

TRINIDAD AND TOBAGO.

No. 26—1925.

I ASSENT,

[L.S.]

H. A. BYATT,

Governor.

12th June, 1925.

AN ORDINANCE to consolidate the law relating to
Municipal Elections.

[12th June, 1925.]

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

1. This Ordinance may be cited as the Municipal ^{Short title.} Elections Ordinance, 1925, and in the case of a municipal election in the city of Port-of-Spain shall be read as one with the Port-of-Spain Corporation Ordinance, 1914, and ⁽²⁴⁻¹⁹¹⁴⁾ in the case of a municipal election in any other borough shall be read as one with the Municipal Corporations Ordinance, No. 210.

2. In this Ordinance, unless the context otherwise ^{Interpretation.} requires :—

“ Register of Voters ” means the burgess roll of the city of Port-of-Spain or any borough, as the case may be ;

[Price 1/6.]

“Prescribed” means prescribed by order of the City Council of Port-of-Spain or the Council of any borough.

PART I.

Elections in Port-of-Spain.

Application
of Part I.

3. This Part of this Ordinance shall apply only to municipal elections held in and for the city of Port-of-Spain.

Separate
election for
each ward.

4. In the city of Port-of-Spain there shall be a separate election of Councillors for each ward.

Returning
Officer.

5.—(1) At an election of Councillors the Returning Officer for each ward shall be an Alderman or some other fit and proper person, not being a Councillor for that ward, assigned for that purpose by the Council.

(2) In the case of the death, illness, absence, or incapacity to act of the Alderman or other person assigned to be Returning Officer for any ward, the Mayor may appoint to act in his stead another Alderman or some other fit and proper person, not being a Councillor for that ward.

(3) If the Mayor is dead or is absent or is otherwise incapable of acting in the execution of his powers and duties as to elections under this Ordinance, and if the Deputy Mayor (if any) is also incapable of acting for any of the reasons hereinbefore specified, the Council shall forthwith choose an Alderman, or a Councillor if there are no Aldermen, to execute those powers and duties in place of the Mayor.

Notice of
election.

6. Twenty-one days at least before the day fixed for the election of any Councillor, the Town Clerk shall prepare and sign a notice thereof, and shall publish the same by affixing a copy thereof on the outer door of the Town Hall, or in some conspicuous place therein, and shall in such notice name the latest day, not being less than fifteen days before the date of such election, on which nominations for seats to be filled at such election will be received.

7.—(1) Every candidate for the office of Councillor shall be nominated in writing by two burgesses of the ward for which the candidate is nominated as a Councillor. One of such burgesses shall subscribe as proposer and the other as seconder of the nomination.

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Nomination
of candidates.

(2) Every nomination paper shall state the name of the ward for which the candidate is nominated, the surname and other name or names of the candidate as entered in the burgess roll in force, his place of abode and description, and his number in the burgess roll.

(3) Every candidate must be nominated by a separate nomination paper, but the same burgesses or either of them may subscribe as many nomination papers as there are vacancies to be filled, but no more.

(4) No person shall be nominated as a candidate unless he is enrolled on the burgess roll.

(5) Every nomination paper, subscribed as aforesaid, shall be delivered to the Town Clerk or in his absence, to the Deputy Town Clerk, by the candidate, or by his proposer or seconder, not later than three o'clock in the afternoon of the last day named for the delivery of nomination papers.

(6) The Town Clerk shall, not later than four o'clock in the afternoon of every day on which nomination papers are received, cause to be prepared a list showing the surnames and other names of the candidates who have been duly nominated on that day, with their respective places of abode and descriptions, together with the surnames and other names and places of abode of their respective proposers and seconds; and shall publish the same by affixing a copy thereof on the outer door of the Town Hall and in some conspicuous place therein.

(7) The Town Clerk shall, not later than three o'clock in the afternoon of the next day after the last day for the delivery of nomination papers, cause to be prepared a list showing the surnames and other names of all the candidates who have been duly nominated with their respective places of abode and descriptions, and shall publish the same by affixing a copy thereof on the outer

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door of the Town Hall and in some conspicuous place therein; and shall also, as soon as may be after such publication, cause a copy of the same list to be published in two newspapers circulating in the city until the day of election.

(8) The Town Clerk may reject any nomination paper which does not comply with the provisions of this section or any of them.

