/1986].

- (a) a sufficient number of ballot papers for at least the number of electors in the said list of special electors;
- (b) a statement showing the numbers of the ballot papers so supplied, with their serial numbers; and
- (c) the necessary envelopes and forms.

66. (1) As soon as practicable, the Returning Officer shall fix the time and place for the issue of ballot papers and shall give at least two days' notice in writing thereof to each candidate for the electoral district.

Ballot papers for special electors. [28 of 1976 240/1986].

(2) At the time and place fixed under subrule (1) the Returning Officer shall issue to each special elector at the address furnished by him for the purpose a ballot paper together with an envelope for their return, hereinafter referred to as a "covering envelope."

(3) (*Revoked by LN 240/1986*).

67. No person other than—

- (a) the Chief Election Officer, the Deputy Chief Election Officer, an Assistant Chief Election Officer and a Registration Supervisor;

Persons entitled to be present at issue of ballot papers. [20 of 1976 28 of 1976 240/1986 43/1988].

L.R.O. 1/2006

- (b) the Returning Officer and his Election Clerks;
- (c) the candidates for the electoral district and their Election Agents and Special Polling Agents; and
- (d) two electors for the electoral district selected by the Returning Officer,

may be present at the proceedings on the issue of ballot papers.

Declaration of secrecy. [20 of 1976 28 of 1976 240/1986 43/1988]. Sub. Leg. Form 66.

68. (1) Every person attending the proceedings on the issue of ballot papers shall, before the commencement of any such proceedings, make a declaration of secrecy in the form set out as Form No. 66 in the Prescribed Forms Rules.

(2) The Chief Election Officer, the Deputy Chief Election Officer, the Assistant Chief Election Officer, a Registration Supervisor, a Returning Officer or an Election Clerk shall make the declaration in the presence of a Justice of the Peace and any other person shall make the declaration in the presence either of a Justice of the Peace or of the Returning Officer or Election Clerk; and section 64(4) and (6) of the Act shall be read to the declarant by the person taking the declaration.

Marking of ballot paper. [20 of 1976 28 of 1976 240/1986].

69. As each ballot paper is issued, the name and number of the special elector on the list of special electors shall be called out and the Returning Officer shall mark the number on the stub of the ballot paper, and shall place the initial letters of his names on the ballot paper in the place reserved therefor; and a mark shall be placed on the said list against the number of the elector to denote that a ballot paper has been issued to the elector but without showing the particular ballot paper issued.

Refusal to issue ballot paper to special elector. [28 of 1976].

70. Where a Returning Officer is satisfied that two or more entries in the list of special electors relate to the same elector, he shall not issue more than one ballot paper in respect of the same elector.

Covering envelope. [28 of 1976 122/ 1976 240/1986]. Sub. Leg. Form 67.

71. The Returning Officer shall, in addition to the ballot paper which he is required by rule 66 to send to a special elector, send a covering envelope with the declaration of identity in the form set out as Form No. 67 in the Prescribed Forms Rules printed and the address of the Returning Officer appearing thereon.

72. (1) All envelopes addressed to special electors shall be counted and forthwith delivered by the Returning Officer to the Office of the Chief Election Officer and the Chief Election Officer shall cause to be stamped with the Commission's date stamp a form of receipt to be presented by the Returning Officer stating the number of envelopes so delivered.

Delivery of ballot papers for special electors to the office of the Chief Election Officer. [28 of 1976 115 of 1992].

(2) Immediately upon receipt of the envelopes referred to in subrule (1), the Chief Election Officer shall arrange for them to be sorted and forwarded to the Registration Office to which the address on each envelope relates, and shall inform the special electors by notice published in the *Gazette* and in at least one daily newspaper circulating in Trinidad and Tobago of the location of the offices where they may collect their envelopes.

73. (1) The Returning Officer for each electoral district shall establish special polling stations at his office at which special electors for that electoral district may cast their ballots.

Special polling stations. [28 of 1976 240/1986 220/2000].

(2) For such purpose, immediately after the issue of ballot papers the Returning Officer shall provide a ballot box or ballot boxes.

(3) Every such ballot box shall be shown open and empty to any candidate, election agent, special polling agent or elector who may be present and shall then be locked by the Returning Officer and sealed with the seal of the Returning Officer and the seals of such of the above-mentioned persons as desire to affix their seals in such manner as to prevent its being opened without breaking the seal.

(4) Every such ballot box shall be marked "special ballot box" and with the name of the electoral district for which the election is held.

(5) The Returning Officer shall make provision for the safe custody of every such ballot box.

74. The Returning Officer, as soon as practicable after the completion of the issue of the ballot papers and in the presence of the persons referred to in rule 73(3), shall make up in a packet

Sealing up of list of special electors. [28 of 1976 240/1986].

LAWS OF TRINIDAD AND TOBAGO

the copy of the list of special electors marked under rule 69; and such packet shall be sealed with the seal of the Returning Officer and of any of the other persons present who desire to affix their seals thereto.

Hours of special polling station. [28 of 1976 220/2000].

75. The hours of operation of a special polling station established for an electoral district under rule 73 shall be fixed by the Commission and published in the *Gazette* and in at least one daily newspaper circulated in Trinidad and Tobago.

Establishment of additional special polling station. [28 of 1976].

76. (1) Where the Commission is of the opinion—
(a) that any category of special elector as specified in rule 59 would be unable to vote at the polling station established under rule 73; or
(b) that it is desirable for the convenience of the special electors of any such category to establish additional special polling stations for the purpose,
it may establish such additional polling stations as it considers appropriate.

(2) Such additional special polling stations may be established at such places as the Commission considers convenient and shall be open for use by the category of special elector referred to in subrule (1) without restriction as regards the electoral district to which he belongs.

Times of opening of special polling stations. [28 of 1976].

77. (1) A special polling station established under rule 76 shall be open at such times and places as may be fixed by the Commission.

(2) The Commission shall give at least two days' notice of the establishment of such special polling station and shall state the class of special electors who may vote at the special station.

Minimum duration of poll. [28 of 1976 138/1976 220/2000].

78. (1) All special polling stations established under rule 73(1) shall be closed on polling day.

(2) No special polling station established under rule 76 may be opened later than two days before polling day.

79. The voting at a special polling station established under rule 76 shall be supervised by Special Presiding Officers appointed by the Commission.

Presiding Officers.
[28 of 1976].

80. The voting at a special polling station established under rule 73 shall be supervised by the Returning Officer or his Election Clerk, and in so doing the Returning Officer or Election Clerk shall be designated a Special Presiding Officer.

Supervision by Returning Officer.
[28 of 1976].

81. Each employer or person in charge of an institution shall, where notice is given to him by the Commission of its intention to establish a special polling station for the convenience of persons working, resident or confined in an area under his control, provide such facilities as may be necessary for the Special Presiding Officer to function and for the special electors to cast their vote in secrecy.

Duties of employers and persons in charge of certain institutions.
[28 of 1976].

82. Before a special elector is permitted to cast his vote, the Special Presiding Officer shall, after the special elector has identified himself—

Procedure on special voting.
[28 of 1976
122/1976
240/1986
220/2000].

- (a) request the special elector to supply his name and address and occupation, and where the polling station is established under rule 76, the electoral district for which he is a special elector, the covering envelope and if available, his identification card;
- (b) check the list of special electors for that electoral district supplied to him by the Chief Election Officer to establish whether there is an entry corresponding to the information given;
- (c) where the check required by paragraph (b) establishes the information given, request him to display—
 - (i) the ballot paper in his possession so as to ensure that it has not yet been marked for any candidate, and if unmarked, that it bears an initial in the area reserved for signature of the Returning Officer;

- (ii) the covering envelope bearing the address of the Returning Officer for his electoral district with the declaration of identity;
- (d) request him to complete and sign the declaration of identity on the outside of the covering envelope, compare the signature with that on the identification card if presented and sign the declaration of identity in the space provided for the signature of the Special Presiding Officer;
- (e) provide the special voter with the stamp or any other writing instrument for him to mark the ballot for the candidate of his choice and then direct him to the area provided for voters to mark their ballot in secrecy and instruct him in the form in which it is to be folded when being returned;
- (f) after the special elector has marked his ballot paper and displayed the folded ballot, the Special Presiding Officer shall ensure that the folded ballot bears the initial of the Returning Officer in the space provided, request him to place it first in the envelope provided for the ballot and the two into the covering envelope addressed to the Returning Officer for the appropriate electoral district and after sealing same cause him to insert it into the special ballot box;
- (g) every Special Presiding Officer shall keep a record at a special polling station in which he shall enter the name, address and identification card number, if available, of a special elector and whether or not the special elector has voted and he shall cause every special elector who has voted at that special polling station to sign the entry referred to in this paragraph.

Voting by physically incapacitated special electors. [122/1976].

83. (1) Where the Special Presiding Officer is of the opinion that a special elector is physically incapacitated by blindness or otherwise to the extent that he is unable to record his vote on the ballot

paper or to insert his ballot into the special ballot box without the assistance of another person, the Special Presiding Officer shall allow that special elector to vote with the assistance of a companion who is of the age of eighteen years or over, in the presence of the Presiding Officer, after the companion has made a declaration of secrecy in the form set out as Form No. 51 in the Prescribed Forms Rules.

Sub. Leg.
Form 51.

(2) Where a special elector is unable to sign the declaration of identity by reason of illiteracy or physical incapacitation, the declaration of identity shall be signed by a companion who is of the age of eighteen years or over and who shall indicate in block letters the identity and address of the special elector.

84. (1) A special polling station established under rule 76 shall be closed at the hour specified in the notice published by the Chief Election Officer for the casting of special votes at that special polling station. But after that hour, electors within the polling station shall be allowed to cast their votes, and thereafter, no further ballots shall be inserted into the ballot box.

Procedure after
the close of the
special polling
station.
[28 of 1976
220/2000].

(2) The Special Presiding Officer shall, in the presence of at least one witness, open the ballot box and without opening the covering envelopes, count them and record on a form to be provided by the Chief Election Officer the total number of envelopes contained in the ballot box.

(3) The Special Presiding Officer shall then count the number of covering envelopes addressed to each Returning Officer and make an entry to that effect on the form referred to in this rule.

(4) The Special Presiding Officer shall place the covering envelopes addressed to each Returning Officer into a special envelope on which shall be written the name of the electoral district to which the ballots relate and the number of covering envelopes contained therein.

(5) The special envelope shall then be sealed by the Special Presiding Officer and the witness or witnesses present shall be invited to do the same.

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Transmission of special ballots to the appropriate Returning Officer. [28 of 1976 240/1986].

85. (1) After the ballots in the covering envelope have been placed into special envelopes in accordance with rule 84, the Special Presiding Officer shall forthwith personally deliver all the special envelopes to the Chief Election Officer who shall give the Special Presiding Officer a receipt to the effect that he received the special envelopes and that they were properly sealed.

(2) The Chief Election Officer shall make the necessary arrangements for the delivery of every such special envelope to the Returning Officer to whom it has been addressed.

(3) The Returning Officer shall give the Chief Election Officer or a person designated by him a receipt to the effect that he has received the envelopes and that they were properly sealed.

Receipt of special envelope. [28 of 1976].

86. The Returning Officer shall immediately on receipt of the special envelope—

- (a) open the envelope and ascertain that the number of covering envelopes contained therein tallies with the number recorded by the Special Presiding Officer on the outside of the special envelope;
- (b) check the name and address appearing on the declaration of identity on each covering envelope against the list of special electors;
- (c) where the declaration of identity is incomplete, return the covering envelope to the Special Presiding Officer for completion;
- (d) record individually in the record book at the polling station the name and address of each elector as recorded on the declaration of identity on the covering envelope and the special polling station at which the vote was cast; and
- (e) without opening the covering envelopes insert them into the ballot box provided at his office for the reception of special ballots.

87. The Returning Officer shall close the special polling stations established under rule 73 at 3.00 p.m. on the day before polling day and shall forthwith seal the slot of the special ballot box with his seal in the presence of the candidates or their agents who may, if they so desire, affix their signature to such seal.

Closure of special polling stations. [28 of 1976 240 of 1986 220/2000].

88. After the close of the polling station established under rule 73 and before the hour of 6.00 p.m. on polling day the Returning Officer or a messenger appointed by him for the purpose shall, after taking the oath in the form set out as Form No. 70A in the Prescribed Forms Rules, under police escort, take the special ballot box sealed in accordance with rule 84 to a polling station serving the electoral district and previously designated by the Chief Election Officer for the purpose and deliver the said ballot box to the Presiding Officer of that polling station.

Special ballot box to be delivered to Presiding Officer. [20 of 1976 28 of 1976 240/1986 220/2000]. Sub. Leg. Form 70A.

89. The Presiding Officer who takes delivery of a special ballot box under rule 88 shall thereupon examine the seals of the Returning Officer on the said box and shall allow any candidate or his agent who may be present to examine them.

Examination of special ballot box. [28 of 1976 240/1986].

89A. The Presiding Officer if he is satisfied that the seal of the Returning Officer have not been broken, shall give the Returning Officer or the messenger appointed by the Returning Officer to deliver the special ballot box as the case may be, a receipt to the effect that he received the special ballot box and that it was properly sealed.

Receipt to be given by Presiding Officer. [240/1986].

89B. In addition to the special ballot box, the Returning Officer shall deliver or cause to be delivered to the Presiding Officer the following:

Items to be delivered by Returning Officer. [240/1986].

- (a) two copies of the list of special electors prepared in accordance with rule 63(4);
- (b) the register of special electors compiled in accordance with rule 64; and
- (c) the key for the special ballot box.

Opening of
special ballot
box.
[240/1986].

89C. Immediately after the Presiding Officer has announced the closing of the poll in accordance with rule 57, he shall, after allowing the persons present to inspect the seals on the special ballot box, break the seals, unlock the ballot box, empty it of its contents, show it open and empty to the persons present, and then relock the box.

Procedure on
receipt of
special ballots.
[20 of 1976
28 of 1976
122/1976
240/1986].

90. (1) The Presiding Officer shall then separately open each covering envelope contained therein.

(2) Where the envelope does not contain a ballot paper the Presiding Officer shall mark the covering envelope “No ballot paper” and also “rejected” and attach thereto the contents (if any) of the envelopes, and place the same into a separate receptacle (hereinafter referred to as “the receptacle for votes rejected”).

(3) Where the envelope does contain a ballot paper the Presiding Officer shall satisfy himself that—

- (a) the declaration of identity printed on the covering envelope has been duly signed;
- (b) the signature on the declaration of identity corresponds with the signature on the registration record of the elector in the register of special electors;
- (c) that the initials appearing on the ballot paper are the initials of the Returning Officer.

(4) If the Presiding Officer is not satisfied as in subrule (3), he shall —

- (a) mark on the covering envelope the word “rejected” if his dissatisfaction is in respect of subrule (3)(a) and (b);
- (b) mark the ballot paper “rejected” if his dissatisfaction is in respect of subrule (3)(c);
- (c) show the declaration and the registration record to the persons authorised by the Presiding Officer to be present;

- (d) place the covering envelope in the receptacle for votes rejected;
 - (e) add the words “rejection objected to” and the letter “Q” to the covering envelope if an objection is made by a candidate or an election agent or any counting agent to his decision.
- (5) If the Presiding Officer is satisfied as in subrule (3), he shall—
- (a) place the covering envelope on which the declaration of identity is printed in a separate receptacle (hereinafter referred to as “the receptacle for covering envelopes”);
 - (b) place the ballot paper in the special ballot box;
 - (c) mark the letter “V” opposite the name of the elector on two copies of the list of special electors.
- (6) On opening a covering envelope, if a ballot paper therein is unfolded, the Presiding Officer shall immediately fold same taking all proper precautions for preventing any persons from seeing the face of the ballot paper.
- (7) Where the declaration of identity has been signed for and on behalf of a special elector in accordance with rule 83(1), the Presiding Officer shall not be required to comply with the requirements of rule 90(3)(b) in determining the validity of the declaration of identity.

91. (1) On the conclusion of the proceedings under rule 90 the Presiding Officer shall place in separate packets one copy of the list of special electors marked under rule 90(5) and the contents of the receptacles respectively for votes rejected, for covering envelopes and every such packet shall be sealed with the seals of the Presiding Officer and of any of the other persons lawfully present who desire to affix their seals thereto.

Sealing up list of special electors and rejected ballot papers of special electors and declarations of identity. [20 of 1976 28 of 1976 220/2000].

(2) The other copy of the list of special electors marked under rule 90(4) and (5) shall be placed in an envelope.

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Station diary record of events. [28 of 1976 240/1986].

92. (1) The Presiding Officer shall record in the polling station diary the fact that special ballot boxes were brought to his station, the number of ballot boxes so brought, the time of arrival of such ballot boxes, the number of special envelopes delivered and such other matters and events relating to the special voting as may to the Presiding Officer seem to be of importance.

(2) The Presiding Officer shall sign the record referred to in subrule (1) and cause the Deputy Presiding Officer, the Poll Clerk and such of the candidates or their agents as are present to append their signatures thereto.

Reopening of special ballot boxes. [28 of 1976 240/1986].

93. (1) The Presiding Officer shall in full view of the candidates or their agents, as may be present, reopen the special ballot box and take out the ballots therein.

(2) Without allowing any person to see for whom such ballot papers have been marked, the Presiding Officer shall then place all such ballot papers in the ballot box which contains the ballots cast at his polling station on polling day and shall make and sign a note upon the statement of poll of the number of ballot papers so placed by him in the ballot box used at his polling station.

94. }
to } (Revoked by LN 240/1986).
96. }

Procedure by Presiding Officer after closing of poll. [20 of 1976 220/2000].

