

TRINIDAD AND TOBAGO.

*Amended by 6-1930.  
18-1934.*

No. 42—1925.

I ASSENT,

[L.S.]

H. A. BYATT,  
*Governor.*

16th November, 1925.

AN ORDINANCE to regulate the procedure at elections  
of members of the Legislative Council.

[16th November, 1925.]

**B**E it enacted by the Governor of Trinidad and Tobago  
with the advice and consent of the Legislative  
Council thereof as follows:—

*Preliminary.*

1. This Ordinance may be cited as the Elections Short title.  
(Legislative Council) Ordinance, 1925.

~~2. In this Ordinance the expression—~~ Interpre-

“Electoral District” means an electoral district as  
constituted by the Order of His Majesty the  
King in Council dated the 16th day of April,  
1924, and entitled “The Trinidad and Tobago  
(Legislative Council) Order in Council, 1924.”

tation.

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[Price 8d.]

- (1-1918). "Ward" means (a) any Ward as defined by or under the provisions of the Division of Trinidad Ordinance, 1918 and, when the same comes into force, chapter 285 of the revised edition of the laws, and includes the Ward of Tobago; and (b) any Ward as defined by or under the provisions of the Port-of-Spain Corporation (Amendment) Ordinance, 1924 and, when the same comes into force, chapter 224 of the revised edition of the laws.
- (15-1924). "Revised edition of the laws" means the edition of the laws of the Colony prepared under the authority of the Statute Law Revision Ordinance, 1921.
- (19-1921).

*Arrangements for Elections.*

Appointment  
of returning  
officers.

3.—(1) The Governor shall from time to time appoint a fit and proper person to be the returning officer of each electoral district, and may at any time cancel any such appointment.

(2) If any returning officer is prevented, by sickness or any other cause, from acting, or refuses or neglects to act, at any election, the Governor may at any time appoint some other fit and proper person to act in the place of such returning officer at such election.

(3) Every appointment made under this section shall be published in the *Royal Gazette*.

Polling  
districts and  
stations.

4. The Governor may, from time to time by Proclamation published in the *Royal Gazette* and one or more daily newspapers, divide each electoral district into such polling districts as he may think necessary, and appoint a polling station for each polling district.

Provided that where an electoral district consists of more than one Ward the Governor shall appoint at least one polling station for each Ward.

Issue of writs  
for holding  
elections.

5.—(1) For the purposes of every general election of members of the Legislative Council, and for the purposes of the election of members to supply vacancies caused by death, resignation, or otherwise, the Governor shall issue writs of election under the Public Seal of the Colony, addressed to the returning officers of the respective electoral districts for which members are to be returned.

(2) Every such writ shall specify the day and place of election, and the day on which such writ is returnable to the Governor.

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

6. On the Governor issuing a writ of election the Colonial Secretary shall give notice thereof, and of the time and place fixed for the election, by publication in the *Royal Gazette* and one or more daily newspapers at least ten clear days before the day fixed for the election; and the returning officer shall give further notice of the issue of such writ and of the time and place fixed for the election by causing notices to be posted at the Town Hall in the case of the City of Port-of-Spain and on or near the doors of every Warden's Office in the case of each other electoral district and at such other places in the district as he may deem necessary.

Notice of time and place of election.

7. Before the day fixed for holding the election the returning officer shall obtain from the registration officer or officers in the electoral district a sufficient number of copies of the register of electors for the time being in force by virtue of the Registration of Electors (Legislative Council) Ordinance, 1925.

Copies of register of electors to be obtained.

#### *Procedure at Elections.*

8.—(1) On the day and at the place fixed for holding the election the returning officer shall attend at nine o'clock in the morning to receive the nomination of candidates for the seat to be filled.

Nomination of candidates

(2) Every candidate for election must be nominated in writing by not less than six registered electors of the electoral district for which he seeks to be elected.