Objections to
nominations.

(24-1914)

(30-1918)

8.—(1) Any burgess may, within two days after the publication of the list of candidates nominated, by notice in writing to the Town Clerk, object to the nomination of any candidate on the ground that such candidate is not qualified under section 13 of the Port-of-Spain Corporation Ordinance, 1914, as amended by section 5 of the Port-of-Spain Corporation (Amendment) Ordinance, 1918. Such objection shall specify in what respect the candidate is not qualified.

(2) Notice of any such objection shall also be served by the objector upon the candidate to whom he objects. Such service may be either personal or may be effected by leaving a copy of the objection, addressed to the candidate by name, at the candidate's place of abode as set forth in the nomination paper.

(3) The Mayor shall attend at the Town Hall on a day to be fixed by him, not being later than seven days after the last date for sending in nominations, for a sufficient time between the hours of ten o'clock in the morning and four o'clock in the afternoon, and shall decide upon the validity of the nominations to which objections have been sent in.

(4) The Mayor may, if he thinks fit, appoint a barrister as his legal assessor in connection with any objection.

(5) The decision of the Mayor on each objection shall be given in writing, and shall, if disallowing the objection, be final; but if allowing an objection, shall be subject to reversal on petition questioning the election or return.

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(6) The Town Clerk shall, not later than two days after the decision of the Mayor allowing any objections, prepare an amended list of persons validly nominated, and shall publish the same by affixing a copy thereof outside the door of the Town Hall, and by inserting a copy thereof in at least one newspaper circulating in the city.

9. In and for the purposes of this Part of this Ordinance relating to proceedings preliminary to elections, the burgess roll which will be in force on the day of election shall be deemed to be the burgess roll, and a person whose name is inserted in one of the lists from which the burgess roll will be made up shall be deemed to be enrolled in that roll, although that roll is not yet completed.

Burgess roll to be used in proceedings preliminary to elections.

10.—(1) At an election of Councillors, a person shall be entitled to subscribe a nomination paper, and to demand and receive a voting paper, and to vote, if he is enrolled in that portion of the burgess roll relating to the ward in which the election takes place.

Title to vote.

(2) No person shall subscribe a nomination paper in or for more than one ward, or shall vote in more than one ward.

(3) Nothing in this section shall entitle any person to do any act therein mentioned who is prohibited by law from doing it, or shall relieve him from any penalty to which he may be liable for doing it.

11.—(1) If the number of valid nominations exceeds that of the vacancies, the Councillors shall be elected from among the persons nominated.

Relation of nomination to election.

(2) If the number of valid nominations is the same as that of the vacancies, the persons nominated shall be deemed to be elected.

(3) If the number of valid nominations is less than that of the vacancies, the persons nominated shall be deemed to be elected, and such of the retiring Councillors as are selected for that purpose by the Mayor shall be deemed to be re-elected to make up the required number.

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(4) If there is no valid nomination, the retiring Councillors shall be deemed to be re-elected if qualified under the provisions of the Port-of-Spain Corporation Ordinance, 1914.

(24-1914)

Publication of
uncontested
election.

12. If an election of Councillors is not contested, the Town Clerk shall publish a list of the persons elected not later than twelve o'clock noon on the day of election.

Contested Elections.

Votes to be
given by
ballot.

13. If an election of Councillors is contested, there shall be a poll and the votes shall be given by ballot. The ballot of each voter shall consist of a paper (in this Ordinance called a ballot paper) showing the names of the candidates. Each ballot paper shall have a number printed on the back, and shall have attached to it a counter-foil with the same number printed on the face.

Place for
holding
elections.

14. Every election shall be held at the Town Hall, or at such other place or places within the city as the Council may from time to time appoint.

Period of
election.

15. The voting at every election shall take place between the hours of nine o'clock in the morning and twelve o'clock noon, and between two o'clock and five o'clock in the afternoon of the same day.

Size and
construction
of ballot box.

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.

(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 not be again unlocked except by the Returning Officer at the close of the poll in manner hereinafter mentioned.

Security of
ballot box
during mid-
day interval.

17. During the interval when voting is suspended between twelve noon and two o'clock in the afternoon, the Returning 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.