97. (1) Immediately after the Presiding Officer has complied with the requirements of rule 57, he shall —

- (a) count the number of spoiled ballots, if any, and place them in the special envelope supplied for that purpose and indicate thereon the number of the ballot papers and seal the envelope;
- (b) count the unused ballot papers undetached from the book of ballot papers, place them with the stub of all used ballot papers in the special envelope supplied for that purpose and indicate thereon the number of unused ballot papers;

- (c) 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 destroyed ballot papers as recorded in the polling station diary and the number of voters at the polling station as reflected on the stub of the last ballot issued at that polling station, in order to ascertain that all ballot papers are accounted for;
 - (d) record the number of ballots and ballot papers on the Statement of the Poll in the form set out as Form No. 69 in the Prescribed Forms Rules;
 - (e) open the ballot box and empty its contents upon a table;
 - (f) take the suspect ballots, if any, from the special envelope provided for the ballots and without opening it place it among the other ballots which were contained in the ballot box without opening the suspect ballots to reveal for whom the voters have voted;
 - (g) distribute tally sheets to the Deputy Presiding Officer, the Poll Clerk and the candidates or their Polling Agents present;
 - (h) count the number of votes given to each candidate on his tally sheet giving full opportunity for those present to examine each ballot.
- (2) In counting the votes the Presiding Officer shall reject all ballots—
- (a) that are on ballot papers that have not been supplied by him;
 - (b) that have not been marked for any candidate or have not been stamped or marked in the manner prescribed;
 - (c) on which votes have been given for more than one (1) candidate;

Sub. Leg.
Form 69.

- (d) where it cannot be established for whom the elector has voted;
 - (e) upon which there is any writing or mark by which the elector can be identified.
- (3) No ballot shall be rejected by reason only that—
 - (a) it has on it any number or mark placed thereon by the Presiding Officer; or
 - (b) it has been marked with some instrument other than that provided at that election for electors to record their votes so long as the mark does not constitute identification of the voter.
- (4) Where in the course of counting the ballots a Presiding Officer discovers that he had omitted to affix his initials to the back of the ballot at the time it was issued he shall in the presence of the Deputy Presiding Officer and the Poll Clerk and the candidates or their agents affix his initials to the ballot and count the ballot if he is satisfied that—
 - (a) the ballot paper is one that has been supplied by him;
 - (b) an omission has really been made; and
 - (c) every ballot paper supplied to him by the Returning Officer has been accounted for.
- (5) In counting the ballots the Presiding Officer shall, wherever his decision on a ballot is questioned, record the fact by writing the letter “Q” at the back of the ballot and appending his initials.
- (6) The decision of the Presiding Officer as to the validity or otherwise of a ballot shall be final subject to review.
- (7) The Presiding Officer shall place the ballots cast for each candidate in a separate envelope whether or not any such ballot is a questioned ballot.
- (8) All rejected ballots shall be put into a separate envelope.

(9) All the envelopes referred to in subrules (7) and (8) shall be endorsed as to indicate their contents and shall be sealed by the Presiding Officer. The number of questioned ballots and the total number of ballots contained in each envelope shall be indicated on the outside of the envelope.

(10) The Presiding Officer, the Deputy Presiding Officer, and the Poll Clerks shall affix the Commission's seals, and the Presiding Officer shall invite such candidates or their agents as are present to do likewise.

(11) The Presiding Officer shall open the poll card box, count the poll cards and place them in the envelope provided for the purpose. He shall indicate the number of poll cards on the outside of the envelope and in the appropriate place on the Statement of the Poll. He shall place the envelope in the poll card box which he shall then lock and seal.

(12) After the completion of the count the Presiding Officer shall complete the Statement of the Poll, in the form set out as Form No. 69 in the Prescribed Forms Rules, in the polling station diary and prepare and certify a sufficient number of copies for distribution as follows:

Sub. Leg.
Form 69.

- (a) to the Returning Officer;
- (b) to the Deputy Presiding Officer;
- (c) to such of the candidates or their agents as are present;
- (d) to the Chief Election Officer.

The copy intended for the Chief Election Officer shall be despatched by means other than that by which the copy to the Returning Officer was despatched.

(13) The Presiding Officer shall then place the sealed envelopes with the counted ballots, the envelopes with the spoiled ballots, the polling station diary and such other election documents as may be decided upon by the Commission into the ballot box.

He shall then lock the slot at the top of the ballot box by means of the locking device provided, lock the ballot box by means of the outside lock and affix his seal, and the Deputy Presiding Officer, the Poll Clerk and such of the candidates or their agents as may be present shall be invited to affix their seals.

(14) In delivering or despatching the ballot box, poll card box and other election material the Presiding Officer shall keep outside the box in separate envelopes—

- (a) a Statement of the Poll;
- (b) the key to the ballot box; and
- (c) the key to the poll card box.

Until the delivery of the box to the person authorised by the Returning Officer to collect such boxes or until delivery of the box by the Presiding Officer to the Returning Officer's office, the Presiding Officer shall ensure that the boxes are not tampered with and they shall be regarded as being in his custody.

(15) The Presiding Officer shall, in such manner as the Commission may direct, transmit or deliver to the Returning Officer the ballot box and the poll card box together with the keys thereof in the envelope provided for that purpose.

(16) The Presiding Officer shall also transmit to the Returning Officer the register of electors and the file of answers to questions locked in the carrying case, and the keys thereof enclosed in the envelope provided for that purpose.

(17) The Returning Officer may specially appoint one or more persons for the purpose of collecting the ballot boxes and the poll card boxes and the carrying cases from a given number of polling stations; and such person or persons shall, before delivering the poll card boxes and carrying cases to the Returning Officer, take the oath in the form set out as Form No. 70 in the Prescribed Forms Rules.

Sub. Leg.
Form 70.

Loss, etc., of
ballot box.
[20 of 1976].

98. Where a ballot box with its contents is lost or destroyed the certified statement of the poll on the oath of the Presiding Officer or Deputy Presiding Officer shall be accepted as representing the result of the poll at that polling station.

99. The Commissioner of Police shall be requested by the Commission to provide the necessary officers for duty in order to ensure the safety of the special ballot boxes at all times.

Police assistants.
[28 of 1976
220/2000].

PART V

PROCEEDINGS AFTER POLL

100. After the Returning Officer has received the duplicates of the Statements of the Poll from the Presiding Officers of all the polling stations in his electoral district, he shall announce the total votes recorded for each candidate in the said statements.

Preliminary count.
[20 of 1976
240/1986].

101. (1) Where by 12.00 noon on the day following the closing of the poll neither a candidate nor his agent requests the Returning Officer to conduct a final count the Returning Officer shall confirm the count conducted by the Presiding Officer as set out in his Statement of the Poll. The Returning Officer shall then declare in writing the candidate who is found to have the most votes to be elected and a copy of the declaration shall be delivered by the Returning Officer to each candidate or his agent present and where any candidate is neither present nor there represented, the Returning Officer shall forthwith transmit by registered post to the candidate a copy of the declaration.

Ascertainment of number of votes given for each candidate.
[20 of 1976
122/1976
240/1986
220/2000].

(2) No notice of the final determination of the number of votes given to the several candidates shall be given other than that contained in the election notice.

(3) Where a candidate or his agent requests a final count he shall indicate whether he requests a general count or a limited count and whether a count of poll cards is also to be carried out. The request shall specify the polling stations results in respect of which the count is to be conducted and the Returning Officer shall conduct the count as requested.

(4) Where a limited count is conducted the Returning Officer shall review only the decisions of the Presiding Officer as regards questioned ballots and rejected ballots at the polling stations specified in the request for the count. In this case all ballots marked "Q" by the Presiding Officer and all rejected ballots shall be examined by the Returning Officer.

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(5) Where in a limited count the Returning Officer agrees with the decision of the Presiding Officer as regards any questioned ballot or rejected ballot, he shall write the word “confirmed” at the back of the ballot and where he disagrees with the decision of the Presiding Officer he shall write the word “varied” at the back of the ballot.

(6) Where a general count is conducted the Returning Officer shall review all ballots including rejected ballots, counted by the Presiding Officer at the polling stations specified in the request for the count and where he disagrees with the decision of the Presiding Officer as regards any ballot he shall write the word “varied” at the back of the ballot.

(7) Where a candidate or his agent disagrees with the Returning Officer as regards any ballot the Returning Officer shall write the letter “Q” followed by his initials on the back of the ballot.

(8) All ballots marked in any way by the Returning Officer in a final count shall be marked with his initials.

(9) A final count shall be conducted by the Returning Officer whether or not a request therefor is made in every case where from the count conducted by the Presiding Officer and set out in his Statement of the Poll there results an equality of votes between or among the candidates obtaining the most votes.

(10) All markings on a ballot by a Returning Officer shall be made on the back of the ballot in ink different in colour from that used by the Presiding Officer.

(11) Where a limited or general count causes any change in the result of the ballot whether in respect of the number of votes obtained by a candidate or in respect of which a candidate obtains the most votes the Returning Officer shall, on the basis of that count, make a declaration in accordance with subrule (1) as to the candidate elected.

(12) At the conclusion of a final count, the Returning Officer shall place the ballots counted by him in the appropriate envelopes having regard to his decision on the ballots and shall seal the envelopes. The candidates or their agents present at the count shall sign the envelopes as witnesses.

(13) Where a final count results in an equality of votes between or among the candidates obtaining the most votes, the Chief Election Officer or an officer designated by him for the purpose shall conduct a recount not later than four days after the closing of the poll.

(14) Where the recount results in one candidate obtaining the most votes the Chief Election Officer shall so certify to the Returning Officer who shall make a declaration in accordance with subrule (1) as to the candidate elected.

(15) Where the recount results in an equality of votes between or among the candidates obtaining the most votes the Chief Election Officer shall so certify to the Returning Officer who shall declare the election void and a new election shall, as soon as possible, be held in accordance with these Rules.

102. A ballot shall not be invalidated by reason only of a mark on the back of the ballot made by the Chief Election Officer, the Presiding Officer or the Returning Officer in accordance with these Rules.

Ballot not invalidated by mark of Presiding Officer, etc. [20 of 1976].

103. Where on conclusion of a recount by the Chief Election Officer, an equality of votes is found to exist between any two or more candidates and any one of such candidates would be entitled if he were to receive an additional vote to be declared elected, a fresh election in that electoral district shall be held.

Equality of votes. [20 of 1976].

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

Declaration of the result of the poll.

105. Within seven days after polling day, the Returning Officer shall return the unit registers of electors together with the keys of the binders, the register of special electors and the relevant files of answers to questions to the Registration Officers from whom he received the same; and the Registration Officers shall give to the Returning Officer a receipt for the same.

Return of unit register of electors. [28 of 1976].

Checking of
results of poll.
[20 of 1976
43/1988].

106. (1) A candidate for an electoral district or his agent may, within four days of the declaration of the poll under rule 104, apply in writing to the Chief Election Officer for a check of the results of the poll for that electoral district.

(2) An application for a check under subrule (1) shall be accompanied by a deposit of five hundred dollars as security for the cost of the check.

(3) The Chief Election Officer shall give to the Returning Officer of the electoral district concerned and to each of the candidates who contested the election in the electoral district, at least two days notice specifying the time and place of the check and inviting their attendance.

(4) A check under this rule shall be limited to a count of questioned ballots only.

(5) The Chief Election Officer or the other Officer conducting the check shall certify the results thereof to the Returning Officer.

(6) If the result of the check does not so alter the result of the poll as to affect the return the Chief Election Officer shall—

- (a) order the reasonable out of pocket expenses incurred in relation to the check by the candidate appearing to be elected to be paid by the applicant for the check;
- (b) fix the amount of the costs if they are not agreed upon by the candidate and applicant.

(7) The moneys deposited as security for costs shall, so far as necessary, be paid out to any candidate in whose favour costs are awarded and if the deposit is insufficient the candidate shall have this action for the balance.

(8) If the result of the check does alter the result of the poll as to affect the return, his deposit shall be returned to the applicant for the check.

(9) A recount under rule 101 or a check of the results of the poll shall be conducted by the Chief Election Officer or by the Deputy Chief Election Officer, an Assistant Chief Election Officer, a Registration Supervisor or a Registration Officer designated for the purpose by the Chief Election Officer.

107. (1) Each candidate or his agent may appoint one agent to be present at the final count or the check of the result of the poll and to attend the declaration of the result of the poll.

Appointment of counting agent. [20 of 1976].

(2) An appointment of an agent for the purposes of this rule shall be in the form set out as Form No. 71 in the Prescribed Forms Rules.

Sub. Leg. Form 71.

108. (1) Subject to subrule (2), the Returning Officer shall, on the seventh day next following the day on which he declared the result of the poll under rule 104, deliver personally or transmit by registered post to the Chief Election Officer—

Election return. [20 of 1976 48/1977 240/1986 220/2000].

- (a) the writ with his return in the form set out as Form No. 72 in the Prescribed Forms Rules and endorsed thereon that the candidate for whom the most votes have been given has been elected;
- (b) a report of his proceedings in the form prescribed by the Commission;
- (c) the recapitulation sheets in the form prescribed by the Commission showing the number of votes cast for each candidate at each polling station, and making such observations as the Returning Officer may think proper as to the state of the election papers as received from his Presiding Officers;
- (d) the returns from each polling station enclosed in sealed envelopes, including the polling station diary, a packet containing spoiled ballot papers, a packet containing rejected ballots, a packet containing destroyed ballots, a packet containing stubs and unused ballot papers, a packet containing rejected ballots, a packet containing the revised list of electors used at the polling station and a packet containing the written appointments of the candidates' agents;
- (e) the Statement of the Poll;
- (f) } (**Revoked by LN 240/1986**);
- (g) }
- (h) the sealed packets referred to in rules 74 and 91;

Sub. Leg. Form 72.

- (i) the envelope referred to in rule 91(2); and
- (j) all other documents used for the election.

(2) Where the Returning Officer receives a notice of the taking of a check under rule 106(2), the Returning Officer shall delay transmission of the return and report until he has received from the Chief Election Officer the certified results referred to in rule 106(5).

(3) Where the certified results show that a candidate other than that declared under rule 104 should have been declared to have been elected the Returning Officer—

- (a) shall make a fresh declaration in writing declaring the candidate to be elected who was found to have the most votes according to the certified results, and the declaration shall replace the previous declaration;
- (b) shall return the candidate under subrule (1)(a).

(4) The Chief Election Officer shall, if circumstances so require, send back returns made to him under this rule and any or all election documents connected therewith to the Returning Officer for completion or correction.

(5) On receiving a return under this rule, the Chief Election Officer shall forthwith—

- (a) enter the date of the receipt thereof and the name of the successful candidate in a book to be kept by him for the purpose;
- (b) notify in writing the names of the candidate so elected, in the case of—
 - (i) a Parliamentary election, to the Speaker;
 - (ii) a Municipal Council election, to the Minister and to the Town Clerk and the Chief Executive Officer, as the case may be, of the Municipal Council concerned;
 - (iii) ***(Repealed by implication LN 222/2000)***.
 - (iv) a Tobago House of Assembly election, to the Minister and the Chief Administrator of the Tobago House of Assembly; and

(c) give notice in the *Gazette* of the names of the candidate so elected in the order in which they were received by him.

(6) The Commission shall immediately after each election, cause to be printed a report giving—

- (a) the number of votes polled for each candidate, by polling divisions;
- (b) the number of rejected ballots;
- (c) the number of names on the revised lists of electors and on the list of special electors; and
- (d) any other information that it may deem fit to include,

and shall forthwith forward a copy of the report to the persons respectively set out in subrule (5)(b).

(7) In this rule “Minister” means the Minister responsible for local government.

109. (1) The Commission shall keep the election documents referred to in rule 108(1) in safe custody and shall allow no person to have access to them; but if a petition has been presented questioning the validity of any election or return, the Commission shall, on the order of a Judge, deliver to the Registrar the documents relating to the election that is in dispute; and after the expiration of twelve months from polling day the Commission may cause the documents used at the election to be burnt or to be shredded by a suitable shredding machine.

Custody of
election
documents by
Commission.

(2) No such election documents in the custody of the Commission shall be inspected or produced except under the order of a Judge and an order under this subrule may be made by the Judge on his being satisfied by evidence on oath that the inspection or production of the 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 Commission pursuant to this Act, all decisions or rulings by it 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 office hours.

(5) Any person may take extracts therefrom and shall be entitled to certified copies of the papers relating to any subject upon payment for the preparation of the certified copies at the rate prescribed in rule 111.

(6) Any such copies purporting to be certified by the Commission under its hand shall be receivable in evidence without proof thereof.

PART VI

GENERAL

Remuneration of
Returning
Officers, etc.
[20 of 1976].

110. (1) For their services in relation to an election, Returning Officers, Presiding Officers, Deputy Presiding Officers, Poll Clerks and such other persons as may be employed by the Commission in connection with an election shall be paid such remuneration and allowances as the Commission may determine.

(2) For each polling station rented for polling day there shall be paid a sum fixed by the Commission from time to time.

Cost of
supplying
election
documents.

111. Office or certified copies of any election documents supplied by an Election Officer shall be paid for at the rate of twenty-five cents for every folio of one hundred words.

Remuneration,
etc., of
witnesses.
[45 of 1979
220/2000].

112. Any person whose presence is secured by the Chief Election Officer or a Returning Officer for the purpose of witnessing any proceedings under these Rules shall be paid a fee of one hundred dollars for each day or part thereof during which he attends for such purpose, and such travelling and subsistence expenses as he may have, in the opinion of the Returning Officer, reasonably incurred.

SCHEDULE
SYMBOLS

(Rule 23).



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15



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[Subsidiary]

41/1967.

***PRESCRIBED FORMS RULES**

deemed to be made under section 161

Citation.

1. These Rules may be cited as the Prescribed Forms Rules.

Interpretation.
[37 of 1980
222/2000].

2. For the purposes of these Rules, a reference to a Municipal Council shall be construed as a reference to the Tobago House of Assembly.

Regional
Corporaton
includes the
House of
Assembly.

2A. For the purposes of these Rules, a reference to a Regional Corporation shall be construed as a reference to the Tobago House of Assembly.

Prescribed
forms.
Schedule.

3. The forms set out in the Schedule are hereby prescribed.

*The Rules have been amended by the following: 20 of 1975 and 20 of 1976; GNs 122/1976, 48/1977 and 116/1977; LNs 45/1980, 145/1981, 181/1983, 239/1986, 154/1991, 163/1991, 116/1992, 202/1998 and 222/2000.