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

(4) Every candidate shall at the time of his nomination deliver or cause to be delivered to the returning officer a statutory declaration made and subscribed by such candidate

of his qualifications in the form contained in the Schedule to this Ordinance. If such statutory declaration is not delivered as aforesaid the nomination of such candidate shall be deemed to be void.

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Uncontested election.

new (5) &amp; (6)

9. If at the expiration of three hours from the time appointed there shall be only one candidate duly nominated as aforesaid, the returning officer shall forthwith publicly declare such candidate to be elected; and shall immediately thereafter certify by endorsement on the writ of election the return of such candidate, and shall return the writ so endorsed to the Governor within the time for that purpose specified therein.

Contested election.  
Adjournment to take the poll.

10.—(1) If there shall be more than one candidate duly nominated a poll of the electors shall be taken, and in such case the returning officer shall adjourn the election to a day, to be appointed by the Governor, being not less than fifteen and not more than twenty-one days thereafter, and a poll shall be taken on such day in the manner hereinafter provided.

(2) The returning officer shall, as soon as practicable after adjourning the election, give public notice of the day on which the poll will be taken and of the names of the candidates nominated for election, by publication in two daily newspapers and by causing notices to be posted at the Town Hall in the case of the City of Port-of-Spain and on or near the doors of every Warden's Office in the case of each other electoral district and at such other places in the district as he may deem necessary.

Withdrawal of candidature.

11.—(1) Any candidate duly nominated may, not less than seven clear days before the day fixed for taking the poll, withdraw from his candidature by giving notice to that effect, signed by him, to the returning officer, provided that on such withdrawal there remains not less than one duly nominated candidate for the seat to be filled.

Procedure where candidate withdraws or dies before election.

(2) If any such candidate withdraws from his candidature or dies before the day fixed for taking the poll, the returning officer shall forthwith give public notice of such withdrawal or death in the manner mentioned in the last

preceding section of this Ordinance; and if on such withdrawal or death there remains only one candidate for the seat to be filled, the returning officer shall thereupon declare such candidate to have been elected; and shall immediately thereafter certify by endorsement on the writ of election the return of such candidate, and shall return the writ so endorsed to the Governor within the time for that purpose specified therein.

12. In the case of a poll at an election the votes shall be given by ballot. Vote by ballot. The ballot of each voter shall consist of a paper (in this Ordinance called a ballot paper) showing the names and description of the candidates. Each ballot paper shall have a number printed on the back, and shall have attached to it a counterfoil with the same number printed on the face.

13. In cases where a poll is to take place, the returning officer shall take care beforehand that each polling station is provided with proper doors, barriers, tables, chairs and other conveniences, and that the same are properly arranged for carrying out the provisions of this Ordinance; and he shall, subject to the approval of the Governor, appoint a presiding officer to preside at each polling station, and such clerks and other persons to assist in the taking of the poll and subsequent counting of the votes as he may deem necessary, and he shall also provide each polling station with a copy of the register of electors for the electoral district or Ward, as the case may be, certified under his hand, a proper ballot box, and a sufficient number of voting papers, and such other conveniences for taking the poll as may be necessary. Preparation for taking the poll.

14. The returning officer shall, on or before the day fixed for taking the poll, visit each polling station, and see that each such station is provided with proper conveniences as aforesaid for taking the poll. Inspection of polling stations.

15.—(1) The taking of the poll at each polling station shall be between the hours of eight and twelve o'clock in the morning and one and five o'clock in the afternoon of the same day. Hours for taking the poll.

(2) During the interval when voting is suspended between twelve noon and one o'clock in the afternoon the presiding officer shall place the ballot box and all documents relating to the election under his own seal and shall otherwise take proper precautions for the security of such ballot box and documents.

Ballot boxes.

**16.**—(1) The ballot box shall be of convenient size, and shall be so constructed that the ballot paper can be introduced therein but cannot be withdrawn without the box being unlocked. It shall be provided with a lock and key.

Exhibition thereof.

(2) It shall be exhibited empty to such persons as may be in the polling station immediately before the taking of the poll, and shall then be securely locked, and sealed in such a manner as to prevent its being opened without breaking the seal, and shall not be again unlocked except by the returning officer at the close of the poll in manner hereinafter mentioned.