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18.—(1) The Mayor shall appoint a separate polling station for each ward, and shall, at least three clear days before the day of election, give public notice, by advertisement in two newspapers circulating in the Colony, of the situation of every polling station so appointed by him; and shall fix, in a conspicuous place on each such polling station a notice naming the ward for which such polling station has been appointed, together with a copy of the register of voters containing the names of the persons entitled to vote at such polling station.

Polling stations and clerks.

(2) No person shall be admitted to vote at any polling station except the one appointed for voters of the ward in which he is entered as a burgess in the burgess roll in force.

19. The Mayor shall take care beforehand that each polling station is provided with proper conveniences for taking the poll, and that the same are properly arranged for carrying out the provisions of this Ordinance, and he shall also provide a proper ballot box for each polling station and a sufficient number of ballot papers.

Preparing polling stations.

20. The Mayor shall, on or before the day fixed for the taking of the poll, visit each polling station, and see that it is provided with the proper conveniences as aforesaid for taking the poll.

Inspection of polling stations.

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

Placarding directions to voters.

Directions.

- (1) To mark your vote, you must place a cross opposite the name or names of the candidate or candidates for whom you wish to vote.
- (2) You can vote for one candidate only for each vacant seat.
- (3) When you have marked your vote, fold your ballot paper in two so as to conceal your vote, but so as to show the official mark on the back, show the Returning Officer the official mark, and then put your ballot paper in the ballot box and leave the room.

Returning
Officer to
preside

22. The Returning Officer shall preside at the polling station during the whole time that the poll is being taken.

and to keep
order.

23. The Returning Officer shall keep order at his station, shall regulate the number of voters to be admitted at a time, and shall exclude all persons except his assistants and clerks, the candidates, and the constables on duty.

Clerks.

24. The Returning Officer may appoint fit and proper persons to be clerks at each polling station for attendance at such station on the day fixed for the taking of the poll, and, in the case of a contested election, may appoint competent persons to assist him in counting the votes.

Appointment
of Interpre-
ters.

25. The Returning Officer may appoint fit and proper persons to act as interpreters as may be required by the Returning Officer for any of the purposes of this Ordinance. Any such interpreter shall be an assistant within the meaning of this Ordinance.

Register of
voters.

26. The Mayor shall provide each Returning Officer with a copy of the register of voters certified under the hand of the Town Clerk.

Duty of voter
on coming to
vote.

27. Each person on coming to vote shall address himself to the Returning Officer and shall state his name and address in an audible voice.

Duties of
Returning
Officer and
voter at time
of voting.

28. The Returning Officer shall proceed to write on the counterfoil of a ballot paper, the number of such elector on the register of voters, mark the ballot paper with an official mark, and, calling out the name of the voter in an audible voice, deliver such paper to the voter within the polling station. The voter shall then retire to a screened table apart, but within the polling station, and, having secretly marked his vote on the paper, and folded it in two so as to conceal his vote, but so as to show the official mark at the back, shall 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. The Returning

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Officer, after having delivered to the voter a ballot paper, and while the voter is recording his vote, shall make a mark against the name of such voter on his copy of the register of voters to indicate that such voter has voted at the election, but not so as to show the particular ballot paper given to such voter.

29. The voter shall mark his vote on the ballot paper by placing a cross opposite the name of the candidate for whom he wishes to vote. How to mark a vote.

30. The Returning Officer shall, on request, give such instructions as may appear to be necessary to any voter as to the manner in which he should record his vote. Returning Officer to instruct voter.

31. The voter shall vote without undue delay and shall quit the polling station as soon as he has put his ballot paper into the ballot box. Voter to leave station after voting.

32. No person shall be admitted within any polling station during the hours appointed for taking the poll, except the Returning Officer and his assistants and clerks and the constables on duty, the candidates, and such number of voters as are admitted by the Returning Officer under section 23 of this Ordinance. Who are to be admitted within polling place.

33. Any candidate present as aforesaid shall be posted in such a position that he can see each person who presents himself as a voter and hear his name as given by him, but so that he cannot see how any voter votes or otherwise interfere. Candidates how to be placed.

34. If any candidate persists, after being warned, in contravening the provisions of the last preceding section, it shall be lawful for the Returning Officer to have him turned out of the polling station. The Returning Officer may at any time summon constables within the polling station for the purpose of preserving order. Preservation of order.