SCHEDULE

FORMS

ARRANGEMENT OF FORMS

| <i>Form No.</i> | <i>Heading</i> | <i>Section of Act</i> |
|-----------------|--|--------------------------|
| 1. | Oath of Chief Election Officer | 3(3) |
| 2. | Writ of Election | 33(3) |
| 3. | Return of Election Expenses authorised by an Election Agent and Declaration to accompany the same | 47(5) |
| 4. | Election Expenses Return | 52(1) |
| 5. | Declaration by Candidate or Election Agent ... | 53 |
| 6. | Oath or affirmation of Election Officer other than the Chief Election Officer | 157(1) |
| | | <i>Registration Rule</i> |
| 7. | <i>(Deleted by LN 239/1986)</i> | |
| 8. | Notice of Disallowance of Registration | 10(2) |
| 9. | <i>(Deleted by LN 222/2000)</i> | |
| 10. | Registration Record | 11(1) |
| 11. | <i>(Deleted by LN 222/2000)</i> | |
| 11A. | Identification Card | 11(1A) |
| 12. | List of Twenty Questions | 16(1) |
| 13. | Acknowledgement of Application for Registration/ Replacement of Identification Card | 18 |
| 14. | Application for Exemption from taking photograph | 24(2) |
| 15. | Notice of objection to registration of an elector ... | 32 |
| 16. | Application to Registration Officer for registration as an elector | 33(1) |
| 17. | Notice of enquiry by Registration Officer into objection to or disallowance of registration as an elector | 35(2) |
| 18. | Notice of disallowance by Registration Officer of application for registration as an elector | 35(9) |
| 19. | Check Card | 36 |
| 20. | Notice of enquiry consequent upon report under rule 37 | 38(1) |
| 21. | Notice of intention to cancel registration | 41(4) |
| 22. | Notice of change of residence or address | 43(1) |
| 23. | Notice of change of name | 45(1) |
| 24. | Application for replacement of identification card | 47(2) |

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Representation of the People

[Subsidiary]

Prescribed Forms Rules

ARRANGEMENT OF FORMS—*Continued*

| <i>Form No.</i> | <i>Heading</i> | <i>Registration Rule</i> |
|----------------------|---|--------------------------|
| 25. | Preliminary List of Electors (House of Representatives and Tobago House of Assembly Elections) | 50(3)(a) |
| 26. | Preliminary List of Electors (Municipal Council Elections) | 50(3)(b) |
| 27. | Notice of Preliminary List of Electors | 58 |
| 28. | Application by elector omitted from Preliminary List for inclusion in Revised List | 60 |
| 29. | Revised List of Electors (Parliamentary, Municipal Council and Tobago House of Assembly Elections) | 62(3) |
| 29A. | Supplemental List of Electors | 64A |
| 30. | Revised List of Electors (Municipal Council Election) | 62(3) |
| 31. | Option where person has more than one place of residence | 66(5) |
| 32. | Statutory Declaration | 67(2) |
| 33. | Oath of Interpreter | 71(2) |
| 34. | Enquiry as to address | 72(1) |
| <i>Election Rule</i> | | |
| 35. | Notice of Election | 4(1)(a) |
| 36. | Notice of Appeal (invalid nomination paper) ... | 6(7) |
| 37. | Nomination Paper (in person) | 7(2),(3) |
| 38. | Nomination Paper (by proposers) | 7(2),(3) |
| 39. | Statutory Declaration (candidate)—Parliamentary election | 8 |
| 40. | Statutory Declaration (proposers)—Parliamentary election | 8 |
| 41. | Statutory Declaration (candidate)—Municipal Council election) | 8 |
| 42. | Statutory Declaration (proposers)—Municipal Council election) | 8 |
| 43. | Statutory Declaration (candidate)—Tobago House of Assembly election) | 8 |
| 44. | Statutory Declaration (proposers)—Tobago House of Assembly election) | 8 |
| 45. | Return of Uncontested Election | 15(2) |
| 46. | Notice of Taking a Poll | 16(2) |
| 47. | Ballot Paper | 22(4) |

| <i>Form No.</i> | <i>Heading</i> | <i>Election Rule</i> |
|-----------------|--|-----------------------------|
| 48. | Guidelines for Voting on Election Day | 26(1)(a) |
| 49. | Appointment of Polling Agent | 30(2) |
| 50. | Appointment of Special Polling Agent | 30(2) |
| 51. | Declaration of Secrecy | 31(1), 83(1) |
| 52. | Poll Card | 38(4) |
| 53. | Oath of elector without identification card ... | 38(5) |
| 54. | Oath of identity | 40(10), 42, 50(3), 51(6) |
| 55. | Oath of Qualification of Elector (Parliamentary, Tobago House of Assembly and Municipal Council Election) | 43(1), 50(4) |
| 56. | Oath of residence qualification of elector (Municipal Council Election) | 43(1) |
| 57. | Oath of property qualification of elector (Municipal Council Election) | 43(1) |
| 58. | Oath of a blind or visually impaired elector ... | 48 |
| 59. | Oath of elector incapacitated by other physical cause | 48 |
| 60. | Declaration by companion of elector | 49(1) |
| 61. | Oath of a personated elector | 50(1) |
| 62. | List of Questions | 51(4) |
| 63. | Oath of Interpreter | 53(2) |
| 64. | List of special electors | 63(4) |
| 65. | (Deleted by LN 239/1986) | |
| 66. | Declaration of secrecy (special poll) | 68(1) |
| 67. | Declaration of identity | 71 |
| 68. | (Deleted by LN 239/1986) | |
| 69. | Statement of the Poll | 97(1)(d), 97(12) |
| 70. | Oath of messenger sent to collect ballot boxes, poll card boxes and carrying cases | 97(17) |
| 70A. | Oath of messenger sent with special ballot box ... | 88 |
| 71. | Appointment of agent for final count/check of result of poll | 107(2) |
| 72. | Return after poll has been taken | 108(1)(a) |

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Representation of the People

[Subsidiary]

Prescribed Forms Rules

[Section 3(3)].

FORM NO. 1

REPRESENTATION OF THE PEOPLE ACT

OATH OF CHIEF ELECTION OFFICER

I,,
having been appointed Chief Election Officer for Trinidad and Tobago, do
swear that I will, to the best of my ability, faithfully perform all the duties of
Chief Election Officer in accordance with the provisions of the Representation
of the People Act, and of any Rules made thereunder.

.....
Chief Election Officer

Sworn before me at.....,
thisday of....., 20.....

.....
Judge of the High Court

FORM NO. 2

[Section 33(3)].
181/1983.

REPUBLIC OF TRINIDAD AND TOBAGO

REPRESENTATION OF THE PEOPLE ACT

WRIT OF ELECTION

By His Excellency

.....
President and Commander-in-Chief
of Trinidad and Tobago.

President

TO THE RETURNING OFFICER OF THE ELECTORAL DISTRICT OF

‡WHEREAS I think it expedient that writs should issue for the election of members to serve in the House of Representatives*/the Municipal Council of the City*/Borough* of /Regional Corporation* of/Tobago House of Assembly*:

‡WHEREAS the seat of the member of the electoral district of has become vacant in consequence of

I COMMAND YOU that notice of the time and place of election being first duly given you do, on the day of 20....., which said day shall be nomination day in the said electoral district of, cause election to be made according to law of a member to serve in the House of Representatives*/the Council of the.....Corporation*/Tobago House of Assembly* for the said electoral district of 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 the Chief Election Officer on the seventh day next, following the declaration by you of the result of the poll.

Given under my Hand and the Seal of the
President of the Republic Trinidad and Tobago
this day of, 20.....

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Representation of the People

[Subsidiary]

Prescribed Forms Rules

(Reverse side of Form)

Indorsement

Received the within Writ on the day of, 20.....

Returning Officer for the electoral district of

* Delete if inapplicable.

† To be included in a writ for a general election.

‡ To be included in a writ for a bye-election.

[Section 52(1)].

FORM NO. 4

REPRESENTATION OF THE PEOPLE ACT
ELECTION EXPENSES RETURN

Election in the Electoral District of

Date of publication of result of election

Name of Candidate

1. I am the election agent of the person named above as a candidate at this election/I am the person named above as a candidate at this election and was my own election agent*.

(Where there has been a change of election agent suitable variations may be introduced here and elsewhere in the return)

2. I hereby make the following return of the candidate's/my elections expenses at this election.

RECEIPTS

(Include all money, securities or equivalent of money received in respect of expenses incurred, whether before, during or after the election, on account of or in respect of the conduct or management of the election)

Received of the above-named candidate/Paid by me* \$

Received of
(here insert separately the name, address and occupation of each person

and the amount received from him)

\$

EXPENDITURE

NOTE: The Return shall deal under a separate heading or sub-heading with any expenses included therein incurred on account of any purposes referred to in section 50 of the above Act

Candidate's personal expenses—

Paid by him/by me as candidate* \$

Paid by me/by me acting as my election agent* \$

Received by me for my services as election agent

(omit if candidate is his own election agent)

\$

* Delete if inapplicable.

Paid to† as sub-agent of polling division No.

..... \$

Paid to† as Polling Agent \$

Paid to† as Counting Agent \$

Paid to† as clerk for days service \$

Paid to† as messenger for days service \$

Paid to the following persons in respect of goods supplied or work and labour done—

To†
(here set out the nature of the goods supplied or work and labour done thus—

.....
(printing), (advertising), (publishing), (issuing and distributing address and notices)

.....
.....
.....

\$

Paid for the hire of rooms—
for holding public meetings—

Paid to† for hire of

.....
(identify the rooms by naming or describing them)

\$

for committee rooms—

Paid to† for hire of

.....
(identify the rooms by naming or describing them)

\$

Paid for postage \$

Paid for telegrams \$

FORM NO. 4—Continued

No. of electoral vehicles employed at §§

Paid to † for transporting electors to the polls §§

In addition to the above I am aware (*unless the candidate is his own election agent* add as election agent for the above-named candidate) of the following disputed and unpaid claims:

† Set out separately the name, address and occupation of each person with the amount paid to him.

Disputed claims—

By ‡ for

.....
(here set out the goods, work and labour or other matter on the ground of which

.....
the claim is based)

..... \$

Unpaid claims allowed by the High Court to be paid after the proper time or in respect of which application has been or is about to be made to the High Court by

.....
(here set out the goods, work and labour or other matter on the ground of which

.....
the claim is due)

Signature of person making Return

**Delete if inapplicable.*

† Set out separately the name, address and occupation of each person with the amount paid to him.

‡ Set out separately the name, address and occupation of each person with the amount paid to or claimed by him.

§ Insert whichever is the higher sum.

FORM NO. 5

(Section 53).

REPRESENTATION OF THE PEOPLE ACT
DECLARATION BY CANDIDATE OR
ELECTION AGENT

Election in the Electoral District of.....
Date of publication of result of election
Name of Candidate

I solemnly and sincerely declare as follows:

1. I am the person named above as a candidate at this election and was my own election agent /was at this election the election agent of the person named above as a candidate*.
2. I have examined the return of election expenses about to be transmitted by my election agent/ by me* to the Chief Election Officer (of which a copy is now shown to me and marked*) and to the best of my knowledge and belief it is a complete and correct return as required by law.
3. To the best of my knowledge and belief, all expenses shown in the return as paid/were paid by my election agent by me* except as otherwise stated in relation to my/the candidate's* personal expenses.
4. I understand that the law does not allow any election expenses not mentioned in the said return to be defrayed except in pursuance of a Court order.

.....
Signature of Declarant

Signed and declared by the above-named declarant on the day
of 20.....

Before me,

(Signed)
Justice of the Peace

(NOTE— Where there has been a change of election agent, suitable variations may be introduced into the declaration as to expenses).

*Delete if inapplicable.

[Section 157(1)].

FORM NO. 6

REPRESENTATION OF THE PEOPLE ACT

**OATH OR AFFIRMATION OF ELECTION OFFICER
OTHER THAN THE CHIEF ELECTION OFFICER**

I,.....
having been appointed (as the case may be)
for the Registration Area of/electoral district
of..... /polling division No. in the electoral
district of/registration area of...../polling station
No. in the electoral district of/registration area
of.....* (as the case may be)/**swear/solemnly
and sincerely declare and affirm*** that I will faithfully perform the duties
pertaining to the said office of according to law, without partiality,
fear, favour or affection.

SO HELP ME GOD*

.....
Signature

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

.....
*Justice of the Peace/ Chief Election Officer/
Registration Officer/Returning Officer/
Presiding Officer/Poll Clerk (as the case may be)*

*Delete if inapplicable.

FORM NO. 7

(Registration
Rule 7).

REPRESENTATION OF THE PEOPLE ACT
REGISTRATION RECORD INVENTORY FORM

(Deleted by LN 239/1986)

FORM NO. 8

[Registration
Rule 10(2)].

REPRESENTATION OF THE PEOPLE ACT
NOTICE OF DISALLOWANCE OF REGISTRATION

Registration Area of

Polling Division No.

TAKE NOTICE that the registration of

of

as an elector/non-elector* in the above polling division has this day been
disallowed by me on the grounds that

.....

Dated this day of, 20.....

To:

Signed

*Assistant Registration Officer/
Authorised Registering Officer*

**Delete if inapplicable.*

[Registration
Rule 11(1)].

FORM NO. 9

REPRESENTATION OF THE PEOPLE ACT

REGISTRATION RECORD

(Deleted by LN 222/2000)

[Registration Rule 11(1)].

FORM NO. 10

REPRESENTATION OF THE PEOPLE ACT
 REGISTRATION RECORD — FRONT

| | | | | | |
|---|--|---|--|---|--|
| 1. Full Name (Surname First) | | 0 | | 2. REGISTRATION NUMBER | |
| 3. Residential Address | | 4. Mailing Address (if different) | | 5. RA | |
| 6. Sex: M <input type="checkbox"/> F <input type="checkbox"/> | | 7. Height (cm) | | 8. PD | |
| 9. Colour of Skin | | 10. Colour of Eyes | | 11. Blood type | |
| 12. Date of Birth | | 13. Place of Birth | | 14. Marital Status | |
| 15. Birth Cert. Entry No. Vol. No. Folio No. | | 16. National Insurance No. | | 17. Citizenship Status | |
| 18. Passport Number | | 19. Date of Issue | | 20. Residential Status | |
| 21. Usual Occupation | | 22. Name and Address of Employer | | 23. Date Residence taken up in: | |
| CG 1 <input type="checkbox"/> P 2 <input type="checkbox"/> R 3 <input type="checkbox"/> | | 24. If Yes, State Registered Previously? | | (A) Trinidad and Tobago | |
| 25. Yes <input type="checkbox"/> No <input type="checkbox"/> | | 26. Under what name | | (B) Electoral District | |
| 27. If Yes, State Registration No. | | 28. Under what Address Registered | | 29. Photograph | |
| 24. List Names and Dates of Birth of Minors (Under 15) | | 27. If Yes, State the Basis of Eligibility | | 30. Municipal Property Qualification | |
| | | 28. Through Husband | | Address | |
| | | 29. Property | | Date | |
| | | 30. Salary | | 31. Signature of Authorised Registering Officer | |
| | | 31. Property | | 32. Date of Registration | |
| | | 32. If Eligibility through Husband. | | 33. Signature of Registered Person | |
| | | 33. Basis of husband's eligibility | | 34. Date of Registration | |
| | | 34. Salary | | 35. Signature of Authorised Registering Officer | |
| | | 35. Property | | 36. Date of Registration | |
| | | 36. Signature of Authorised Registering Officer | | 37. Date of Registration | |
| | | 37. Signature of Authorised Registering Officer | | 38. Date of Registration | |
| | | 38. Signature of Authorised Registering Officer | | 39. Date of Registration | |
| | | 39. Signature of Authorised Registering Officer | | 40. Date of Registration | |
| | | 40. Signature of Authorised Registering Officer | | 41. Date of Registration | |
| | | 41. Signature of Authorised Registering Officer | | 42. Date of Registration | |
| | | 42. Signature of Authorised Registering Officer | | 43. Date of Registration | |
| | | 43. Signature of Authorised Registering Officer | | 44. Date of Registration | |
| | | 44. Signature of Authorised Registering Officer | | 45. Date of Registration | |
| | | 45. Signature of Authorised Registering Officer | | 46. Date of Registration | |
| | | 46. Signature of Authorised Registering Officer | | 47. Date of Registration | |
| | | 47. Signature of Authorised Registering Officer | | 48. Date of Registration | |
| | | 48. Signature of Authorised Registering Officer | | 49. Date of Registration | |
| | | 49. Signature of Authorised Registering Officer | | 50. Date of Registration | |
| | | 50. Signature of Authorised Registering Officer | | 51. Date of Registration | |
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| | | 64. Signature of Authorised Registering Officer | | 65. Date of Registration | |
| | | 65. Signature of Authorised Registering Officer | | 66. Date of Registration | |
| | | 66. Signature of Authorised Registering Officer | | 67. Date of Registration | |
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| | | 70. Signature of Authorised Registering Officer | | 71. Date of Registration | |
| | | 71. Signature of Authorised Registering Officer | | 72. Date of Registration | |
| | | 72. Signature of Authorised Registering Officer | | 73. Date of Registration | |
| | | 73. Signature of Authorised Registering Officer | | 74. Date of Registration | |
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| | | 81. Signature of Authorised Registering Officer | | 82. Date of Registration | |
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| | | 83. Signature of Authorised Registering Officer | | 84. Date of Registration | |
| | | 84. Signature of Authorised Registering Officer | | 85. Date of Registration | |
| | | 85. Signature of Authorised Registering Officer | | 86. Date of Registration | |
| | | 86. Signature of Authorised Registering Officer | | 87. Date of Registration | |
| | | 87. Signature of Authorised Registering Officer | | 88. Date of Registration | |
| | | 88. Signature of Authorised Registering Officer | | 89. Date of Registration | |
| | | 89. Signature of Authorised Registering Officer | | 90. Date of Registration | |
| | | 90. Signature of Authorised Registering Officer | | 91. Date of Registration | |
| | | 91. Signature of Authorised Registering Officer | | 92. Date of Registration | |
| | | 92. Signature of Authorised Registering Officer | | 93. Date of Registration | |
| | | 93. Signature of Authorised Registering Officer | | 94. Date of Registration | |
| | | 94. Signature of Authorised Registering Officer | | 95. Date of Registration | |
| | | 95. Signature of Authorised Registering Officer | | 96. Date of Registration | |
| | | 96. Signature of Authorised Registering Officer | | 97. Date of Registration | |
| | | 97. Signature of Authorised Registering Officer | | 98. Date of Registration | |
| | | 98. Signature of Authorised Registering Officer | | 99. Date of Registration | |
| | | 99. Signature of Authorised Registering Officer | | 100. Date of Registration | |

NOTE: IT IS AN OFFENCE WILLFULLY TO GIVE INCORRECT INFORMATION TO THE REGISTRATION OFFICER

FORM NO. 11

IDENTIFICATION CARD

(Deleted by LN 222/2000)


FORM NO. 11A

[Registration
Rule 11(1A)].

