



TRINIDAD AND TOBAGO

No. 38—1956

[L.S.]

I ASSENT,

M. H. DORMAN

Acting Governor

19th June, 1956.

AN ORDINANCE to amend the Municipal Elections
Ordinance, Ch. 39. No. 12.

[21st June, 1956.]

Commence-
ment.

ENACTED by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof. Enactment.

1. This Ordinance may be cited as the Municipal Elections (Amendment) Ordinance, 1956, and shall be read as one with the Municipal Elections Ordinance, hereinafter referred to as the Principal Ordinance. Short title.

Ch. 39. No. 12.
Laws 1951-1953,
Vol. 1, p. 470.

Section 2 of
Principal
Ordinance
amended.

2. Section 2 of the Principal Ordinance is hereby amended by inserting in the appropriate alphabetical order the following definitions:—

“appropriate digit” means, in the case of a voter—

- (a) who has a right hand upon which there are any digits, that finger on the right hand which is nearest to the thumb or, if the voter has no right thumb, to the right thumb socket; or, if the voter has a right thumb but no fingers on his right hand, the right thumb;
- (b) who has no right hand or has a right hand but no digits upon such hand, the finger on the left hand which is nearest to the left thumb or, if the voter has no left thumb, to the left thumb socket; or, if he has a left thumb but no fingers upon his left hand, the left thumb;

“digit” includes both finger and thumb;

“electoral ink” means the ink, whether composite or consisting of two or more separate solutions, supplied by the Mayor for use in accordance with the provisions of section 27B or section 75B of this Ordinance;”.

Section 21 of
Principal
Ordinance
amended.

3. Section 21 of the Principal Ordinance is hereby amended—

(a) by renumbering paragraphs (1) to (3) thereof as paragraphs (2) to (4) respectively;

(b) by inserting as paragraph (1) thereof the following:—

“(1) You must show your hands to the Returning Officer before he delivers to you your ballot paper.”;

(c) in paragraph (4), as so renumbered, by substituting for the words “put your ballot paper in the ballot box and leave the room” the words “deliver your ballot paper to the Returning Officer”; and

(d) by inserting after paragraph (4), as so renumbered, the following paragraphs:—

“(5) You should then present your hands for examination to the Returning Officer and if he requires you so to do you must immerse the digit which he shall indicate in the electoral ink.

(6) As soon as the Returning Officer has placed your ballot paper into the ballot box or destroyed the same, leave the room."

4. After section 27 of the Principal Ordinance the following sections shall be inserted:—

"Ballot papers not to be delivered to voters unless no marks of electoral ink appear on voters."

27A. (1) Subject to the provisions of section 27D of this Ordinance, the Returning Officer shall refuse to deliver any ballot paper to any voter unless he is satisfied that there does not appear—

New sections 27A to 27D added to Principal Ordinance.

(a) upon the appropriate digit of such voter; or

(b) in the case of a voter who the Returning Officer is satisfied is suffering from an injury to the appropriate digit, upon any of the other digits of such voter,

any mark of electoral ink.

(2) For the purpose of satisfying himself in the manner required by subsection (1) of this section the Returning Officer shall in the presence of the clerk and of the agents of the candidates, if any, inspect the appropriate digit of the voter or all of the digits of the voter, as the case may require.

(3) Every Returning Officer who refuses to deliver a ballot paper to a voter under the provisions of this section shall make an entry setting out the facts in relation to such refusal in a list to be called "the refused votes list".

27B. (1) Upon receiving a ballot paper from a voter in accordance with the provisions of section 28 of this Ordinance the Returning Officer shall, if the voter has an appropriate digit, satisfy himself that there does not appear upon such digit any substance which in his opinion is likely to prevent the adhesion of electoral ink and shall require the voter to immerse such digit in the electoral ink:

Voters to immerse appropriate digit in electoral ink.

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

(2) If the voter immerses his appropriate digit or any other digit in the electoral ink as required under subsection (1) of this section the Returning Officer shall thereupon place the ballot paper delivered to him by the voter into the ballot box.

(3) If any voter on being required so to do fails or refuses to immerse his appropriate digit or any other digit as required under subsection (1) of this section in the electoral ink the Returning Officer shall destroy the ballot paper delivered to him by such voter and shall make an entry setting out the particulars in relation to the destruction of such ballot paper in the refused votes list.

Penalty for failure of Returning Officer to carry out provisions of sections 27A and 27B.

27C. Subject to the provisions of section 27D of this Ordinance, every Returning Officer who fails or neglects to perform any duty imposed upon him by section 27A or section 27B of this Ordinance shall be liable on summary conviction to imprisonment for six months or to a fine of two hundred and forty dollars.

Non-application of sections 27A, 27B and 27C to voters with no hands.

27D. The provisions of sections 27A, 27B and 27C of this Ordinance shall not apply in relation to any voter who has no hands."

Section 28 of Principal Ordinance amended.

5. Section 28 of the Principal Ordinance is hereby amended by deleting the words and stops "place it in the ballot box in the presence of the Returning Officer after having shown to him the official mark at the back. The voter having voted shall forthwith leave the polling station." occurring in the tenth to thirteenth lines thereof and substituting therefor the words and stops "deliver the ballot paper to the Returning Officer who shall ascertain by examination that the official mark appears at the back thereof."

Section 31 of Principal Ordinance repealed and replaced.

6. Section 31 of the Principal Ordinance is hereby repealed and replaced as follows:—

"Voter to leave station after voting.

31. The voter shall vote without undue delay, and shall quit the polling station as soon as the Returning Officer has placed his ballot paper into the ballot box or destroyed the same."