35. The non-attendance of any candidate shall not in any wise invalidate any act or thing done under this Ordinance, if such act or thing is otherwise duly done, notwithstanding such act or thing is required or authorized to be done in the presence of such candidate. Non-attendance of candidate not to invalidate any act.

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Port-of-Spain.Limitation of
enquiry as to
right to vote.

36.—(1) No enquiry shall be permitted at any election as to the right of any person to vote as a burgess except only as follows ; that is to say, that the Returning Officer shall, if required by any two burgesses, or by a candidate, put to any voter at the time of his delivering in his ballot paper, but not afterwards, the following questions, or either of them, but none other :—

(a) Are you the person enrolled under the following description in the burgess roll for this city ? (*Here read entry in roll in full.*)

(b) Have you already voted at the present election ?

(2) The vote of a person required to answer any of these questions shall not be received until he has answered them.

(3) If any person makes a false answer to any such question, he shall be guilty of a misdemeanor, and shall be liable, on conviction on indictment, to imprisonment for any term not exceeding one year, with or without hard labour.

(4) Save as by this Ordinance authorized, no enquiry shall be permitted at any election as to the right of any person to vote.

Where person
claims to vote
as an elector
after another
has voted as
such elector.

37. If a person representing himself to be a particular elector named on the register of voters applies for a ballot paper after another person has voted as such elector, the applicant shall, upon duly answering the questions set forth in the last preceding section, 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 Returning Officer and endorsed by him with the name of the voter and his number in the register of voters, and set aside in a separate packet, and shall not be counted by the Returning Officer. And the name of the voter and his number on the register shall be entered on a list to be called " the tendered votes list."

Spoilt ballot
paper.

38. 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 Returning

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Officer the ballot paper so inadvertently dealt with, and proving the fact of the inadvertence to the satisfaction of the Returning Officer, obtain another ballot paper in the place of the ballot paper so delivered up (hereinafter called a spoiled ballot paper), and the spoiled ballot paper shall be immediately cancelled by the Returning Officer writing the word "cancelled" across the face of the same and across the face of the corresponding counterfoil.

39. 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 Returning Officer that he is unable to read, the Returning 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 voters of every voter whose vote is so marked for him, and the reason why it is so marked, shall be entered on a list (in this Ordinance referred to as "the list of votes marked by the Returning Officer") which shall be kept by the Returning Officer.

Where voter is physically incapacitated from voting in manner prescribed.

All necessary precautions shall be taken by the Returning 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.

40. In any case where the proceedings at an election are interrupted or obstructed by any riot or open violence at the polling station, the Returning 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.

Procedure in case of obstruction of election.

41. The Returning Officer shall, at the close of the poll, make arrangements for counting the votes in the presence of the candidates as soon as practicable after the close of the poll, and shall give to the candidates notice of the day, time, and place on and at which he will begin to count the votes.

Notice of time and place when and where the votes will be counted.

Counting of
votes and
other duties
of Returning
Officer at close
of poll.

42. The Returning Officer, his assistants (if any) and clerks, and the candidates, and no other person, except with the sanction of the Returning Officer, may be present at the counting of the votes.

Idem.

43. On the day fixed by him for the counting of the votes, the Returning Officer shall proceed in the presence of the candidates to count the votes contained in the 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 back of such papers. He shall, after ascertaining the result of the poll by counting the votes given to each candidate, make up into separate packets

- (a) the ballot papers taken from the ballot box together with the marked copy of the register of voters ;
- (b) the tendered ballot papers ;
- (c) the spoilt ballot papers ; and
- (d) the unused ballot papers with the counterfoils of the used ballot papers,

and shall wrap together into one parcel the packets and seal such parcel in such a manner that it cannot be opened without breaking the seal. The Returning Officer shall not himself refer, and shall take all proper precautions to prevent any other person from referring, to the counterfoils of the used ballot papers.

Counting of
votes to be
continuous.

44. The Returning Officer shall, as far as practicable, proceed continuously with the counting of the votes, allowing only time for refreshment, and excluding the hours between seven o'clock in the evening and eight o'clock in the morning. During the excluded period, the Returning Officer shall place the ballot papers and other documents relating to the election under his own seal, and shall otherwise take proper precautions for the security of such papers and documents.