REPRESENTATION OF THE PEOPLE ACT

IDENTIFICATION CARD

FRONT

| | |
|--|---|
| Republic of TRINIDAD and TOBAGO |  |
| NATIONAL IDENTIFICATION CARD | |
| NAME | _____ |
| <i>Chief Election Officer</i> | |

BACK

| | |
|-----------------------|------------------------|
| DATE OF ISSUE | EXPIRY DATE |
| DATE OF BIRTH | REGISTRATION NO. |
| CITIZENSHIP STATUS | PLACE OF BIRTH |
| COLOUR OF EYES | HEIGHT cm |
| SOCIAL ASSISTANCE No. | COLOUR OF SKIN |
| BLOOD GROUP | NATIONAL INSURANCE No. |

[Registration Rule 16(1)].

FORM NO. 12

REPRESENTATION OF THE PEOPLE ACT

LIST OF TWENTY QUESTIONS

Consecutive No.

1. What is your father's name?
2. What is your mother's name?
3. What is the name of your father's father?
4. What is the name of your father's mother?
5. What is the name of your mother's father?
6. What is the name of your mother's mother?
7. Name the place visited on your first trip abroad, if any
8. What is the nature of the first serious accidental injury you have suffered, if any?
9. What is the date of your first marriage, if any?
10. What is the name of your first wife/husband, if any?
11. What is the name of the first school you attended, if any?
12. What was your age when you entered school?
13. What was your age when you left school?
14. Name any society, association, club or other body of which you are a member
15. Are you right or left handed?
16. What is the name of your first employer?
17. What was the nature of the job in which you were first employed?
18. What is the name of the brother nearest to you in age?
19. What is the name of the sister nearest to you in age?
20. Is there any further information about yourself relative to your identification which you would like to give?

.....
Signature of Witness

.....
Signature of Assistant Registration Officer

FORM NO. 13

(Registration
Rule 18)

REPRESENTATION OF THE PEOPLE ACT

**ACKNOWLEDGEMENT OF APPLICATION
FOR REGISTRATION/ REPLACEMENT OF
IDENTIFICATION CARD**

Section A

Applicant's Name:
Address:
Tel. No.: File No./I.D. No.:.....
Registration Area:
Polling Division No.:
Date Photograph taken/submitted:

.....
Registration Officer

.....
Signature of Official Photographer

(Tear along Perforated Line)

Section B

Applicant's Name:
Address:
Registration Area: Polling Division No. File No./I.D.No.....

This is to acknowledge your application to be registered as an elector/non-electors*/for replacement of your I.D. Card* and to certify that you have been photographed by the Commission's photographer/ submitted 2 identical prints of a recent photograph*.

Please note however, that the information you have furnished must be checked and found to be accurate before your application can be processed and an identification card produced and issued. You will be notified when your identification card is ready for delivery.

N.B. This acknowledgement is not an ID document and should not so be used for purposes of identification.

Date...../...../.....
Registration Officer

.....
*Delete if inapplicable.

[Registration Rule 24(2)].

FORM NO. 14
REPRESENTATION OF THE PEOPLE ACT
APPLICATION FOR EXEMPTION FROM
TAKING PHOTOGRAPH

Registration Area of

Polling Division No.

To: The Registration Officer

Registration Area of

From:
(here insert name, address, and registration number of applicant)

I DO HEREBY INFORM you that I object to the taking of my photograph in accordance with the Registration Rules on the following grounds:

.....
(here state grounds of objection)
.....

I ACCORDINGLY APPLY to you to be exempted from compliance with and from the operation of rule 23 of the said Rules.

Dated this day of, 20.....

.....
Signature of Applicant

To the Registration Officer of the above Registration Area.

*I recommend the grant of this application.

*I do not recommend the grant of this application for the following reason

.....

.....
*Assistant Registration Officer/
Authorised Registering Officer*

**Delete if inapplicable.*

FORM NO. 15

(Registration
Rule 32).

REPRESENTATION OF THE PEOPLE ACT

**NOTICE OF OBJECTION TO REGISTRATION
OF AN ELECTOR**

(to be completed in duplicate)

FROM:
(name of elector/Scrutineer objecting)*

of
(address)

TO:
(name of elector whose registration is being objected to)

of
(address)

AND TO: the Registration Officer for the Registration Area of

TAKE NOTICE that I,
(name), an
elector for Polling Division No. in the Registration
Area of a Scrutineer assigned to the Assistant
Registration Officer for Polling Division No. in the above Registration Area*
do hereby object to your registration as an elector for the said Polling Division on the
following grounds:

.....
(here state grounds for objections)

Dated this day of, 20.....

.....
(Signature of elector/Scrutineer objecting
or mark of elector and signature
of witness to such mark)*

.....
*Delete if inapplicable.

[Registration Rule 33(1)].

FORM NO. 16

REPRESENTATION OF THE PEOPLE ACT

**APPLICATION TO REGISTRATION OFFICER
FOR REGISTRATION AS AN ELECTOR**

From
(name of applicant/Scrutineer)*

of
(address)

To: The Registration Officer for the Registration Area of

I,
(name)

of
(address)

the above applicant/a Scrutineer assigned to the under-mentioned Assistant Registration Officer* do hereby apply for a reversal of the decision of the Assistant Registration Officer for

Polling Division No. of the Registration Area of

whereby he disallowed my registration/the registration of
(name of person whose application was disallowed)

of*as
(address)
an elector.

Dated this day of, 20.....

.....
(Signature of applicant/Scrutineer
or mark of applicant and
signature of witness to such mark)*

*Delete if inapplicable.

FORM NO. 17

[Registration
Rule 35(2)].

REPRESENTATION OF THE PEOPLE ACT

**NOTICE OF ENQUIRY BY REGISTRATION OFFICER
INTO OBJECTION TO OR DISALLOWANCE OF
REGISTRATION AS AN ELECTOR**

FROM: The Registration Officer for the registration area of

TO: The Assistant Registration Officer for Polling Division No.
of the above registration area, and to*
(name)
of
(address)

TAKE NOTICE that—

†The objection dated the day of, 20....., to the
registration of of
(name) (address)

†The application dated the day of, 20..... for the
reversal of the decision of the above-mentioned Assistant Registration Officer
whereby he disallowed registration of
(name)
of
(address)

as an elector for Polling Division No. in the registration
area of

will be heard by me at on

commencing at the hour of o'clock in the noon.

AND FURTHER TAKE NOTICE that unless you appear before me to be heard
in the above matter, it may be determined in your absence.

Dated this day of, 20.....

.....
Registration Officer

*Insert name and address of applicant or person whose registration has been objected to
or disallowed.

†Delete if inapplicable.

[Registration Rule 35(9)].

FORM NO. 18

REPRESENTATION OF THE PEOPLE ACT

NOTICE OF DISALLOWANCE BY REGISTRATION OFFICER OF APPLICATION FOR REGISTRATION AS AN ELECTOR

FROM: The Registration Officer for the registration area of

.....

TO: *
(name)

of.....
(address)

TAKE NOTICE that your application for the reversal of the decision of the Assistant Registration Officer for Polling Division No. of the Registration Area of whereby he disallowed your registration†/the registration of
(name)

of
(address)

as an elector in the above polling division has this day been disallowed by me on the grounds that (here state the grounds for disallowance)

.....

Dated this day of, 20.....

.....
Registration Officer

*Insert name and address of applicant or person whose registration has been disallowed.

†Delete if inapplicable.

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[Subsidiary] *Prescribed Forms Rules*

FORM NO. 19—Continued

The following space shall be reserved for use by Registration Officer:

Determination as to Validity
Valid

Date Yes No

(Back of Check Card)

To be filled out and signed by the person assigned to check under rule 37:

Date Received | Note to person assigned: If you know of your own knowledge that this registrant resides at his claimed residence and is qualified to be registered under the Registration Rules, you may, without further investigation write the words “*Valid, Personal Knowledge*” in this space and then sign your name and whenever applicable, and your title in the space below provided.

| | | | |
|----------------------------|--|---|---|
| Date and hour of interview | Registrant Interviewed Yes <input type="checkbox"/> No <input type="checkbox"/> | (If Registrant not interviewed) Full name of person interviewed at Registrant’s Residence or place of Employment Address at which interview took place: | Family relationship of person interviewed to Registrant (<i>State “None”</i> if applicable): |
| | | | |

Are you satisfied that registered person resides at the given address? How long has registered person resided at given address?
 Yes No How long has registered person resided in Trinidad and Tobago?

State any reason you have to believe that this Registration should not be approved. (*If you have none, write “None”*)

As a result of my investigation I believe this registration to be
 (*Here write either “Valid” or “Not Valid”*)

.....
Signature of person assigned under rule 37

FORM NO. 20

[Registration
Rule 38(1)].

REPRESENTATION OF THE PEOPLE ACT

**NOTICE OF ENQUIRY CONSEQUENT UPON REPORT
UNDER RULE 37**

FROM: The Registration Officer for the registration area of

.....
(address of Registration officer)

at

TO:
(name)

of
(address)

TAKE NOTICE that on inquiries made into the validity of the information on your registration record certain discrepancies have been reported as a result of which it is necessary for me to conduct an enquiry into the correctness of the information recorded on the said registration record.

The enquiry will commence at

.....

on the day of, 20..... at o'clock in the noon.

AND FURTHER TAKE NOTICE that unless you appear before me in this matter it may be determined in your absence.

Dated this day of, 20.....

.....
Registration Officer

To

.....

.....

[Registration Rule 41(4)].

FORM NO. 21

REPRESENTATION OF THE PEOPLE ACT

NOTICE OF INTENTION TO CANCEL REGISTRATION

FROM: The Registration Officer for the registration area of

at
(address of Registration Office)

TO:
(name)

of
(address)

TAKE NOTICE that I propose to cancel your registration at my office at the above address on the day of, 20....., at the hour of o'clock in the noon for the reason that—

.....
(here state reason for cancellation)
.....

unless you satisfy me that such cancellation is not justified.

On or before the above time you are required to produce your identification card to me at my office at the above address.

Dated this day of, 20.....

.....
Registration Officer

FORM NO. 22
(FRONT)

[Registration
Rule 43(1)].

REPRESENTATION OF THE PEOPLE ACT

**NOTICE OF CHANGE OF RESIDENCE
OR ADDRESS**

TO: The Registration Officer for the registration area of
at
(address of registration office)

TAKE NOTICE that I have changed my place of residence as follows:

FROM:

TO:

on the day of, 20.....

My name is
(Print in block letters)

and my registration number is

Dated this day of, 20.....

.....
*Signature of registered person or
mark of registered person and
signature of witness*

(Perforation)

FORM No. 22 ON TRINIDAD AND TOBAGO GOVERNMENT SERVICE

N.B.: Registered
person must fill
in his name and
address opposite

.....
.....
.....

FORM NO. 22—Continued

ELECTORAL DEPARTMENT

(BACK)

ON TRINIDAD AND TOBAGO GOVERNMENT SERVICE

The Registration Officer

Registration Area of

.....

FROM:

(Perforation)

I HEREBY ACKNOWLEDGE receipt of your notice of change of residence dated the day of, 20..... and wish to inform you that your registration record has been amended accordingly* and has been transferred to the unit register for Polling Division No*/your registration record has not been amended* for the following reasons:

.....
.....
.....
.....
.....

.....
*Registration Officer for the
Registration Area of*

.....

**Delete if inapplicable.*

FORM NO. 23

[Registration
Rule 45(1)].

REPRESENTATION OF THE PEOPLE ACT

NOTICE OF CHANGE OF NAME

FROM:
(name)

of
(address)

whose registration number is

TO: The Registration Officer for the registration area of

at
(address of Registration Office)

TAKE NOTICE that my name which now appears as:

.....
(here insert name in unit register)

in the unit register for polling division No.

in the registration area of
in which I am registered, has been changed to

.....
(here insert name as changed)

Dated this day of, 20.....

.....
*Signature of registered person or mark
of registered person*

.....
*Signature of witness to such mark
of registered person*

[Registration Rule 47(2)].

FORM NO. 24

REPRESENTATION OF THE PEOPLE ACT

APPLICATION FOR REPLACEMENT OF IDENTIFICATION CARD

(to be accompanied by the prescribed fee)

To: The Registration Officer for the registration area of

.....

at
(address of Registration Officer)

I,
(name)

of
(address)

in polling division No of the registration area of
hereby inform you that my identification card has been lost/stolen/destroyed/mutilated/
defaced* and I do hereby apply for a replacement identification card.

Dated this day of, 20.....

.....
*Signature of applicant or mark
of applicant*

.....
Signature of witness to such mark

.....
**Delete if inapplicable.*

.....

FORM NO. 25

[Registration
Rule 50(3)(a)].

REPRESENTATION OF THE PEOPLE ACT

Election to the House of Representatives*/Tobago House of Assembly*.

PRELIMINARY LIST OF ELECTORS

Electoral district of Polling Division No.

Comprising the area.....

.....

| Name of elector (Family name first; names to be arranged in alphabetical order) | Consecutive Number |
|---|--------------------|
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |

I,, Registration Officer for the Registration Area of certify that the above is a true copy of the preliminary list of electors for the polling division No. in the said Registration Area.

Dated this day of, 20.....

.....
*Registration Officer for the
Registration Area of*
.....

*Delete if inapplicable.

[Registration Rule 50(3)(b)].

FORM NO. 26
REPRESENTATION OF THE PEOPLE ACT

Election to the Council of the..... Corporation

PRELIMINARY LIST OF ELECTORS

Electoral district of Polling Division No.

Comprising the area

.....

| Name of elector (Family name first; names to be arranged in alphabetical order) | Qualifying property | Consecutive number |
|---|---------------------|--------------------|
| * | | |
| | | |
| † | | |
| | | |
| | | |

I,,

Registration Officer for the Registration Area of
 certify that the above is a true copy of the preliminary list of electors for the polling
 division No. in the said Registration Area.

Dated this day of, 20.....

.....
Registration Officer for the Registration Area of

.....

* Here set out persons having residence qualifications.

† Here set out persons having property qualifications.

FORM NO. 27

(Registration
Rule 58).

REPRESENTATION OF THE PEOPLE ACT

**Election to the House of Representatives*/Municipal Council*/Tobago House
of Assembly***

NOTICE OF PRELIMINARY LIST OF ELECTORS

Electoral district of

Polling division No.

TAKE NOTICE that the list of electors posted next to this notice is a copy of the preliminary list of electors for the above-mentioned polling division.

- (a) If a person whose name is not on the said list claims that he is entitled to be registered as an elector for the said polling division he may make oral application therefor to the Temporary Assistant Registration Officer of the said polling division at his office mentioned in paragraph (i) below.
- (b) If a person whose name is not on the said list claims that he is registered as an elector for the said polling division, he should apply in the prescribed form to have his name inserted in the revised list.
- (c) If a person whose name is on the said list claims that he has changed his place of residence to another address in the above-mentioned polling division or to another polling division in the undermentioned registration area he should give notice thereof in the prescribed form.
- (d) If a person whose name is on the said list claims that he has changed his place of residence from the undermentioned registration area to a polling division in another registration area he should make oral application for registration as an elector to the Temporary Assistant Registration Officer for the polling division in which he is now resident.
- (e) If a person whose name is on the said list claims that he has changed his name as appears on the said list he should give notice thereof in the prescribed form.
- (f) Notice of an objection to the registration of any person whose name is on the said list may be made in the prescribed form by any elector or by a Scrutineer assigned to the Temporary Assistant Registration Officer of the above-mentioned polling division not later than theday of20.....
- (g) Action with respect to paragraphs (a) to (e) should be taken not later than the day of, 20.....

*Delete if inapplicable.

LAWS OF TRINIDAD AND TOBAGO

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[Subsidiary]

Prescribed Forms Rules

- (h) If a person whose name is not on the said list has made oral application for registration as in paragraph (a) but his registration has been disallowed, application for his Registration as an elector may be made to the undermentioned Registration Officer in the prescribed form by such person or by a Scrutineer assigned to the Temporary Assistant Registration Officer for the above polling division. Such application may be made not later than the day of, 20.....
- (i) An application referred to in paragraphs (b) and (h) and a notice referred to in paragraphs (c), (e) and (g) shall be addressed to the undermentioned Registration Officer at his office, and may be delivered by hand to him at the said office or to the Temporary Assistant Registration Officer for the above-mentioned polling division at his office at
- (j) Copies of the prescribed forms referred to above may be obtained free of charge at the office of a Registration Officer or of a Temporary Assistant Registration Officer.

Dated this day of, 20.....

Registration Officer for the Registration Area of

.....

whose office is at

.....

.....

Registration Officer

FORM NO. 28

(Registration
Rule 60).

REPRESENTATION OF THE PEOPLE ACT

**APPLICATION BY ELECTOR OMITTED FROM
PRELIMINARY LIST FOR INCLUSION
IN REVISED LIST**

Registration Area of

Polling division No.

From:
(name)

of.....
(address)

To: The Registration Officer for the Registration Area of

at
(address of Registration Office)

1. I HEREBY inform you that I am registered as an elector for the above polling division but that my name does not appear on the preliminary list of electors for the said polling division.