Electors to vote in Ward in which they are registered.

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**17.**—(1) Where an electoral district consists of more than one Ward, every person registered as an elector for such electoral district shall, when voting at any election, register his vote in the Ward in respect of which his name appears on the register of electors, and no person shall at any election vote for more than one candidate or in more than one Ward.

(2) Any person contravening any of the provisions of this section shall be guilty of an offence against this Ordinance and shall be liable on summary conviction to imprisonment for any term not exceeding six months.

Directions to voters.

**18.** For the guidance of electors in voting, notices shall be printed in conspicuous characters and posted in various places, outside and inside of each polling station, in the following form:—

*Directions.*

- (1) You can vote for one candidate only.
- (2) Place a cross opposite the name of the candidate for whom you wish to vote.
- (3) Fold up your voting paper so that your cross cannot be seen; show the official mark on the back to the presiding officer and then put it in the ballot box and leave the room.

19.—(1) The presiding officer shall keep order at his polling station and shall regulate the number of voters to be admitted at a time, and shall exclude all other persons except his assistants, the candidates, one agent for each candidate appointed by such candidate in writing, and the constables on duty.

Who are to be admitted within the polling station.

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

Agents, how to be placed.

(3) If any person persists, after being warned, in disobeying the directions of the presiding officer or in acting in contravention of this section it shall be lawful for the presiding officer to cause him to be removed from the polling station.

Preservation of order.

20. Each person on coming to vote shall state his name and address to the polling clerk in an audible voice.

Duty of elector on coming to vote.

21. Immediately before a ballot paper is delivered to a person coming to vote it shall be marked on both sides with the official mark, either stamped or perforated, and the number, name, and residence of the elector as stated in the copy of the register shall be called out, and the number of such elector shall be marked on the counterfoil, and a mark shall be placed in the register against the number of the elector, to denote that he has received a ballot paper, but without showing the particular ballot paper which he has received.

Procedure on delivery of ballot paper to elector.

22.—(1) The presiding officer may, and shall, if requested by a candidate or his agent, put to the elector the following questions:—

Questions which may be put to an elector.

1. Are you the same person whose name appears as A.B. on the register of electors now in force for this district?
2. Have you already voted at this election either here or elsewhere?

(2) If any person refuses to answer any question put to him as in this section provided, the presiding officer may refuse to give him a ballot paper.

(3) If any person makes a false answer to any such question he shall be guilty of an offence against this Ordinance and shall be liable on summary conviction to imprisonment for any term not exceeding six months.

Mode of  
voting.

**23.** The elector, on receiving his ballot paper, shall forthwith retire to a table apart, but within the polling station, and there secretly mark his paper, and fold it up so as to conceal his vote, and shall then put the ballot paper, so folded up, into the ballot box after having shown the presiding officer the official mark on the back; he shall vote without undue delay, and shall quit the polling station as soon as he has put his ballot paper into the ballot box.

How to mark  
a vote.

**24.** The elector shall mark his vote upon the ballot paper by placing a cross opposite the name of the candidate for whom he wishes to vote.

Instructions  
by presiding  
officers.

**25.** The presiding officer shall on request give such instructions as may appear to be necessary to any elector as to the manner in which he should record his vote.

Tendered  
ballot papers.

**26.** If a person representing himself to be a particular elector named on the register applies for a ballot paper after another person has voted as such elector, the applicant shall, upon duly answering the questions set forth in section 22 of this Ordinance, be entitled to mark a ballot paper in the same manner as any other voter; but the ballot paper (hereinafter called a tendered ballot paper) shall be of a colour differing from the other ballot papers, and, instead of being put into the ballot box, shall be given to the presiding officer, and shall be endorsed by him with the name of the elector and his number in the register of electors, and set aside in a separate packet, and shall not be counted by the returning officer. The name of the elector and his number on the register shall be entered on a list to be called the tendered votes list.

Spoilt ballot  
papers.