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45. Any ballot paper which has not on its back the official mark, or on which votes are given to more candidates than the voter is entitled to vote for, or on which anything except the said number on the back is written or marked by which the voter can be identified, shall be void and not counted.

What ballot papers not to be counted.

46. 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 be in fact made by any candidate to his decision. The Returning Officer shall report to the Council 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 any of the candidates, before such report is sent in, to copy it.

47. 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.

48. In case of an equality in the number of votes given for any two or more persons voted for, the Mayor shall select which of such persons shall be a Councillor ; and the person so selected by the Mayor shall be deemed to have been duly elected.

Equality of votes.

49.—(1) The Returning Officer shall, as soon as he shall have ascertained the result of the poll, forthwith declare to be elected the candidate or candidates for whom the majority of votes have been given, or, in the case of an equality in the votes, the candidate who has been selected by the Mayor under the provisions of the last preceding section ; and shall immediately thereafter make a return to the Town Clerk showing the names of each of the

Return of election of Councillors.

candidates their respective addresses, the number of votes polled for each, and the name of the candidate or candidates whom he has declared to be elected.

(2) The Returning Officer shall also, as soon as may be after any election, forward to the Town Clerk a statement showing :—

- (a) The number of persons who, from the counter-foils, appear to have been supplied with ballot papers ;
- (b) The number of persons who voted ;
- (c) The number of rejected votes ;
- (d) The number of spoilt ballot papers ;
- (e) The number of unused ballot papers, and
- (f) The number of ballot papers marked by the Returning Officer.

(3) The Returning Officer shall, at the same time, send the parcel made up by him in accordance with section 43 of this Ordinance to the Town Clerk, who shall keep the same in safe custody and shall allow no person to have access to the same.

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

(5) The Town Clerk shall retain for one year from the date of the election all documents relating to an election forwarded to him by the Returning Officer under this section, and at the expiration of such year, unless there are pending any legal proceedings calling in question such election, shall cause such documents to be destroyed.

(6) No person shall be allowed to inspect any rejected ballot papers in the custody of the Town Clerk except under the order of the Supreme Court or a Judge, to be granted by such Court or Judge on being satisfied by evidence on oath that the inspection or production of such ballot papers is required for the purpose of instituting or maintaining a

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prosecution for an offence relating to ballot papers or for the purpose of a petition questioning a return or election ; and any such order for the inspection or production of ballot papers may be made subject to such conditions as to persons, time, place and mode of inspection or production as the Court or Judge making the same may think expedient, and shall be obeyed by the Town Clerk.

(7) No person shall, except by order of the Court or a Judge, open the sealed packet of counterfoils after the same has been once sealed up, or be allowed to inspect any counted ballot papers in the custody of the Town Clerk. Such order may be made subject to such conditions as to persons, time, place and mode of opening or inspection as the Court or Judge may think expedient: Provided that, on making and carrying into effect any such order, care shall be taken that the mode in which any elector has voted shall not be discovered until he has been proved to have voted and his vote has been declared by the Court to be invalid.

(8) Nothing in this section contained shall be held to prevent a Judge of the Supreme Court from inspecting any paper delivered to him as provided in sub-section (4) of this section.

50.—(1) The Town Clerk shall, as soon as possible, publish a list of the persons elected, specifying the wards for which each of such persons has respectively been elected, and the number of votes which he received. Declaration of result of poll.

(2) Such publication shall be made by affixing a copy of the list to the outer door of the Town Hall or in some conspicuous place therein.

51. No voter who has voted at any election shall, in any proceeding to question the election, be required to state for whom he has voted. Protection to voter.

52. The City Council may by resolution prescribe the form of any notice, return, advertisement, or other Forms may be prescribed by Council.

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document to be used in connection with this Ordinance, and the forms so prescribed shall be sufficient in all cases to which those forms are applicable.

Saving
validity of
elections.

53. No election shall be declared invalid by reason of any non-compliance with the directions of this Ordinance as to the procedure at an election, or any mistake in the use of any of the prescribed forms, if it appears to the tribunal having cognizance of the question that the election was conducted in accordance with the principles laid down in the Ordinance, and that such non-compliance or mistake did not affect the result of the election.

PART II.

Elections in San Fernando, Arima, &c.

Application of
Part II.