7. Section 36 of the Principal Ordinance is hereby amended Section 36 of Principal Ordinance amended.
- (a) in subsection (1), by substituting for the words "No enquiry" occurring in the first line thereof the words "Save as otherwise by this Ordinance authorised no enquiry"; and
 - (b) by deleting subsection (4) thereof.

8. Section 37 of the Principal Ordinance is hereby amended Section 37 of Principal Ordinance amended. by substituting for the words "If a person" occurring in the first line thereof the words and comma "Subject to the provisions of section 27A of this Ordinance, if a person".

9. Section 70 of the Principal Ordinance is hereby amended— Section 70 of Principal Ordinance amended.
- (a) by renumbering paragraphs (1) to (3) thereof as paragraphs (2) to (4) respectively;

- (b) by inserting as paragraph (1) thereof the following—

“(1) You must show your hands to the Returning Officer before he delivers to you your ballot paper.”;

- (c) in paragraph (4), as so renumbered, by substituting for the words “put your ballot paper in the ballot box and leave the room” the words “deliver your ballot paper to the Returning Officer”; and

- (b) by inserting after paragraph (4), as so renumbered, the following paragraphs:—

“(5) You should then present your hands for examination to the Returning Officer and if he requires you so to do you must immerse the digit which he shall indicate in the electoral ink.

“(6) As soon as the Returning Officer has placed your ballot paper into the ballot box or destroyed the same, leave the room.”

10. After section 75 of the Principal Ordinance the following sections shall be inserted:— New sections 75A to 75D added to Principal Ordinance.

“Ballot papers not to be delivered to voters unless no marks of electoral ink appear on voters.

75A. (1) Subject to the provisions of section 75D of this Ordinance, the Returning Officer shall refuse to deliver any ballot paper to any voter unless he is satisfied that there does not appear:—

- (a) upon the appropriate digit of such voter, or

(b) in the case of a voter who the Returning Officer is satisfied is suffering from an injury to the appropriate digit, upon any of the other digits of such voter, any mark of electoral ink.

(2) For the purpose of satisfying himself in the manner required by subsection (1) of this section the Returning Officer shall in the presence of the clerk and of the agents of the candidates, if any, inspect the appropriate digit of the voter or all of the digits of the voter, as the case may require.

(3) Every Returning Officer who refuses to deliver a ballot paper to a voter under the provisions of this section shall make an entry setting out the facts in relation to such refusal in a list to be called "the refused votes list".

Voters to immerse appropriate digit in electoral ink.

75B. (1) Upon receiving a ballot paper from a voter in accordance with the provisions of section 76 of this Ordinance the Returning Officer shall, if the voter has an appropriate digit, satisfy himself that there does not appear upon such digit any substance which in his opinion is likely to prevent the adhesion of electoral ink and shall require the voter to immerse such digit in the electoral ink:

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

(2) If the voter immerses his appropriate digit or any other digit in the electoral ink as required under subsection (1) of this section the Returning Officer shall thereupon place the ballot paper delivered to him by the voter in the ballot box.

(3) If any voter on being required so to do fails or refuses to immerse his appropriate digit or any other digit as required under subsection (1) of this section in the electoral ink the Returning Officer shall

destroy the ballot paper delivered to him by such voter and shall make an entry setting out the particulars in relation to the destruction of such ballot paper in the refused votes list.

Penalty for failure of Returning Officer to carry out provisions of sections 75A and 75B.

75C. Subject to the provisions of section 75D of this Ordinance, every Returning Officer who fails or neglects to perform any duty imposed upon him by section 75A or section 75B of this Ordinance shall be liable on summary conviction to imprisonment for six months or to a fine of two hundred and forty dollars.

Non-application of sections 75A, 75B and 75C to voters with no hands.

75D. The provisions of sections 75A, 75B, and 75C of this Ordinance shall not apply in relation to any voter who has no hands."

11. Section 76 of the Principal Ordinance is hereby amended by deleting the words and stops "place it in the ballot box in the presence of the Returning Officer after having shown to him the official mark at the back. The voter having voted shall forthwith leave the polling station." occurring in the tenth to thirteenth lines thereof and substituting therefor the words and stop "deliver the ballot paper to the Returning Officer who shall ascertain by examination that the official mark appears at the back thereof."

Section 76 of Principal Ordinance amended.

12. Section 79 of the Principal Ordinance is hereby repealed and replaced as follows:—

"Voter to leave station after voting.

79. The voter shall vote without undue delay, and shall quit the polling station as soon as the Returning Officer has placed his ballot into the ballot box or destroyed the same."

Section 79 of Principal Ordinance repealed and replaced.

13. Section 84 of the Principal Ordinance is hereby amended:—

- (a) in subsection (1), by substituting for the words "No enquiry" occurring in the first line thereof the words "Save as otherwise by this Ordinance authorised no enquiry"; and
- (b) by deleting subsection (4) thereof.

Section 84 of Principal Ordinance amended.

14. Section 85 of the Principal Ordinance is hereby amended by substituting for the words "If a person" occurring in the first line thereof the words and comma "Subject to the provisions of section 75A of this Ordinance, if a person".

Section 85 of Principal Ordinance amended.

Section 104 of
Principal
Ordinance
amended.

15. Section 104 of the Principal Ordinance is hereby amended by inserting immediately before the word "or" occurring in the fourth line thereof the words and comma "or who applies for a ballot paper at a time when there is upon any of his digits any mark of electoral ink,".

Section 105 of
Principal
Ordinance
amended.

16. Subsection (1) of section 105 of the Principal Ordinance is hereby amended by inserting after paragraph (b) thereof the following paragraph:—

“ (bb) fraudulently delivers to a Returning Officer any paper other than the ballot paper which he is authorised by law to deliver; or”.

Passed in Council this twenty-fifth day of May, in the year of Our Lord one thousand nine hundred and fifty-six.

G. E. L. LAFOREST
Clerk of the Council.