**27.—(1)** A voter who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper may, on delivering to the presiding officer the ballot paper so inadvertently dealt with, and

proving the fact of the inadvertence to the satisfaction of the presiding officer, obtain another ballot paper in the place of the ballot paper so delivered up (hereinafter called a spoilt ballot paper), and the spoilt ballot paper shall be immediately cancelled by the presiding officer writing the word "cancelled" across the face of the same.

(2) All cancelled papers shall be preserved by the presiding officer, in a separate packet, and shall be given up by him at the close of the poll to the returning officer as hereinafter mentioned.

28.—(1) If any voter is incapacitated by blindness or other physical cause from voting in the manner prescribed by this Ordinance, or if any voter informs the presiding officer that he is unable to read, the presiding officer shall, at the request of such voter, cause his vote to be marked on a ballot paper in the manner directed by such voter, and the ballot paper so marked to be placed in the ballot box; and the name and number on the register of electors of every voter whose vote is so marked for him, and the reason why it is so marked, shall be entered on a list to be called the list of votes marked by the presiding officer.

Blind,  
illiterate, &c.,  
voters.

(2) All necessary precautions shall be taken by the presiding officer to ensure that no person save the person by whom the ballot paper is marked for the voter, shall know for whom such voter has voted.

29. In any case where the proceedings at an election are interrupted or obstructed by any riot or open violence at any polling station, the presiding officer may adjourn the further holding of the election at such polling station until the next working day, and so on as often as may be necessary, but subject to the provision that such adjournment shall not continue to be made beyond the day on which it is necessary to close the election in order that the return thereof may be made in accordance with the writ.

Procedure in  
case of  
obstruction  
of election.

30.—(1) The presiding officer of each station, as soon as practicable after the close of the poll, shall, in the presence of the agents of the candidates, make up into separate

Duty of  
presiding  
officer at each  
station on  
close of  
the poll

packets, sealed with his own seal and the seals of such agents of the candidates as desire to affix their seals :—

- (i) Each ballot box in use at his station, unopened but with the key attached, and so sealed as to prevent the introduction of additional ballot papers, and
- (ii) The unused and spoilt ballot papers, and
- (iii) The tendered ballot papers, and
- (iv) The marked copies of the register of electors, and the counterfoils of the ballot papers, and
- (v) The tendered votes list, and the list of votes marked by the presiding officer

and shall, with all convenient speed, deliver such packets to the returning officer.

(2) The packets shall be accompanied by a statement made by such presiding officer, showing the number of ballot papers, entrusted to him, and accounting for them under the heads of "Ballot papers in the ballot box" and "Unused, spoilt, and tendered ballot papers," which statement is in this Ordinance referred to as the ballot paper account.

#### *Counting Votes.*

Agents.

**31.** Each candidate may appoint one agent to attend the counting of the votes. Such appointment shall be in writing and signed by the candidate.

Counting of votes.

**32.** The returning officer shall, as soon as practicable after the close of the poll, proceed to the place of election as specified in the writ and shall, in the presence of the agents of the candidates appointed as aforesaid, count the votes contained in each ballot box, keeping the ballot papers with their faces upwards, and taking all proper precautions for preventing any person from seeing the numbers on the backs of such papers.

Continuous counting.

**33.** The returning officer shall, as far as practicable, proceed continuously with the counting of the votes, allowing only time for refreshment, and excluding (except so far as he and the candidates or their agents agree) the hours between 10 p.m. and 8 a.m. During the excluded period the returning officer shall place the ballot papers

and other documents relating to the election under his own seal, and the seals of such of the agents of the candidates as desire to affix their seals, and shall otherwise take proper precautions for the security of such papers and documents.

34. Any ballot paper which has not on its back the official mark, or on which votes are given to two or more candidates, or on which anything except the said number on the back is written or marked by which the voter can be identified or which is unmarked or about which there is any uncertainty as to the vote shall be void and not counted.

What ballot papers are not to be counted.