54. This Part of this Ordinance shall apply to municipal elections held in and for the boroughs of San Fernando and Arima and any other borough constituted under the provisions of the Municipal Corporations Ordinance, No. 210, but shall not apply to municipal elections held in and for the city of Port-of-Spain.

Borough
and ward
elections.

55.—(1) Where a borough has no wards, there shall be one election of Councillors for the whole borough.

(2) Where a borough has wards, there shall be a separate election of Councillors for each ward.

Returning
Officer.

56.—(1) At an election of Councillors for a borough not divided into wards, the Mayor shall be the Returning Officer.

(2) At an election of Councillors for a borough divided into wards, the Returning Officer for each ward shall be a Councillor or some other fit and proper person, not being a Councillor for that ward, assigned for that purpose by the Council.

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San Fernando, Arima, &c

(3) In the case of the death, illness, absence, or incapacity to act of the Councillor or other person assigned to be Returning Officer for any ward, the Mayor may appoint to act in his stead another Councillor, not being a Councillor for that ward.

(4) If the Mayor is dead or is absent or otherwise incapable of acting in the execution of his powers and duties as to elections under this Ordinance, and if the Deputy-Mayor (if any) is also incapable of acting for any of the reasons hereinbefore specified, the Council shall forthwith choose a Councillor to execute those powers and duties in place of the Mayor.

57. Ten days at least before the date fixed for the election of any Councillors, the Town Clerk shall prepare and sign a notice thereof, and shall publish the same by affixing a copy thereof on the outer door of the Town Hall, or in some conspicuous place therein, and shall in such notice name a day, not being less than seven clear days before the date so fixed as aforesaid, on which the nomination of candidates for seats to be filled by election will be received by the Mayor.

Notice of election.

58.—(1) Every candidate for the office of Councillor shall be nominated in writing by two burgesses of the borough, or, in the case of a borough divided into wards, of the ward for which the candidate is nominated as a Councillor. One of such burgesses shall subscribe as proposer and the other as seconder of the nomination.

Nomination of candidate.

(2) Every candidate shall be nominated by a separate nomination paper, but the same burgesses or either of them may subscribe as many nomination papers as there are vacancies to be filled but no more.

(3) Every candidate nominated shall be enrolled in the Burgess roll.

(4) Every nomination paper subscribed as aforesaid, shall be delivered to the Town Clerk by the candidate or by his proposer or seconder not later than three o'clock in the afternoon of the last day named for the delivery of nomination papers.

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San Fernando, Arima, &c.

(5) The Town Clerk shall, not later than twelve o'clock noon on the next day after the last day for the delivery of nomination papers, cause to be prepared a list showing the surnames and other names of the candidates who have been duly nominated, with their respective places of abode and descriptions, and shall publish the same by affixing a copy thereof on the outer door of the Town Hall, or in some conspicuous place therein. The Town Clerk shall also, as soon as may be after such publication as aforesaid, cause a copy of the same list to be published in two newspapers circulating in the borough until the day of the election.

(6) The Town Clerk may reject any nomination paper which does not comply with the provisions of this section or any of them.

Burgess roll
to be used in
proceedings
preliminary to
elections.

59. In and for the purposes of this Ordinance relating to proceedings preliminary to elections, the burgess roll which will be in force on the day of election shall be deemed to be the burgess roll, and a person whose name is inserted in one of the lists from which the burgess roll will be made up shall be deemed to be enrolled in that roll, although that roll is not yet completed.

Title to vote.

60.—(1) At an election of Councillors, a person shall be entitled to subscribe a nomination paper, and to demand and receive a voting paper, and to vote, if he is enrolled in the burgess roll, or, in the case of a borough divided into wards, if he is enrolled in that portion of the burgess roll relating to the ward in which the election takes place.

(2) No person shall subscribe a nomination paper in or for more than one ward, or shall vote in more than one ward.

(3) Nothing in this section shall entitle any person to do any act therein mentioned who is prohibited by law from doing it, or shall relieve him from any penalty to which he may be liable for doing it.

Relation of
nomination
to election.

61.—(1) If the number of valid nominations exceeds that of the vacancies, the Councillors shall be elected from among the persons nominated.

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(2) If the number of valid nominations is the same as that of the vacancies, the persons nominated shall be deemed to be elected.