2. My registration number is

3. I HEREBY apply to have my name included in the revised list of electors for the said polling division.

Dated this day of, 20.....

.....
*Signature of applicant or
mark of applicant*

.....
Signature of witness to such mark

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[Subsidiary] *Prescribed Forms Rules*

[Registration Rule 62(3)].

FORM NO. 29

REPRESENTATION OF THE PEOPLE ACT

Election to House of Representatives*/Municipal Council*/Tobago House of Assembly*.

REVISED LIST OF ELECTORS

Electoral district of Polling Division No.

Comprising the area

The following is a list of all persons in the above polling division who are registered as electors for the election to be held on the day of, 20.....

An objection to the registration of any person whose name is included in the said list but did not appear on the preliminary list of electors shall be addressed to the undermentioned Registration Officer at his office and may be delivered by hand to him at his said office not later than the day of, 20.....

| Name of elector (Family name first; names to be arranged in alphabetical order) | Consecutive Number |
|---|--------------------|
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |

I,.....,

Registration Officer for the Registration Area of certify that the above is a true copy of the revised list of electors for polling division No. in the said registration area.

Dated this day of, 20.....

Registration Officer for the Registration Area of

.....

whose office is at

.....

*Delete if inapplicable.

FORM NO. 29A

(Registration
Rule 64A).

REPRESENTATION OF THE PEOPLE ACT

Election to House of Representatives*/ Municipal Council* /Tobago House of Assembly*.

SUPPLEMENTAL LIST OF ELECTORS

Electoral district of Polling Division No.
Comprising the area

The following is a list of persons in the above polling division whose names have been inadvertently omitted from the Revised List and who are registered as electors for the election to be held on the day of, 20.....

An objection to the registration of any person whose name is included in the said list but did not appear on either the preliminary or the revised list of electors shall be addressed to the undermentioned Registration Officer at his office and may be sent to him to his said office by registered post or may be delivered by hand to him at his said office not later than the day of, 20.....

Name of Elector (Family Name first; names to be arranged in alphabetical order)

| Name of person deleted from Revised List | Consecutive No. on Revised List | Name of person deleted from Revised List | Consecutive No. |
|--|---------------------------------|--|-----------------|
| | | | |
| | | | |
| | | | |
| | | | |

I,....., Registration Officer for the Registration Area of certify that the above is a true copy of the supplemental list of electors for polling division No. in the said registration area.

*Delete if inapplicable.

[Registration Rule 62(3)].

FORM NO. 30

REPRESENTATION OF THE PEOPLE ACT

Election to the Council of the..... Corporation

REVISED LIST OF ELECTORS

Electoral district of Polling Division No.

Comprising the area

The following is a list of all persons in the above polling division who are registered as electors for the election to be held on the day of, 20.....

An objection to the registration of any person whose name is included in the said list but did not appear on either the preliminary or the supplementary list of electors shall be addressed to the undermentioned Registration Officer at his office and may be sent to him to his said office by registered post or may be delivered by hand to him at his said office not later than the day of....., 20.....

| Name of elector (Family name first; names to be arranged in alphabetical order in groups under the several addresses in the polling division) | Qualifying property | Consecutive number |
|---|---------------------|--------------------|
| * | | |
| | | |
| † | | |
| | | |
| | | |
| | | |

I,....., Registration Officer for the Registration Area of certify that the above is a true copy of the revised list of electors for polling division No. in the said Registration Area.

Dated this day of, 20.....

.....
Registration Officer for the Registration area of

.....
 whose office is at

*Here set out persons having residence qualification.

†Here set out persons having property qualification.

FORM NO. 31

[Registration
Rule 66(5)].

REPRESENTATION OF THE PEOPLE ACT

**OPTION WHERE PERSON HAS MORE THAN ONE
PLACE OF RESIDENCE**

FROM:
(name)

TO: The Registration Officer for the Registration Area of

.....

at
(address of registration office)

TAKE NOTICE that I have the following places of residence:

.....

.....

.....
(here insert places of residence)

AND FURTHER TAKE NOTICE that I do hereby elect to be registered at the
following address:

.....

.....

.....
(here insert address)

Dated this day of, 20.....

.....
*Signature of person or mark
of person*

.....
Signature of witness to such mark

[Registration Rule 67(2)].

FORM NO. 32

REPRESENTATION OF THE PEOPLE ACT

STATUTORY DECLARATION

REPUBLIC OF TRINIDAD AND TOBAGO

I,.....

.....

do solemnly and sincerely declare as follows:

.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

I MAKE THIS DECLARATION conscientiously believing the same to be true and I am aware that if there is any statement in this declaration which is false in fact, which I know or believe to be false or do not believe to be true, I am guilty of an offence against the Registration Rules and liable to fine and imprisonment.

.....
Signature

Before Me

.....
**Commissioner of Affidavits/
Justice of the Peace*

Dated this day of, 20.....

.....
**Delete if inapplicable.*

FORM NO. 33
REPRESENTATION OF THE PEOPLE ACT
OATH OF INTERPRETER

[Registration
Rule 71(2)].

I,

swear that I will well and faithfully interpret and true explanation make to

.....
(here insert name of officer)

and
(here insert name of person)

of all such matters and things as shall be required of me according to the best of my skill
and understanding.

SO HELP ME GOD

.....
Signature

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

.....
**Registration Officer/Assistant*
Registration Officer

.....
**Delete if inapplicable.*

[Registration Rule 72(1)].

FORM NO. 34

(FRONT)

REPRESENTATION OF THE PEOPLE ACT

ENQUIRY AS TO ADDRESS

This enquiry is addressed to you by way of a routine check on the accuracy of the unit register for your polling division. You are required to notify me within fourteen days on the form attached whether you still continue to reside at the address given below which is now entered on your registration record. The said form may be returned to me by hand or by post.

Dated this day of, 20.....

.....
**Chief Election Officer/
Registration Officer*

(Perforation)

*Chief Election Officer

The Registration Officer,

Registration Area of
.....

I confirm that I am now residing at the following address:

.....
.....
.....

Dated this day of, 20.....

Signature

(BACK)

ON TRINIDAD AND TOBAGO GOVERNMENT SERVICE

The Registration Officer,

Registration Area of

.....
(address of registration office)

.....
.....
.....

**Delete if inapplicable.*

FORM NO. 35

[Election
Rule 4(1)(a)].

REPRESENTATION OF THE PEOPLE ACT

**NOTICE OF ELECTION OF A MEMBER/MEMBERS* FOR THE
ELECTORAL DISTRICT OF**

.....

HIS EXCELLENCY, THE PRESIDENT having issued His Writ for the Election of a member/members* of the House of Representatives*/Council of the Corporation */the Tobago House of Assembly* for the electoral district of, the Returning Officer of the said district will on the..... and days of now next ensuing between the hours of 9.00 a.m. to noon at examine and decide on the validity of the nomination papers of candidates, and the Returning Officer of the said district will on the day of, 20....., now next ensuing between the hours of 9.00 a.m. to noon and 1.00 p.m. to 3.00 p.m. at, proceed to the nomination, and if there is no opposition, to the election of a member/members* for the electoral district of

Nomination paper forms may be obtained at the office of, between the hours of and daily except on Saturday and Sunday.

Every nomination paper must be signed by any six or more persons whose names appear on the lists of electors for the electoral district 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 or, if he be absent from Trinidad and Tobago, of his duly authorised agent; and
- (b) a deposit of five hundred dollars/two hundred dollars* in legal tender, by banker's draft, or, with the consent of the Returning Officer, in any other manner.

In the event of the election being contested the poll will take place between the hours of 6.00 a.m. and 6.00 p.m. on the day of, 20.... and as soon as possible thereafter the preliminary results of the poll will be announced at the said place.

If no written request is received by the Returning Officer by 12.00 noon on the Returning Officer shall confirm the result revealed by the statement of the poll from all the polling stations and the count of the special poll and declare the candidate recorded as having received the most votes to be elected.

LAWS OF TRINIDAD AND TOBAGO

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[Subsidiary]

Prescribed Forms Rules

In the event that a request is received for a final count such count shall be conducted aton theday of, 20..... commencing at the hour of a.m/p.m. and thereafter the number of votes given for the several candidates will be determined in accordance with the Election Rules.

The Returning Officer shall not be required to give any other notice of the date, time and place of the final count other than that given above.

The office of the Returning Officer for the electoral district of is situate at

Dated

.....
*Returning Officer for the
electoral district of*

.....

*Delete if inapplicable.

FORM NO. 36

[Election Rule
6(7)].

REPRESENTATION OF THE PEOPLE ACT

NOTICE OF APPEAL

(Invalid nomination paper)

TAKE NOTICE that I,
of,
a candidate/agent* for
of
a candidate for the electoral district of,
HEREBY APPEAL against the decision of the Returning Officer of the said
electoral district that my nomination paper is invalid.

Dated this day of, 20.....

.....
Signature of candidate or his agent

TO THE REGISTRAR OF THE HIGH COURT.

.....
**Delete if inapplicable.*

.....

[Election Rule 7(2) and (3)].

FORM NO. 37

REPRESENTATION OF THE PEOPLE ACT

NOMINATION PAPER

We, the undersigned electors for the electoral district of
 DO HEREBY nominate the following person as a proper person to serve as a member of the House of Representatives*/the Council of the Corporation*/ the Tobago House of Assembly* for the said electoral district of, and we certify that to the best of our belief he is qualified for election as a member of the House of Representatives*/the Council of theCorporation*/Tobago House of Assembly* under the provisions relating thereto of the Municipal Corporations Act*/ the Tobago House of Assembly Act*.

PARTICULARS REGARDING CANDIDATE

| Surname | Other Names | Address | Occupation |
|---------|-------------|---------|------------|
| | | | |

PARTICULARS REGARDING PROPOSERS

| Surname | Other Names | Address | Registration Number |
|---------|-------------|---------|---------------------|
| | | | |
| | | | |
| | | | |
| | | | |
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| | | | |
| | | | |
| | | | |

Signatures of proposers {

Representation of the People
Prescribed Forms Rules

I,.....,
nominated in the foregoing nomination paper hereby consent to such nomination
as candidate for election as a member of the House of Representatives*/the Council of
the Corporation*/the Tobago House of Assembly* for the
electoral district of, and name as my address for serving of process
and papers under the Representation of the People Act.

Address

.....

.....

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

Signed by the said nominee in the
presence of

.....
Signature of Witness

.....
Signature of Candidate

*Delete if inapplicable.

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[Subsidiary] *Prescribed Forms Rules*

[Election Rule
7(2) and (3)].

FORM NO. 38
REPRESENTATION OF THE PEOPLE ACT

NOMINATION PAPER

We, the undersigned electors for the electoral district of
 DO HEREBY nominate the following person as a proper person to serve as a
 member of the House of Representatives*/Council of the Corporation*/
 the Tobago House of Assembly* for the said electoral district of,
 and we certify that to the best of our belief he is qualified for election as a member of the
 House of Representatives* the Council of the Corporation*/the Tobago
 House of Assembly* under the provisions relating thereto of the Municipal Corporations
 Act/the Tobago House of Assembly Act*.

PARTICULARS REGARDING CANDIDATE

| Surname | Other Names | Address | Occupation |
|---------|-------------|---------|------------|
| | | | |

PARTICULARS REGARDING PROPOSERS

| Surname | Other Names | Address | Registration Number |
|---------|-------------|---------|---------------------|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

Signatures of proposers {

X. Y., nominated in the foregoing nomination paper, has consented to such nomination as candidate for election as a member of the House of Representatives*/Council of the Corporation*/Tobago House of Assembly* for the electoral district of....., and has named as his address for serving of process and papers under the Representation of the People Act.

Address

Witness my hand thisday of, 20.....

Signed by the duly authorised
agent of the said nominee in
the presence of:

.....
Signature of Witness

.....
*Signature of duly authorised
Agent of Candidate*

**Delete if inapplicable.*

[Election
Rule 8].

FORM NO. 39

REPRESENTATION OF THE PEOPLE ACT

**STATUTORY DECLARATION OF A PERSON NOMINATED
AS A CANDIDATE FOR ELECTION AS A MEMBER OF
THE HOUSE OF REPRESENTATIVES**

Qualification of
nominated as a candidate for election as a member of the House of Representatives
for the Electoral District of

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

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

1. I am a citizen of Trinidad and Tobago of the age of eighteen years
or upwards.
2. *I have resided in Trinidad and Tobago for a period of at least two years
immediately before the date of my nomination for election./
*I am domiciled in Trinidad and Tobago and I am resident therein at the date
of my nomination for election.
3. I am not, by virtue of my own act, under any acknowledgment of
allegiance, obedience or adherence to a foreign power or state.
4. I am not an undischarged bankrupt under any law in force in any part of
the Commonwealth.
5. I am not a person certified to be insane or otherwise adjudged to be of unsound
mind under any law in force in Trinidad and Tobago.
6. I am not under sentence of death imposed on me by a Court in any part
of the Commonwealth.
7. I am not serving a sentence of imprisonment exceeding twelve months
imposed on me by a Court in any part of the Commonwealth or
substituted by competent authority for some other sentence imposed
on me by such a Court, nor am I under such a sentence of imprisonment
the execution of which has been suspended.

*Delete if inapplicable.

8. I am not disqualified for membership of the House of Representatives by any law of Parliament by reason of my holding, or acting in, any office the functions of which involve—
- (i) any responsibility for or in connection with the conduct of any election; or
 - (ii) any responsibility for the compilation or revision of any electoral register.
9. I am not disqualified for membership of the House of Representatives by virtue of any law of Parliament by reason of my having been convicted of any offence relating to elections.
10. I am not disqualified for membership of the House of Representatives by any law of Parliament by reason of—
- (i) my holding or acting in any office or appointment specified by such law;
 - (ii) my belonging to any of the armed forces of the State specified by such law or to any class of person so specified that is comprised in any such force; or
 - (iii) my belonging to any police force specified by such law or to any class of person so specified that is comprised in any such force.

I make this declaration conscientiously believing the same to be true and according to the Statutory Declarations Act (Ch. 7:04), and I am aware that if there is any statement in this declaration which is false in fact 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 of, 20.....

(Signed)

[Election Rule 8].

FORM NO. 40

REPRESENTATION OF THE PEOPLE ACT

**STATUTORY DECLARATION OF AGENT OF A PERSON
NOMINATED AS CANDIDATE FOR ELECTION AS A
MEMBER OF THE HOUSE OF REPRESENTATIVES**

Qualification of
(name)

of
(address)

in the of nominated
as a candidate for election as a member of the House of Representatives for the Electoral
District of

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

That
is duly qualified to be elected as a member of the House of Representatives for this
Electoral District, and that—

1. He is a citizen of Trinidad and Tobago of the age of eighteen years or upwards.
2. *He has resided in Trinidad and Tobago for a period of at least two years immediately before the date of his nomination for election/
*He is domiciled in Trinidad and Tobago and is resident therein at the date of his nomination for election.
3. He is not, by virtue of his own act, under any acknowledgment of allegiance, obedience or adherence to a foreign power or state.
4. He is not an undischarged bankrupt under any law in force in any part of the Commonwealth.
5. He is not a person certified to be insane or otherwise adjudged to be of unsound mind under any law in force in Trinidad and Tobago.
6. He is not under sentence of death imposed on him by a Court in any part of the Commonwealth.
7. He is not serving a sentence of imprisonment exceeding twelve months imposed on him by a Court in any part of the Commonwealth or substituted by competent authority for some other sentence imposed on him by such Court, nor is he under such a sentence of imprisonment the execution of which has been suspended.

*Delete if inapplicable.

8. He is not disqualified for membership of the House of Representatives by any law of Parliament by reason of his holding, or acting in, any office the functions of which involve—
 - (i) any responsibility for or in connection with the conduct of any election; or
 - (ii) any responsibility for the compilation or revision of any electoral register.
9. He is not disqualified for membership of the House of Representatives by virtue of any law of Parliament by reason of his having been convicted of any offence relating to elections.
10. He is not disqualified for membership of the House of Representatives by any law of Parliament by reason of—
 - (i) his holding or acting in any office or appointment specified by such law;
 - (ii) his belonging to any of the armed forces of the State specified by such law or to any class of person so specified that is comprised in any such force; or
 - (iii) his belonging to any police force specified by such law or to any class of person so specified that is comprised in any such force.

I make this declaration conscientiously believing the same to be true and according to the Statutory Declarations Act (Ch. 7:04), and I am aware that if there is any statement in this declaration which is false in fact 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 of....., 20.....

(Signed)

(Election Rule 8).

FORM NO. 41

REPRESENTATION OF THE PEOPLE ACT

**STATUTORY DECLARATION OF A PERSON NOMINATED
AS A CANDIDATE FOR ELECTION AS A COUNCILLOR
OF A MUNICIPAL COUNCIL**

Qualification of
nominated as a candidate for election as a Councillor of the Council of the
.....Corporation for the Electoral District of.....
I,
of in the
..... of
do solemnly and sincerely declare as follows:

That I am duly qualified to be elected as a Councillor of the Council of the
.....Corporation and that—

1. I am a citizen of Trinidad and Tobago.
2. I am qualified to be registered as an elector for the City of*/
Borough of*/ the Region of,
under section 13 of the Representation of the People Act.
3. *I am able to speak and read the English language.
4. *I am able to speak the English language, but am incapacitated
by.....from reading it.
5. I am not, by virtue of my own act, under any acknowledgment of allegiance,
obedience or adherence to a foreign power or state.
6. I am not an undischarged bankrupt under any law in force in any part of
the Commonwealth.
7. I am not mentally ill within the meaning of the Mental Health Act
(Ch. 28:02).
8. I am not under sentence of death imposed on me by a Court in any part of
the Commonwealth.
9. I am not serving a sentence of imprisonment exceeding twelve months imposed
on me by a Court in any part of the Commonwealth or substituted by
competent authority for some other sentence imposed on me by such a
Court, nor am I under such a sentence of imprisonment the execution of
which has been suspended.