35. The returning officer shall endorse "rejected" on any ballot paper which he may reject as invalid, and shall add to the endorsement "rejection objected to" if an objection to his decision be in fact made by any agent. The returning officer shall report to the Governor the number of ballot papers rejected and not counted by him under the several heads of—

Rejected ballot papers.

1. Want of official mark,
  2. Voting for more candidates than entitled to,
  3. Writing or mark by which voter could be identified,
  4. Unmarked or void for uncertainty,
- and shall, on request, allow the agents of the candidates, before such report is sent, to copy it.

36. Upon the completion of the counting, the returning officer shall seal up in separate packets the counted and rejected ballot papers. He shall not open the sealed packet of tendered ballot papers or marked copy of the register of voters and counterfoils, but shall proceed, in the presence of the agents of the candidates, to verify the ballot paper account given by each presiding officer by comparing it with the number of ballot papers counted by him as aforesaid, and the unused and spoilt ballot papers in his possession and the tendered votes list, and shall re-seal each sealed packet after examination.

Verification of ballot paper account.

37. The decision of the returning officer as to any question arising in respect of any ballot paper shall be final, subject to reversal on petition questioning the election or return.

How far decision of returning officer final.

Casting vote  
of returning  
officer.

**38.** Whenever there is an equality of votes between candidates at any election, and the addition of a vote would entitle any of such candidates to be declared elected, the returning officer, if he is a registered elector of the electoral district for which the election is held, may give such additional vote; but the returning officer shall not in any other case be entitled to vote at an election for which he is the returning officer.

Declaration of  
the poll and  
return of writ.

**39.** The returning officer shall, as soon as he shall have ascertained the result of the poll, forthwith publicly declare the same and announce the candidate to whom most votes have been given to be elected as the member for the electoral district; and shall immediately thereafter certify by endorsement on the writ of election the return of such candidate, and shall return the writ so endorsed to the Governor within the time for that purpose specified therein, together with a return showing the number of votes given to each candidate.

Power of  
Council to  
elect in event  
of equality  
of votes.

**40.** If in the case mentioned in section 38 of this Ordinance the returning officer is not a registered elector, or if, being so registered, he declines to vote, he shall make a special return of the result of the election, and the Legislative Council shall have the right by resolution to choose one of such candidates to be the member for that electoral district.

Papers to be  
sent to Clerk  
of Legislative  
Council.

**41.** The returning officer shall, as soon as may be after making the return as aforesaid forward the parcel of papers made up in accordance with section 36 of this Ordinance to the Clerk of the Legislative Council, who shall keep the same in safe custody, and shall allow no person to have access to the same.

Provided always that when an election petition has been presented questioning the validity of any election or return, the said Clerk shall on the order of a Judge of the Supreme Court deliver to the Registrar of the Supreme Court the parcel of papers relating to the election that is in dispute.

Provided also that after the expiration of twelve months from the day of any election it shall be lawful for the said Clerk to burn the said parcel of papers used at such election.

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*General Provisions.*

42. No person who has voted at an election shall, in any legal proceedings to question the election or return, be required to state for whom he voted. No obligation on voter to disclose vote.

43. At any election a person shall not be entitled to vote unless his name is on the register of voters for the time being in force by virtue of the Registration of Electors (Legislative Council) Ordinance, 1925, and every person whose name is on such register shall be entitled to demand and receive a ballot paper and to vote; provided that nothing in this section shall entitle any person to vote who is prohibited from voting by any Ordinance, or relieve such person from any penalties to which he may be liable for voting. Conclusiveness of register of electors.

44. The returning officer may, if he thinks fit, preside at any polling station, and the provisions of this Ordinance relating to a presiding officer shall apply to such returning officer with the necessary modifications as to things to be done by the returning officer to the presiding officer, or the presiding officer to the returning officer. Returning officer may preside at polling station.

45. In the case of a contested election, the returning officer may, with the approval of the Governor, in addition to any clerks, appoint competent persons to assist him in counting the votes. Counters.

46. No person shall be appointed by a returning officer for the purposes of an election who has been employed by any other person in or about the election. Employees.

47. The presiding officer may do, by the clerks appointed to assist him, any act which he is required or authorized to do by this Ordinance at a polling station except ordering the arrest, exclusion, or rejection from the polling station of any person. Clerk may act for presiding officer.

48. A candidate may himself undertake the duties which any agent of his if appointed might have undertaken, or may assist his agent in the performance of such duties and may be present at any place at which his agent may, in pursuance of this Ordinance, attend. Candidate may act in person.

Name and  
address of  
agent.

**49.** The name and address of every agent of a candidate appointed to attend the counting of the votes shall be transmitted to the returning officer one clear day at the least before the opening of the poll; and the returning officer may refuse to admit to the place where the votes are counted any agent whose name and address has not been so transmitted, notwithstanding that his appointment may be otherwise valid.

Absence of  
agents.

**50.** Where in this Ordinance any expressions are used requiring or authorizing or inferring that any act or thing is to be done in the presence of the agents of the candidates, such expressions shall be deemed to refer to the presence of such agents of the candidates as may be authorized to attend, and as have in fact attended, at the time and place where such act or thing is being done, and the non-attendance of any agents or agent at such time and place shall not, if such act or thing be otherwise duly done, in anywise invalidate the act or thing done.

Computation  
of time.

~~**51.** In reckoning time for the purpose of this Ordinance, Sunday, Christmas Day, Good Friday, Easter Monday, Corpus Christi and any other public holiday, or day of public fast, or public thanksgiving, shall be excluded; and where anything is required by these rules to be done on any day falls to be done on any such day, that thing may be done on the next day not being one of any such days.~~

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Expenses of  
returning  
officer.

**52.** All expenses properly incurred by a returning officer at an election in accordance with the provisions of this Ordinance shall be paid by the Treasurer on the warrant of the Governor.

Employment  
of vehicles  
kept for hire.

**53.**—(1) No person shall knowingly let, lend or employ for the purpose of the conveyance of electors, to or from the poll, any vehicle which he keeps or uses for the purpose of letting out on hire.

(2) No person shall hire, borrow or use for the purpose of the conveyance of electors to or from the poll, any vehicle which he knows the owner thereof is prohibited by this section from letting, lending or employing for that purpose.

(3) Any person contravening any of the provisions of this section shall be guilty of an offence against this Ordinance and shall be liable on summary conviction to imprisonment for any term not exceeding six months.

(4) Nothing in this section shall be deemed to prevent any vehicle 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.

54.—(1) The Governor in Executive Council may make Regulations for carrying out the provisions of and for prescribing the forms to be used under this Ordinance.

(2) All Regulations made in pursuance of this section shall be published in the *Royal Gazette* and shall come into operation on such publication or at such other time as may be named in such Regulations.

(3) All Regulations made under this section shall be judicially noticed.

*Repeal.*

55. The Elections (Legislative Council) Proclamation, 1924, is hereby repealed.

**SCHEDULE.**

Statutory Declaration of a Person Nominated as a Candidate for Election as a Member of the Legislative Council.

Qualification of A.B. of \_\_\_\_\_ in the \_\_\_\_\_ of \_\_\_\_\_ nominated as a candidate for election as a member of the Legislative Council for the electoral district of \_\_\_\_\_

I, A.B. of \_\_\_\_\_ in the \_\_\_\_\_ of \_\_\_\_\_ do solemnly and sincerely declare as follows:—

That I am duly qualified to be elected a member of the Legislative Council and that my qualification is:

(Here state full particulars of the qualification.)

I make this declaration conscientiously believing the same to be true, and according to the Statutory Declarations Ordinance, 1908, 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)

*Declarant.*

Declared before me this \_\_\_\_\_ day of \_\_\_\_\_

(Signed)

Passed in Council this thirtieth day of October, in the year of Our Lord one thousand nine hundred and twenty-five.

JOHN DE NOBRIGA,  
*Clerk of the Council.*

*See S.H. of 6-1930.*