**Delete if inapplicable.*

10. I am not disqualified for election to the Council of theCorporation under the Representation of the People Act.
11. I do not hold any office or place of profit other than that of Mayor or Deputy Mayor, in the gift or disposal of the Corporation.
12. I am not debarred from exercising the practice of my profession on account of any act involving dishonesty.
13. I have not within five years before polling day for the election to which this declaration relates been surcharged to an amount exceeding two thousand five hundred dollars under the Exchequer and Audit Act (Ch. 69:01).

I make this declaration conscientiously believing the same to be true and according to the Statutory Declarations Act (Ch. 7:04), and I am aware that if there is any statement in this declaration which is false in fact 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 of, 20.....

(Signed)

(Election Rule 8).

FORM NO. 42

REPRESENTATION OF THE PEOPLE ACT

**STATUTORY DECLARATION OF AGENT OF A PERSON
NOMINATED AS A CANDIDATE FOR ELECTION AS A
COUNCILLOR OF A MUNICIPAL COUNCIL**

Qualification of
(name)

of
(address)

in the of

nominated as a candidate for election as a Councillor of the Council of the
..... Corporation* for the Electoral District of

I,

of in the

..... of

do solemnly and sincerely declare as follows:

Thatis duly qualified to be elected as a Councillor of the
Council of theCorporation and that—

1. He is a citizen of Trinidad and Tobago.
2. He is qualified to be registered as an elector for the City of*/
Borough of*/the Region of,
under section 13 of the Representation of the People Act.
3. * He is able to speak and read the English language.
4. * He is able to speak the English language, but is incapacitated
by from reading it.
5. He is not, by virtue of his own act, under any acknowledgment of allegiance,
obedience or adherence to any foreign power or state.
6. He is not an undischarged bankrupt under any law in force in any part of
the Commonwealth.
7. He is not mentally ill within the meaning of the Mental Health Act (Ch. 28:02).
8. He is not under sentence of death imposed on him by a Court in any part of
the Commonwealth.

**Delete if inapplicable.*

9. He is not serving a sentence of imprisonment exceeding twelve months imposed on him by a Court in any part of the Commonwealth or substituted by competent authority for some other sentence imposed on him by such a Court, nor is he under such a sentence of imprisonment the execution of which has been suspended.
10. He is not disqualified for election to the Council of the Corporation under the Representation of the People Act.
11. He does not hold any office or place of profit, other than that of Mayor or Deputy Mayor, in the gift or disposal of the City*/Borough*.
12. He is not debarred from exercising the practice of his profession on account of any act involving dishonesty.
13. He has not within five years before polling day for the election to which this declaration relates been surcharged to an amount exceeding two thousand five hundred dollars under the Exchequer and Audit Act (Ch. 69:01).
14. He is not a Member of the Senate or the House of Representatives.

I make this declaration conscientiously believing the same to be true and according to the Statutory Declarations Act (Ch. 7:04), and I am aware that if there is any statement in this declaration which is false in fact 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 of, 20.....

(Signed)

*Delete if inapplicable.

[Election Rule 8].

FORM NO. 43

REPRESENTATION OF THE PEOPLE ACT

STATUTORY DECLARATION OF A PERSON NOMINATED AS A CANDIDATE FOR ELECTION AS A MEMBER OF THE TOBAGO HOUSE OF ASSEMBLY

Qualification of
nominated as a candidate for election as a member of the Tobago House of Assembly for the Electoral District of
I, of in the of do solemnly and sincerely declare as follows:

That I am duly qualified to be elected as a member of the Tobago House of Assembly and that—

1. I am a citizen of Trinidad and Tobago.
2. I am qualified to be an elector for the electoral district of under the provisions of section 12 of the Representation of the People Act.
3. * I am able to speak and read the English language.
4. * I am able to speak the English language, but am incapacitated by from reading it.
5. I reside in the electoral area of
6. I am not, by virtue of my own act, under any acknowledgment of allegiance, obedience or adherence to a foreign power or state.
7. I am not an undischarged bankrupt under any law in force in any part of the Commonwealth.
8. I am not mentally ill within the meaning of the Mental Health Act (Ch. 28:02).
9. I am not under sentence of death imposed on me by a Court in any part of the Commonwealth.
10. I am not serving a sentence of imprisonment exceeding twelve months imposed on me by a Court in any part of the Commonwealth or substituted by competent authority for some other sentence imposed on me by such a Court, nor am I under such a sentence of imprisonment the execution of which has been suspended.

**Delete if inapplicable.*

11. I am not disqualified for election to the Tobago House of Assembly under the Representation of the People Act.
12. I do not hold any office or appointment of profit in the Tobago House of Assembly or of any Committee or Sub-Committee thereof, other than that of Chairman or Vice Chairman of the said Tobago House of Assembly.
13. I am not debarred from exercising the practice of my profession on account of any act involving dishonesty.
14. I am not a member of the Senate, or the House of Representatives or a Municipal Council or the Tobago House of Assembly.

I make this declaration conscientiously believing the same to be true and according to the Statutory Declarations Act (Ch. 7:04), and I am aware that if there is any statement in this declaration which is false in fact 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 of,20.....

(Signed)

(Election Rule 8).

FORM NO. 44

REPRESENTATION OF THE PEOPLE ACT

**STATUTORY DECLARATION OF AGENT OF A PERSON
NOMINATED AS A CANDIDATE FOR ELECTION AS A
MEMBER OF THE TOBAGO HOUSE OF ASSEMBLY**

Qualification of
(name)

of
(address)

in the of nominated
as a candidate for election as a member of the Tobago House of Assembly for the Electoral
District of

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

That is duly qualified
to be elected as a member of the Tobago House of Assembly and that—

1. He is a citizen of Trinidad and Tobago.
2. He is qualified to be registered as an elector.
- 3.*He is able to speak and read the English language.
- 4.*He is able to speak the English language, but is incapacitated
by from reading it.
5. He resides in the electoral area of
6. He is not, by virtue of his own act, under any acknowledgment of
allegiance, obedience or adherence to a foreign power or state.
7. He is not an undischarged bankrupt under any law in force in any part
of the Commonwealth.
8. He is not mentally ill within the meaning of the Mental Health Act
(Ch. 28:02).

**Delete if inapplicable.*

9. He is not under sentence of death imposed on him by a Court in any part of the Commonwealth.
10. He is not serving a sentence of imprisonment exceeding twelve months imposed on him by a Court in any part of the Commonwealth or substituted by competent authority for some other sentence imposed on him by such a Court, nor is he under such a sentence of imprisonment the execution of which has been suspended.
11. He is not disqualified for election to the Tobago House of Assembly under the Representation of the People Act.
12. He does not hold any office or place of profit in the Tobago House of Assembly or of any Committee or Sub-Committee thereof other than that of Chairman or Vice-Chairman of the said Tobago House of Assembly.
13. He is not debarred from exercising the practice of his profession on account of any act involving dishonesty.
14. He is not a member of the Senate or the House of Representatives or of a Municipal Council or a member of the Tobago House of Assembly.

I make this declaration conscientiously believing the same to be true and according to the Statutory Declarations Act (Ch. 7:04), and I am aware that if there is any statement in this declaration which is false in fact 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 of, 20.....

(Signed)

[Election Rule 15 (2)].

FORM NO. 45

REPRESENTATION OF THE PEOPLE ACT

RETURN OF UNCONTESTED ELECTION

I HEREBY CERTIFY that the member/members* elected for the Electoral District of , in pursuance of the within Writ is/are* [*Insert, name, address and occupation of member/members elected as stated on the nomination paper*], no other candidate having been nominated/the other or all other candidates having withdrawn*.

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

.....
Returning Officer

TO: THE CHIEF ELECTION OFFICER.

*Delete if inapplicable.

FORM NO. 46

[Election
Rule 16(2)].

REPRESENTATION OF THE PEOPLE ACT

NOTICE OF TAKING A POLL

The Electoral District of

NOTICE IS HEREBY given to the electors of the Electoral District aforesaid that a poll will be taken for the election now pending for the said electoral district 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 six in the afternoon in the following polling stations established in the various polling divisions comprised in the said electoral district—

Polling Stations:

.....
.....
.....
.....

And that the candidates in the above electoral district are as follows:

Name *Address* *Occupation* *Symbol*

.....
.....
.....
.....
.....

of which all persons are hereby required to take notice and govern themselves accordingly.

Given under my hand at this

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

.....
Returning Officer

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

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[Subsidiary]

Prescribed Forms Rules

[Election Rule 22(4)].

FORM NO. 47

BALLOT PAPER (FRONT)

| | | |
|--|--|---|
| Consecutive No Voter's No. on List of Electors or List of Special Electors | 1. Emmanuel RONSON 475, Marli Street Insurance Broker |  |
| | 2. Conrad D. BABULAH 72, Chancery Lane Engineer |  |
| | 3. Francis OCEAN 291, Hoyle Street Merchant |  |
| | 4. Krishna RAMPERSAD Southern Main Road Financier |  |

(BACK)

REPRESENTATION OF THE PEOPLE ACT

BALLOT PAPER

PARLIAMENTARY ELECTION*/ MUNICIPAL COUNCIL*/TOBAGO HOUSE OF ASSEMBLY*

Electoral District of

Polling Day:

Space for Initials of P.O. or Returning Officer

*Delete if inapplicable.

FORM NO. 48

[Election
Rule 26(1)(a)].

REPRESENTATION OF THE PEOPLE ACT

GUIDELINES FOR VOTING ON ELECTION DAY

1. A person is entitled to vote only if he is registered as an elector in a unit register or his name appears on the revised list of electors for that polling station.
2. On arrival at the polling station you should check the list of electors posted outside for your name and number (where there are several polling stations on the compound, you will be directed to the correct polling station).
3. If your name is on the list and you have your identification card, join the line at the first Poll Clerk.
If your name is not on the list, or you do not have an identification card, or you are disabled, join the line at the second Poll Clerk. (Companions of blind or visually impaired persons should alert the Presiding Officer as to whether such persons wish to vote with the use of a template or with the assistance of a companion).
4. When it is your turn, give your name to the Poll Clerk and present your identification card and poll card if available.
5. Sign your poll card as required in the presence of the Poll Clerk.
6. Take your poll card and identification card (if any) to the officer issuing the ballot paper as directed.
7. Allow your fingers to be examined for electoral ink stains. (If there are no ink stains, and the officer is satisfied that you have met the requirements for voting, you will be issued a ballot paper and directed to a vacant voting booth).
8. In the privacy of the voting booth—
 - (i) use the stamp with the X mark or the writing instrument provided to imprint or mark an “X” in the column next to the name and symbol of the one candidate of your choice; and
 - (ii) fold the ballot paper as instructed with the initials of the presiding officer or his nominee visible, then proceed to the officer in charge of the ballot box.

L.R.O. 1/2006

LAWS OF TRINIDAD AND TOBAGO

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[Subsidiary]

Prescribed Forms Rules

FORM NO. 48—Continued

9. Display the folded ballot paper in such a manner that the officer may see the initials of the Presiding Officer or his nominee without seeing for whom the ballot paper is marked, then hand the poll card to the officer.

10. Immerse your finger in the electoral ink as directed, then insert the folded ballot paper into the ballot box.

11. Leave the polling station through the exit.

IMPORTANT:

DO NOT mark the ballot paper for more than one candidate.

DO NOT put any mark on the ballot paper by which you may be identified.

IMPRINTING OR MAKING ANY OTHER MARK THAN AN “X” MAY CAUSE YOUR BALLOT PAPER TO BE REJECTED.

FORM NO. 49

[Election
Rule 30(2)].

REPRESENTATION OF THE PEOPLE ACT

APPOINTMENT OF POLLING AGENT

I,, nominated
to/the election agent of who has been
nominated to* serve as a member of the House of Representatives*/the Council of the
..... Corporation*/Tobago House of Assembly* for the electoral district
of.....

DO HEREBY APPOINT.....
whose address is
as my/his* polling agent for the purposes of the proceedings at polling station
No.

Dated this day of, 20.....

.....
*Candidate/Election Agent**

I accept the above appointment.

.....
Signature

N.B.— If Polling Agent is paid, this appointment must be made by the candidate's
election agent.
This appointment should be produced to the Presiding Officer on arrival at the
polling station.

*Delete if inapplicable.

[Election Rule 30(2)].

FORM NO. 50

REPRESENTATION OF THE PEOPLE ACT

APPOINTMENT OF SPECIAL POLLING AGENT

I,, nominated to/the election agent of who has been nominated to* serve as a member of the House of Representatives*/the Council of theCorporation*/Tobago House of Assembly* for the electoral district of..... do hereby appoint whose address is as my/his* special polling agent to be present at the issue of ballot papers by the Returning Officer for the above electoral district, and to attend the declaration by the said Returning Officer of the result of the poll.

Dated thisday of, 20.....

.....
*Candidate/Election Agent **

I accept the above appointment.

.....
Signature

N.B.—If the Special Polling Agent is paid, this appointment must be made by the candidate’s election agent.
This appointment should be produced to the Returning Officer at the place of the issue of ballot papers.

.....
**Delete if inapplicable.*

FORM NO. 51
REPRESENTATION OF THE PEOPLE ACT

[Election
Rule 31(1),
83(1)].

DECLARATION OF SECRECY

I,
of
DO SOLEMNLY PROMISE AND DECLARE that I will not do anything forbidden
by section 64(1), (2), (3), (5) or (6) of the Representation of the People Act, set out in the
Appendix hereto, which have been read to me.

.....
Signature of Declarant

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

.....
*Justice of the Peace/Returning
Officer/Election Clerk**

**Delete if inapplicable.*

APPENDIX

64. (1) The following persons:

Requirement of
secrecy.

- (a) the Chief Election Officer, an Assistant Election Officer, Returning Officer, Registration Supervisor, Election Clerk, Presiding Officer, Deputy Presiding Officer, Poll Clerk or Police Officer on duty attending at a polling station;
- (b) every candidate or election agent or polling agent so attending,

shall maintain and aid in maintaining the secrecy of voting.

(2) Every person attending at the counting of votes shall maintain and aid in maintaining the secrecy of voting.

(3) No person shall—

- (a) interfere with or attempt to interfere with an elector when he is voting;
- (b) otherwise obtain or attempt to obtain at a polling station information as to the candidate or political party for whom an elector in that station is about to vote or has voted;
- (c) communicate at any time to any person any information obtained in a polling station as to the candidate or political party for whom an elector in that station is about to vote or has voted;

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FORM NO. 51—*Continued*

- (d) directly or indirectly induce an elector to disclose to any person the name of the candidate or political party for whom he has or has not voted.
- (4) No person having undertaken to assist a physically incapacitated elector to vote shall communicate at any time to any person any information as to the candidate or political party for whom that elector intends to vote or has voted.
- (5) If any person fails to comply with this section he is liable on summary conviction to a fine of seven thousand dollars or to imprisonment for six months.
-

[Election
Rule 38(4)].

FORM NO. 52

REPRESENTATION OF THE PEOPLE ACT

POLL CARD

NAME

ADDRESS

POLLING
STATION No.

POLLING
STATION ADDRESS

REGISTRATION No.

| | |
|-----------------|-------------------------|
| CONSECUTIVE NO. | NO. ON LIST OF ELECTORS |
|-----------------|-------------------------|

ELECTION DATE

ELECTORAL DISTRICT

PARLIAMENTARY

MUNICIPAL CORPORATION

TOBAGO HOUSE OF ASSEMBLY

| | | | | | | | | |
|---------------------------------------|---------------|----------------------|---|----------|----------|--------------------------|----------|--------------------------|
| SIGNATURE OR THUMBPRINT OF ELECTOR | INITIALS OF | | CIRCLE NO. OF AFFIRMATION OR DECLARATION (IF ANY) ELECTOR REQUIRED TO MAKE | | | | | |
| | POLL CLERK | PRESIDING OFFICER | 53 58 | 54 59 | 55 60 | 56 61 | 57 62 | |
| | | | WHETHER AFFIRMATION OR DECLARATION MADE | | YES | <input type="checkbox"/> | NO | <input type="checkbox"/> |
| | | | WHETHER ELECTOR VOTED | | YES | <input type="checkbox"/> | NO | <input type="checkbox"/> |

REMARKS:

.....

.....

.....

.....

.....

.....

.....

.....

[Election Rule 38(5)].

FORM NO. 53

REPRESENTATION OF THE PEOPLE ACT

OATH OF ELECTOR WITHOUT IDENTIFICATION CARD

You swear—

1. That you are the person whose name appears on the revised list/unit register of electors for this polling station.
2. That you are unable to produce your identification card.
3. That you have not sold or pledged your identification card.

SO HELP YOU GOD*

**Delete if inapplicable.*

[Election Rules 40(10), 42, 50(3), 51(6)].

FORM NO. 54

REPRESENTATION OF THE PEOPLE ACT

OATH OF IDENTITY

You swear that you are qualified to vote at this election of a member to serve in the House of Representatives*/Council of the Corporation*/the Tobago House of Assembly* 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 register of electors used at this Polling Station, of the name and whose address is given as

SO HELP YOU GOD*

**Delete if inapplicable.*

FORM NO. 55

[Election
Rules 43(1),
50(4)].

REPRESENTATION OF THE PEOPLE ACT

**OATH OF QUALIFICATION OF ELECTOR
(PARLIAMENTARY, TOBAGO HOUSE OF ASSEMBLY OR
MUNICIPAL COUNCIL ELECTION*)**

Electoral District of Polling Division No.

You swear—

1. That you are a citizen of Trinidad and Tobago*/a Commonwealth country*,
viz

†2. That you were resident in Trinidad and Tobago on the ninth day after the
..... day of, 20..... † and for a period of at least one year
immediately preceding such ninth day.

3. That you were resident or were deemed to have been resident in the above
electoral district on the ninth day after the day of, 20..... † and for
a period of at least two months immediately preceding such ninth day.

4. That you are not within any of the classes of persons who lack qualification
or are disqualified to be or to remain registered as electors under the Representation of
the People Act.

SO HELP YOU GOD*

*Note: In paragraph (2) in the blank spaces insert the date of the publication of the preliminary list
of electors for the above polling division for present election.*

**Delete where inapplicable.*

†Not applicable to citizens of Trinidad and Tobago.

[Election Rule 43(1)].

FORM NO. 56

REPRESENTATION OF THE PEOPLE ACT

**OATH OF RESIDENCE QUALIFICATION OF ELECTOR
(MUNICIPAL COUNCIL ELECTION)**

Electoral District of Polling Division No.

You swear—

1. That you are a citizen of Trinidad and Tobago.
2. That you are a citizen of a Commonwealth country, *viz* and that you were resident in Trinidad and Tobago on the ninth day after the day of, 20.....* and for a period of at least one year immediately preceding such ninth day.
3. That you are not a citizen of a Commonwealth country, but that you were resident in Trinidad and Tobago on the ninth day after the day of, 20.....* and for a continuous period of at least five years immediately preceding such ninth day.
4. That you were resident or were deemed to have been resident in the above electoral district on the ninth day after the day of, 20.....* and for a period of at least two months immediately preceding such ninth day.
5. That you are not within any of the classes of persons who lack qualifications or are disqualified to be or to remain registered as electors under the Representation of the People Act.

SO HELP YOU GOD†

Note: Paragraphs 1, 2, and 3 are alternates.

**Here insert the date of the publication of the preliminary list of electors for the above polling division for present election.*

†Delete where inapplicable.

FORM NO. 57

[Election
Rule 43(1)].

REPRESENTATION OF THE PEOPLE ACT

**OATH OF PROPERTY QUALIFICATION OF ELECTOR
(MUNICIPAL COUNCIL ELECTION)**

Electoral District of Polling Division No.

You swear—

1. That you are the age of eighteen years or upwards.
2. That on the ninth day after the day of, 20.....*
and for a period of at least twelve months immediately preceding such ninth day you
resided within ten miles of †
3. That on the date and during the period referred to in paragraph 2 you were in
occupation of rateable hereditaments situated at † assessed
in the current house rate book, or a portion of such rateable hereditaments, and for such
hereditaments you have really and *bona fide* paid during the said period rent at a rate not
less than sixty dollars a year.
4. That on the date and during the period referred to in paragraph 2 hereof
you were in occupation as owner of rateable hereditaments situated at
..... † assessed in the current house rate book, or a portion
of such rateable hereditaments, situated at † assessed in the current
house rate book, or a portion of such rateable hereditaments, of an annual rateable value
of not less than sixty dollars.
5. That you are not within any of the classes of persons who lack qualifications
or are disqualified to be or to remain registered as electors under the Representation of
the People Act.

SO HELP YOU GOD‡

Note: Paragraphs 3 and 4 are alternative to each other.

* Here insert the date of the publication of the preliminary list of election for the above
polling division for present election.

† Here insert name of City or Borough for which present election is being held.

‡ Delete where inapplicable.

290 **Chap. 2:01** *Representation of the People*
[Subsidiary] *Prescribed Forms Rules*

(Election Rule 48).

FORM NO. 58
REPRESENTATION OF THE PEOPLE ACT
OATH OF A BLIND OR VISUALLY IMPAIRED ELECTOR

I,

of, swear that I am incapable of voting without the use of a template or the assistance of a companion because I am blind or visually impaired.

SO HELP ME GOD*

.....
**Delete if inapplicable.*

(Election Rule 48).

FORM NO. 59
REPRESENTATION OF THE PEOPLE ACT
OATH OF ELECTOR INCAPACITATED BY OTHER PHYSICAL CAUSE

I,

of, swear that I am incapable of voting without a companion because I am physically incapacitated.

(State incapacity)

.....
.....
.....

SO HELP ME GOD*

.....
**Delete if inapplicable.*

FORM NO. 60

[Election
Rule 49(1)].

REPRESENTATION OF THE PEOPLE ACT

DECLARATION BY COMPANION OF ELECTOR

I,.....
of having been
requested to assist whose number on the
revised list of electors for this polling station is, to record his vote at the election
now being held in this electoral district, because of his blindness*/visual impairment*/
incapacity by other physical cause, namely

HEREBY DECLARE as follows:

*1. I am entitled to vote as an elector at the said election.

*2. I am the † of the said elector
and have attained the age of eighteen years.

3. I have not previously assisted any person who is incapacitated by blindness,
visual impairment or other physical cause (*except
of) to vote at the
said election.

.....
Signature of Declarant or mark of Declarant

.....
Signature of Witness to mark of Declarant

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

.....
Presiding Officer

*Delete if inapplicable.

†State the relationship of the companion to the elector.

[Election Rule 50(1)].

FORM NO. 61

REPRESENTATION OF THE PEOPLE ACT

OATH OF A PERSONATED ELECTOR

YOU SWEAR THAT you are
(name as on list of electors)

of.....
(address as on list of electors)

whose name is entered on the list of electors now shown you/whose card appears in the unit register of electors for this polling division.

SO HELP YOU GOD*

**Delete if inapplicable.*

[Election Rule 51(4)].

FORM NO. 62

REPRESENTATION OF THE PEOPLE ACT

LIST OF QUESTIONS

1. What is your father's name?
2. What is your mother's name?
3. What is the name of your father's father?
4. What is the name of your father's mother?
5. What is the name of your mother's father?
6. What is the name of your mother's mother?
7. Name the place visited on your first trip abroad, if any
8. What is the nature of the first serious accidental injury you have suffered, if any?
9. What is the date of your first marriage, if any?
10. What is the name of your first wife/husband, if any?
11. What is the name of the first school you attended, if any?
12. What was your age when you entered school?
13. What was your age when you left school?
14. Name any society, association, club or other body of which you are a member.
15. Are you right or left handed?
16. What is the name of your first employer?

17. What was the nature of the job in which you were first employed?
-
18. What is the name of the brother nearest to you in age?
19. What is the name of the sister nearest to you in age?
20. Is there any further information about yourself relative to your identification which you would like to give?
-

Dated this day of, 20.....

.....
Presiding Officer

.....
Poll Clerk

.....
*Signatures of Polling Agents,
Candidates, Election Agents*

[Election Rule 53(2)].

FORM NO. 63

REPRESENTATION OF THE PEOPLE ACT

OATH OF INTERPRETER

I,
swear that I will well and faithfully interpret and true explanation make to the Presiding
Officer and
(here insert name of elector)
of all such matters and things as shall be required of me according to the best of my skill
and understanding.

SO HELP ME GOD*

.....
Signature

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

.....
Presiding Officer

*Delete if inapplicable.

FORM NO. 64

[Election
Rule 63(4)].
[116/1992].

REPRESENTATION OF THE PEOPLE ACT

**ELECTION TO THE HOUSE OF REPRESENTATIVES/
MUNICIPAL CORPORATION/TOBAGO HOUSE OF
ASSEMBLY***

Electoral District of

LIST OF SPECIAL ELECTORS

| Consecutive Number | Name of Elector (in alphabetical order with surname first) | Address of Elector in Unit Register | File Number or Registration Number | Polling Division Number | Address of Registration Office to which ballot is to be sent |
|--------------------|--|-------------------------------------|------------------------------------|-------------------------|--|
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

I,

Returning Officer for the electoral district of certify that the above is a true copy of the list of special electors for the said electoral district.

Dated this day of, 20.....

.....
Returning Officer
for the Electoral District of
.....

*Delete if inapplicable.

296 **Chap. 2:01** *Representation of the People*
[Subsidiary] *Prescribed Forms Rules*

[Election Rules 66(3)].

FORM NO. 65
SPECIAL BALLOT PAPER
(Deleted by LN 239/1986)

[Election Rule 68(1)].

FORM NO. 66
REPRESENTATION OF THE PEOPLE ACT
DECLARATION OF SECRECY
(Special Poll)

I,
of
DO SOLEMNLY promise and declare that I will not do anything forbidden by section 64(4) or (6) of the Representation of the People Act, set out in the Appendix hereto, which have been read to me.

.....
Signature of Declarant

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

.....
*Justice of the Peace/Returning Officer/
Election Clerk**

Requirement of secrecy.

APPENDIX

64. (4) Every person attending the proceedings in connection with the issue or the opening of ballot papers shall maintain and aid in maintaining the secrecy of the voting.

(6) If any person fails to comply with this section he is liable on summary conviction to a fine of seven thousand dollars or to imprisonment for six months.

.....
**Delete if inapplicable.*

FORM NO. 67

(Election
Rule 71).

REPRESENTATION OF THE PEOPLE ACT

(Front of Form)

DECLARATION OF IDENTITY

I,

of

DO HEREBY DECLARE that I am the person to whom the ballot paper enclosed in this envelope was issued and that the said ballot paper was shown unmarked to the Special Presiding Officer by me before voting.

.....
Signature of Special Elector/Signature of
Companion of Special Elector*

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

.....
Special Presiding Officer

**Delete if inapplicable.*

(Election Rule
82).

FORM NO. 67—Continued

(Back of Form)

GUIDELINES FOR VOTING AS A SPECIAL ELECTOR

1. To be permitted to vote, a special elector shall supply his name, address and occupation to the Special Presiding Officer, and present his identification card, if available.

2. Where a check of the list of special electors establishes that the information as given appears thereon, the special elector shall—

- (a) display the ballot paper received from the Returning Officer to ensure that—
 - (i) it has been marked for any candidate; and
 - (ii) it bears the initials of the Returning Officer in the space provided at the back of the ballot paper;
- (b) display the covering envelope bearing the address of the Returning Officer for his electoral district, and the Declaration of identity thereon; and
- (c) complete and sign the declaration of identity on the outside of the covering envelope.

Thereafter, the Special Presiding Officer shall compare the signature of the special elector with that of his Identification card, then append his own signature in the space provided.

3. The special elector shall proceed to the area provided for marking the ballot paper in secret. With the stamp or other writing instrument provided, he shall:

- (a) imprint or mark an “X” in the column next to the name and symbol of the one candidate of his choice;
- (b) fold the ballot paper as instructed with the initials of the Returning Officer visible;
- (c) return to the Special Presiding Officer and display the folded ballot paper with the initials of the Returning Officer visible;
- (d) place and seal the folded ballot paper in the small envelope (marked ballot paper);
- (e) place the ballot paper envelope in the covering envelope (large envelope) addressed to the Returning Officer for the electoral district;
- (f) seal the covering envelope and insert it in the special ballot box, and then leave the polling station.

IMPORTANT

DO NOT mark the ballot paper before attending the special polling station.

DO NOT mark the ballot paper for more than one candidate.

DO NOT mark the ballot paper in a manner that will identify you.

**IMPRINTING OR MAKING ANY OTHER MARK THAN AN “X” MAY
CAUSE YOUR BALLOT PAPER TO BE REJECTED.**

FORM NO. 68

REPRESENTATION OF THE PEOPLE ACT

STATEMENT OF SPECIAL POLL

(Deleted by LN 239/1986)

L.R.O. 1/2006

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

300

Chap. 2:01

Representation of the People

[Subsidiary]

Prescribed Forms Rules

[Election Rules 97(1)(d), 97(12)].

FORM NO. 69

REPRESENTATION OF THE PEOPLE ACT

STATEMENT OF THE POLL

Electoral District of Polling Station

Number of ballot papers received from the Returning Officer
Number of ballots cast for.....
Number of ballots cast for.....
Number of ballots cast for
Number of ballots cast for
Number of ballots cast for
Number of ballots cast for
Number of ballots cast for.....
Number of rejected ballots.....

- (a) Total number of ballots found in box
(b) Suspect ballots taken from envelope for number of suspect ballots and added to those at (a) and counted
(c) Number of destroyed ballot papers
(d) Number of spoiled ballot papers
(e) Number of unused ballot papers undetached from the books
Number of ballots found in Special Ballot Box
Total

Number of Poll cards found in Poll card box
Number of names on official list of electors used at the Polling Station

I HEREBY CERTIFY that the above statement is correct and that a copy was handed to the Deputy Presiding Officer, the Poll Clerk and to each of the candidates or their agents who were present at the count.

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

Certified in the presence of:

Deputy Presiding Officer

Poll Clerk.....

and Candidate/Agent

FORM NO. 70

[Election Rule
97(17)].

REPRESENTATION OF THE PEOPLE ACT

**OATH OF MESSENGER SENT TO COLLECT BALLOT
BOXES, POLL CARD BOXES AND CARRYING CASES**

I,....., Messenger,
appointed by, Returning Officer
for the electoral district of do swear that the
several Ballot Boxes to the number of Poll Card Boxes to the number of
..... and Carrying Cases to the number of which were
used at Polling Stations Nos. of this electoral district on polling day now
delivered by me towere 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 atthis day of, 20.....

.....
Returning Officer/Election Clerk

(Election Rule 88).

FORM NO. 70A

REPRESENTATION OF THE PEOPLE ACT

OATH OF MESSENGER SENT WITH SPECIAL BALLOT BOX

I,....., Messenger appointed by Returning Officer for the electoral district of do swear that the Special Ballot Box bearing No. which was used at the Special Polling Station established by the said Returning Officer was handed to me by to be delivered to the *(Returning Officer*/Election Clerk)* Presiding Officer for Polling Station No. and that it was delivered to the said Presiding Officer atp.m. on the day of, 20..... properly sealed.

.....
Signature of Messenger

Sworn before me at

this day of, 20.....

.....
Presiding Officer

**Delete if inapplicable.*

FORM NO. 71

[Election Rule
107(2)].

REPRESENTATION OF THE PEOPLE ACT
APPOINTMENT OF AGENT FOR FINAL
COUNT/CHECK OF RESULT OF POLL

I,, nominated to/the election agent of who has been nominated to* serve as a member of the House of Representatives/the Council of the Corporation /the Tobago House of Assembly* for the electoral district ofdo hereby appointwhose address is as my/his* agent to be present at the final count/check of the result of the poll for the above electoral district to attend the counting of the votes and the declaration of the result of such count.

Dated this day of, 20.....

.....
*Candidate/Election Agent**

I accept the above appointment

.....
**Delete if inapplicable.*

FORM NO. 72

[Election Rule
108(1)(a)].

REPRESENTATION OF THE PEOPLE ACT
RETURN AFTER POLL HAS BEEN TAKEN

I HEREBY CERTIFY that the member/members* elected for the electoral district of in pursuance of the within writ and having received most votes lawfully given is/are*

.....
(name/s)

.....
(address/es)

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

.....
Returning Officer

.....
**Delete if inapplicable.*

ELECTION PROCEEDINGS RULES

ARRANGEMENT OF RULES

RULE

1. Citation.
2. Application of the Interpretation Act.
3. Definitions.
4. Practice and procedure.
5. Filing of document.
6. Application for leave to institute proceedings.

REPRESENTATION PETITIONS

7. Form of representation petition.
8. Service.
9. Security for costs.
10. Objection to recognisance.
11. Time and place of trial.
12. Display of list of petitions.
13. Filing of list of votes claimed to be wrongly admitted or rejected.
14. Application for leave to withdraw petition.
15. Application to stay or dismiss petition.
16. Abatement of petition by death.
17. Notice of intention not to oppose petition.
18. Notice of respondent's death.
19. Requirement for copy of particulars.
20. Computation of time.

VACANCY PETITIONS

21. Nominal petitioner.
22. Form and content of vacancy petition.
23. Despatch of copy of petition.
24. Service.
25. Rules that apply to vacancy petitions.

RULE

SPEAKER'S REFERENCE

26. Speaker's reference.
27. Application of rules.

APPEALS

28. Petitions.
29. Registration.

SCHEDULE.

FORMS

| | | |
|------------|---------|---------------------|
| Form No. 1 | Rule 7 | Election Petition |
| Form No. 2 | Rule 9 | Recognisance |
| Form No. 3 | Rule 22 | Vacancy Petition |
| Form No. 4 | Rule 26 | Speaker's Reference |

[Subsidiary]

267/2001.

ELECTION PROCEEDINGS RULES

made by the Rules Committee under section 78 of the Supreme Court of Judicature Act, Ch. 4:01 and Section 144 of the Representation of the People Act, Ch. 2:01

Citation.

1. These Rules may be cited as the Election Proceedings Rules.

Application
of the
Interpretation
Act.
Ch. 3:01

2. The Interpretation Act, shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

Definitions.

3. In these Rules, unless the context otherwise requires—
 “the Act” means the Representation of the People Act;
 “Judge” means a Judge of the High Court of Trinidad and Tobago;
 “local election petition” means a petition questioning election as a member or to an office of a Municipal Council or to the Tobago House of Assembly;
 “parliamentary election petition” means a petition questioning an election as a member of the House of Representatives;
 “Registry” means the Registry of the Supreme Court of Judicature and includes the Sub-Registries of San Fernando and Tobago;
 “Speaker’s reference” means an application made pursuant to section 137 of the Act;
 “vacancy petition” means a petition filed pursuant to section 130 of the Act.

Practice and
procedure.

4. Subject to the provisions of the Act and these Rules, the practice and procedure of the High Court, including the rules relating to the discovery and inspection of documents and the delivery of interrogatories, shall apply to a petition or reference under these Rules as if it were an ordinary civil action within its jurisdiction.

Filing of
document.

5. Any document required to be filed in proceedings under these Rules shall be filed in the Registry.

6. An application for leave to institute proceedings pursuant to section 52 of the Constitution shall be made *ex parte* and be supported—

Application for leave to institute proceedings.

- (a) by a statement setting out the name and description of the applicant, the relief sought and the grounds on which it is sought; and
- (b) by an affidavit verifying the facts relied on.

REPRESENTATION PETITIONS

7. (1) A representation petition shall be in the form set out as Form No. 1 in the Schedule or a form to the like effect with such variations as the circumstances may require, and state—

Form of representation petition. Schedule. Form 1.

- (a) the qualification of the petitioner to present the petition;
- (b) when the petition relates to an election, the date and result of such election and in the case of a parliamentary election petition, the date on which the return was made to the Chief Election Officer of the member declared to have been elected;
- (c) the date from which the time for bringing the petition runs; and
- (d) the grounds on which relief is sought, setting out with sufficient particularity the facts relied on but not the evidence by which they are to be proved,

and shall conclude with a prayer setting out particulars of the relief claimed.

(2) The petition shall be presented by filing it and at the same time leaving three copies at the Registry.

(3) The Registrar shall cause the petition to be published as soon as practicable in the *Trinidad and Tobago Gazette* and in two daily newspapers.

(4) The Registrar shall send a copy of the petition—

- (a) in the case of a petition questioning the appointment of a person to the Senate, to the Attorney General and the Clerk of the Senate;

- (b) in the case of a petition questioning the election of a person to the House of Representatives, to the Clerk of the House of Representatives and the Chief Election Officer; and
- (c) in the case of a petition containing allegations of corrupt or illegal practice, to the Director of Public Prosecutions.

Service.

8. (1) Within five days after the presentation of a representation petition the petitioner shall serve on the respondent in accordance with subrule (3), a notice of the presentation of the petition and of the nature of the security which the petitioner proposes to give, together with a copy of the petition.

(2) An Attorney-at-law appointed to act for a respondent in a representation petition shall forthwith give notice of his appointment to the petitioner and lodge a copy of the notice in the Registry.

(3) Any document required to be served on a party may be served—

- (a) in any manner in which a writ of summons may be served;
- (b) in the manner provided by section 142(1) of the Act; or
- (c) by delivering it or sending it by post to any Attorney-at-law who appears, from any document filed, to be acting for the party.

Security for costs.

9. (1) Where, in the case of a local election petition, the security for costs which the petitioner proposes to give is the maximum which may be directed under the Act, an application to fix the security at that amount may be made *ex parte* by summons to a Judge but otherwise shall be made by an *inter parte* summons.

(2) A recognisance as security for costs shall be—

- (a) in the form set out as Form No. 2 in the Schedule;

Schedule.
Form 2.

- (b) acknowledged before a Commissioner of Affidavits; and
- (c) filed forthwith after being acknowledged.

(3) A recognisance shall be accompanied by an affidavit sworn by each surety, stating that after payment of all his debts he is worth a sum not less than that for which he is bound by his recognisance, and a copy of the affidavit shall forthwith be served by the petitioner on the respondent.

10. (1) Where a party intends to object to a recognisance on any ground mentioned in section 111 of the Act, he shall within five days after service on him of the notice referred to in rule 8, serve on the petitioner notice of his objection, stating the grounds thereof and issue and serve on the petitioner a summons to determine the validity of the objection.

Objection to recognisance.

(2) The summons shall be heard by the Registrar, subject to review by a Judge on application made by notice within five days after the Registrar's decision.

(3) If the objection is allowed, the Registrar or Judge before whom the matter is heard shall at the same time determine what sum of money will make the security sufficient and the petitioner may within five days thereafter remove the objection by deposit of that sum.

11. (1) Within twenty-eight days after the first day on which a petition is at issue the petitioner shall apply by summons to a Judge for a time and place to be fixed for the trial of the petition and, if the petitioner fails to do so, the respondent may within a further period of twenty-eight days apply in the same manner as the petitioner might have done.

Time and place of trial.

(2) If no application to fix a time and place for the trial of a petition is made in accordance with the last foregoing subrule, the Registrar shall refer the matter to a Judge, who shall thereupon fix such time and place.

(3) In the case of a parliamentary election petition, not less than fourteen days, and in any other case, not less than seven days, before the day fixed, the Registrar shall cause notice of the time and place of the trial to be published in the *Trinidad and Tobago Gazette* and in two daily newspapers and to be displayed in a conspicuous place in the Registry and to be sent by post or delivered to—

- (a) the petitioner;
- (b) the respondent; and
- (c) any person to whom a copy of the petition has been sent pursuant to rule 7(4).

Display of list of petitions.

12. (1) A list of all representation petitions at issue shall be kept by the Registrar, shall be conspicuously displayed in the Registry and shall be available for inspection by the public during office hours.

(2) The petitions shall be tried in the order in which they stand in the list unless a Judge in his discretion orders that—

- (a) they be heard in some other order; or
- (b) two or more petitions be heard together.

Filing of list of votes claimed to be wrongly admitted or rejected.

13. (1) Where a parliamentary or local election petition claims the seat or office for an unsuccessful candidate on the ground that he had a majority of lawful votes, every party shall, not less than seven days before the day fixed for the trial, file a list of the votes which he contends were wrongly admitted or rejected, stating in respect of each such vote the grounds for his contention, and serve a copy of the list on every other party and the Director of Public Prosecutions.

(2) Where the respondent to such a petition intends to call evidence to prove that the person for whom the seat is claimed, was not duly elected, the respondent shall, not less than seven days before the day fixed for the trial of the petition, file a list of his objections to the election of that person on which he intends to rely and serve a copy of the list on the petitioner and the Director of Public Prosecutions.

(3) Any party to such a petition may inspect and obtain an office copy of any list filed pursuant to either of the last two foregoing subrules.

(4) At the trial of such a petition, except by leave of the Court—

- (a) no evidence shall be given by a party against the admission or rejections of any vote, or as to any ground of contention, which is not specified in a list filed by him pursuant to subrule (1); and
- (b) no evidence shall be given by a respondent of any objection to a person's election which is not specified in a list filed by him pursuant to subrule (2).

14. (1) An application for leave to withdraw a representation petition shall be made by motion and supported by affidavit in accordance with section 121 of the Act.

Application for leave to withdraw petition.

(2) Not less than seven days before the day fixed for the hearing of such motion, the petitioner shall serve notice of motion together with the affidavit in support on the respondent and the Attorney General.

(3) The notice of motion shall state the grounds on which the application to withdraw is made and contain a statement to the effect that on the hearing of the application any person who might have been a petitioner in respect of the proceedings may apply to the Court to be substituted as a petitioner.

(4) Where on the hearing of the application a person is substituted as a petitioner, any security required to be given by him shall be given within three days after the order of substitution.

15. (1) An application by a respondent to stay or dismiss a representation petition before the day fixed for the trial shall be made by motion.

Application to stay or dismiss petition.

(2) Not less than seven days before the date fixed for hearing of such motion, the respondent shall serve notice of motion,

stating the grounds thereof, on the petitioner and send a copy thereof to any person to whom a copy of the petition has been sent pursuant to rule 7(4).

Abatement of petition by death.

16. (1) Where a representation petition is abated by the death of a sole petitioner or the last surviving petitioner, the Attorney-at-law acting for him in the proceedings at the date of his death, or if he had no such Attorney-at-law, any respondent learning of his death, shall file notice thereof in the Registry.

(2) The Registrar shall thereupon cause to be published in the *Trinidad and Tobago Gazette* and in two daily newspapers a notice stating that the petition has been abated by virtue of the death of the petitioner or the last surviving petitioner as the case may be, and that any person who might have been the petitioner in respect of the appointment or election may within twenty-eight days after the first publication of such notice apply to the High Court by motion to be substituted as petitioner.

(3) Notice of any such motion shall be given to the respondent at least seven days before the hearing of the motion.

Notice of intention not to oppose petition.

17. Any respondent who does not intend to oppose a representation petition shall not less than seven days before the day fixed for the trial serve notice to that effect on the petitioner, any other party and the Attorney General, whereupon the Registrar shall cause such notice to be published in the *Trinidad and Tobago Gazette* and two daily newspapers, and shall include in such notice a statement that any person who might have been a petitioner in the proceedings may within twenty-eight days after the first publication of such notice apply to the High Court by motion to be substituted as respondent.

Notice of respondent's death.

18. (1) Where a respondent dies before the hearing of the petition, the Attorney-at-law acting for him in the proceedings at the date of his death, or if he had no such Attorney-at-law, the petitioner upon learning of his death, shall file notice thereof in the Registry,

(2) The Registrar shall thereupon cause to be published in the *Trinidad and Tobago Gazette* and two daily newspapers

notice of the respondent's death and shall include in such notice a statement to the like effect as that included in a notice published pursuant to rule 17.

19. A party giving particulars in pursuance of an order or otherwise in proceedings under Part VI of the Act shall file a copy at the Registry within twenty-four hours after delivering the particulars to the party requiring them.

Requirement for copy of particulars.

20. (1) Any period of time prescribed or limited by the Act shall not be enlarged by order or otherwise, but save as aforesaid and subject to section 159 of the Act, the provisions of Order 3 of the Rules of the Supreme Court shall apply to any period of time prescribed by these Rules.

Computation of time.

(2) Where any period of time limited by the Act for presenting a petition or filing any document expires on a day (not being a day mentioned in section 159(2) of the Act) on which the Registry is closed, the petition or document shall be deemed to be duly presented or filed if it is filed on the next day on which the Registry is open.

VACANCY PETITIONS

21. (1) Where a vacancy petition is presented by authority of a resolution of the Senate or of the House of Representatives the nominal petitioner shall be the Clerk of the Senate or the Clerk of the House of Representatives, as the case may be.

Nominal petitioner.

(2) The member whose seat is the subject-matter of the petition shall be the respondent.

22. A vacancy petition shall be in the form set out as Form No. 3 in the Schedule or a form to the like effect with such variations as the circumstances may require, shall be signed by the petitioner and shall—

Form and content of vacancy petition. Schedule. Form 3.

(a) state the capacity in which the petitioner presents the petition;

- (b) where the petition is presented by authority of a resolution of the Senate or of the House of Representatives, give particulars of such resolution; and
- (c) state the grounds on which relief is sought, setting out with sufficient particularity the facts relied on, but not the evidence by which they are to be proved,

and shall conclude with a prayer setting out the particulars of the relief claimed.

Despatch of
copy of petition.

23. The Registrar, on receipt of the petition, shall send a copy—

- (a) in the case of a petition questioning whether any senator has vacated his seat, or is required to cease to perform any of his functions as a member of the Senate, to the Clerk of the Senate if he is not the petitioner;
- (b) in the case of a petition questioning whether a member of the House of Representatives has vacated his seat, or is required to cease to perform any of his functions as a member of the House of Representatives, to the Clerk of the House of Representatives if he is not the petitioner; and
- (c) in the case of a petition questioning whether a member of a Municipal Corporation or the Tobago House of Assembly has vacated his seat or office therein, to the Chief Executive Officer of the Municipal Corporation or the Presiding Officer of the Tobago House of Assembly as the case may be.

Service.

24. Within five days after delivery of a vacancy petition the petitioner shall serve notice of the presentation of the petition, the nature of the proposed security and a copy of the petition upon the respondent and the Attorney General.

25. Rules 7(2) and (3), 8(2) and (3), 9, 10, 11, 14 and 15 shall apply to vacancy petitions as they do to representation petitions.

Rules that apply to vacancy petitions.

SPEAKER'S REFERENCE

26. (1) A Speaker's reference shall be in the form set out as Form No. 4 in the Schedule or a form to the like effect with such variations as the circumstances may require, and shall—

Speaker's reference. Schedule. Form 4.

- (a) state the qualification of the person making the reference;
- (b) state the grounds on which relief is sought, setting out with sufficient particularity the facts relied on but not the evidence by which they are to be proved;
- (c) where made by the Clerk of the House of Representatives, give particulars of the resolution of the House authorising him to make the reference; and
- (d) be signed by the person making it.

(2) The person making the reference shall deliver it to the Registrar by filing it and leaving three copies of it at the Registry.

27. (1) Rule 9(2) and (3) shall apply to a Speaker's reference.

Application of rules.

(2) The person making a Speaker's reference shall within twenty-one days after delivering it to the Registrar apply by summons to a Judge for a time and place to be fixed for the hearing of the reference and shall serve such summons on all other parties to the reference at least two clear days before the hearing of the summons.

(3) If the person making the reference fails to apply in accordance with subrule (2), any other party to the reference may apply in like manner for the same purpose within a further period of twenty-one days.

(4) If no application is made for the time and place of the hearing of the reference to be fixed in accordance with subrules (2) and (3), the Registrar shall refer the matter to a Judge who shall thereupon fix such time and place.

APPEALS

Petitions.

28. (1) Subject to subrules (2) and (3), Order 59 of the Rules of the Supreme Court shall apply to appeals to the Court of Appeal in proceedings brought under Part VI of the Act.

(2) Notice of appeal shall be filed within fourteen days of the decision complained of and a copy of the notice of appeal shall be served by the appellant on all parties directly affected by the appeal within seven days after the date of filing.

(3) The Registrar shall, not later than seven days after the filing of the Record of Appeal by the appellant, notify the parties of the time and place of hearing of the appeal.

Registration.

29. When a notice of appeal and a statement of material facts have been forwarded to the Registrar pursuant to section 26(3) of the Act, the Registrar shall within twenty-one days thereafter issue a notice to the appellant and the registration officer, requiring them to attend before a Judge of the Court of Appeal in Chambers at a specified time and place in order to receive such directions as the Judge may give for the conduct and hearing of the appeal.

SCHEDULE

FORM 1

ELECTION PETITION

(Rule 7).

IN THE HIGH COURT OF JUSTICE

No. of 20.....

IN THE MATTER OF THE REPRESENTATION OF THE PEOPLE ACT
Ch. 2:01

AND

IN THE MATTER OF A (Parliamentary *or* Local Government) ELECTION FOR
THE (Constituency of) held on 20

The petition of A. B., of (address) (or A. B. of, and
C. D., of as the case may be) shows—

1. That the Petitioner A. B. is a person who [voted or had a right to vote or was
a candidate *or, in the case of a parliamentary election, claims to have a right to be*
elected and returned at the above election and the Petitioner C.D. is a person (*continue*
as above)].

2. That the election was held on 20 when L.M. and N.P.
were candidates, and on 20 [the Returning Officer [declared (as was
the fact) that the said L.M. received (....) votes and the said N.P. received (....) votes and]
returned L.M. to the Clerk of the House as being duly elected, *or, in the case of a local*
government election, J.K. was declared to be duly elected].

3. That [*state the facts on which the petitioner(s) rely*].

4. (*Where the petitioner alleges corrupt or illegal practices state the event on*
which the time for the presentation of the petition depends and its date).

The (Petitioner therefore prays or Petitioners therefore pray)—

(a) [That it may be ordered that there be a (scrutiny or recount) of the votes
recorded as having been cast in the election];

(b) That it may be determined that the said [L.M. was not duly (elected or
returned) and that the election was void *or* N.P. was duly elected and
ought to have been returned *or* L.M. was not duly elected and ought not to
have been returned *or* L.M. was not duly elected and that the said N.P.
was duly elected and ought to have been returned, or in the alternative
that the election was void *or as the case may be*];

FORM 3

(Rule 22).

**VACANCY PETITION
IN THE HIGH COURT OF JUSTICE**

No of 20.....

IN THE MATTER OF THE REPRESENTATION OF THE PEOPLE ACT,
Ch. 2:01

AND

IN THE MATTER OF A VACANCY PETITION

pursuant to sec. 43(2) *or* sec. 49(2) *or* sec. 43(3) *or* sec. 49(3) of the Constitution and
sec. 130(1) of the Representation of the People Act.

The petition of A.B., of (*address*) [*or* C.D., the Clerk of the Senate
or the House of Representatives (as the case may be)] shows—

1. That the Petitioner A.B. (is a person who is entitled to vote as an elector at a
Parliamentary election *or* would be entitled to vote at an election held for the electoral
district for which the person to whom the petition relates was elected, *as the case may
be*) *or* C.D. [is the Clerk of the Senate *or* the House of Representatives *as the case may
be* and (give particulars of the resolution of the Senate or the House of Representatives
relied upon, i.e., the date and substance of it)].

2. That E.F. (a Senator *or* member of the House of Representatives *or* a member
of a Municipal Corporation *or* the Tobago House of Assembly as the case may be) was
(appointed *or* elected) on the day of 20

3. That (here set out the facts on which the petitioner relies to show that the
person has vacated his seat or should cease to perform any of his functions *as the case
may be*).

The Petitioner therefore prays—

- (a) That it may be ordered that (the seat of the Senator or the Member of
the House of Representatives *or as the case may be*) be declared
vacant or that it be declared that (the Senator or the member *or as the
case may be*) do cease to perform his functions.
- (b) That the Petitioner may have such further or other relief as may
be just.

Dated this day of 20....

[Signature]
[Petitioner]

This Petition was presented by [E.F. & Co., whose address for service is (address) Attorneys-at-law for the said Petitioner or the Clerk of the Senate or the House of Representatives as the case may be].

To: (The respondent, the Attorney General or as the case may be).

(Address).

(Rule 26).

FORM 4
SPEAKER'S REFERENCE

IN THE HIGH COURT OF JUSTICE

No. of 20....

IN THE MATTER OF THE REPRESENTATION OF THE PEOPLE ACT,
Ch. 2:01

AND

IN THE MATTER OF A SPEAKER'S REFERENCE

pursuant to sec. 50(5) of the Constitution and sec. 137(1)(a) of the Representation of the People Act

The petition of A.B., of (address) a member of the House of Representatives (or C.D., the Clerk of the House of Representatives) shows—

1. That the Petitioner A.B. is a member of the House of Representatives, having been so elected on theday of 20.... [or if the petition is by way of resolution of the House of Representatives, C.D. is the Clerk of the House of Representatives and (give particulars of the resolution of the House relied upon, i.e., the date and substance of it)].

2. That E.F. was elected as Speaker of the House of Representatives on the day of20

3. That (here set out the facts on which the petitioner relies to show that the Speaker was not validly elected *or* was not qualified to be elected to the office of Speaker *or* has vacated the office of Speaker *as the case may be*).

The Petitioner therefore prays—

- (a) That it may be declared that (the Speaker is not validly elected to the office of Speaker and the office be declared vacant *or* that the Speaker is not qualified to be elected to the office of Speaker and the office be declared vacant *or* that the Speaker has vacated the office of Speaker).
- (b) That the petitioner may have such further or other relief as may be just.

Dated this day of 20

[Signature]

[Petitioner]

This Petition was presented by [E.F. & Co., whose address for service is (*address*) Attorney-at-law for the said Petitioner *or* the Clerk of the Senate or the House of Representatives *as the case may be*].

To: (The respondent, *or as the case may be*).

[Address].