(3) If the number of valid nominations is less than that of the vacancies, the persons nominated shall be deemed to be elected, and such of the retiring councillors as are selected for that purpose by the Mayor shall be deemed to be re-elected to make up the required number.

(4) If there is no valid nomination, the retiring Councillors shall be deemed to be re-elected if qualified under the provisions of the Municipal Corporations Ordinance, No. 210.

62. If an election of Councillors is not contested, the Town Clerk shall publish a list of the persons elected not later than twelve o'clock noon on the day of election. Publication of uncontested election.

Contested Elections.

63. If an election of councillors is contested, there shall be a poll and the votes shall be given by ballot. Votes to be given by ballot. The ballot of each voter shall consist of a paper (in this Ordinance called a ballot paper) showing the names 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.

64. Every election shall be held at the Town Hall, or at such other place or places within the borough as the Council may from time to time appoint. Place for holding elections.

65. The voting at every election shall take place between the hours of nine o'clock in the morning, and twelve o'clock noon, and between two o'clock and five o'clock in the afternoon of the same day. Period of election.

66.—(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. Size and construction of ballot box.

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(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 not be again unlocked except by the Returning Officer at the close of the poll in manner hereinafter mentioned.

Polling
stations and
clerks.

67.—(1) The Mayor shall, in the case of a borough divided into wards, appoint a separate polling station for each of such wards, and shall, at least three clear days before the day of election, give public notice, by advertisement in two newspapers circulating in the Colony, of the situation of every polling station so appointed by him; and shall fix, in a conspicuous place on each such polling station, a notice naming the ward for which such polling station has been appointed, together with a copy of the register of voters containing the names of the persons entitled to vote at such polling station.

(2) No person shall be admitted to vote at any polling station except the one appointed for voters of the ward in which he is entered as a burgess in the burgess roll in force.

Preparing
polling
stations.

68. The Mayor shall take care beforehand that each polling station is provided with proper conveniences for taking the poll, and that the same are properly arranged for carrying out the provisions of this Ordinance, and he shall also provide a proper ballot box for each polling station and a sufficient number of ballot papers.

Inspection of
polling
stations.

69. The Mayor shall, on or before the day fixed for the taking of the poll, visit each polling station, and see that it is provided with the proper conveniences as aforesaid for taking the poll.

Placarding
directions to
voters.

70. For the guidance of electors in voting, notices shall be printed in conspicuous characters and placarded in

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various places, outside and inside of each polling station, in the following form :—

Directions.

- (1) To mark your vote, you must place a cross opposite the name or names of the candidate or candidates for whom you wish to vote.
- (2) You can vote for one candidate only for each vacant seat.
- (3) When you have marked your vote, fold your ballot paper in two so as to conceal your vote, but so as to show the official mark on the back, show the Returning Officer the official mark, and then put your ballot paper in the ballot box and leave the room.

71. The Returning Officer shall preside at the polling station during the whole time that the poll is being taken. Returning Officer to preside

72. The Returning Officer shall keep order at his station, and to keep order, shall regulate the number of voters to be admitted at a time, and shall exclude all persons except his assistants and clerks, the candidates, and the constables on duty.

73. The Returning Officer may appoint fit and proper persons to be clerks at each polling station for attendance at such station on the day fixed for the taking of the poll and, in the case of a contested election, may appoint competent persons to assist him in counting the votes. Clerks.

74. The Mayor shall provide each Returning Officer with a copy of the register of voters certified under the hand of the Town Clerk. Register of voters.

75. Each person on coming to vote shall address himself to the Returning Officer and shall state his name and address in an audible voice. Duty of voter on coming to vote.

76. The Returning Officer shall proceed to write on the counterfoil of a ballot paper the number of such elector on the register of voters, mark the ballot paper with an official mark, and, calling out the name of the voter in an audible voice, deliver such paper to the voter within the polling station. The voter shall then retire to a screened table apart, but within the polling station, and, Duties of Returning Officer and voter at time of voting.

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having secretly marked his vote on the paper, and folded it in two so as to conceal his vote, but so as to show the official mark at the back, shall 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. The Returning Officer, after having delivered to the voter a ballot paper, and while the voter is recording his vote, shall make a mark against the name of such voter on his copy of the register of voters to indicate that such voter has voted at the election, but not so as to show the particular ballot paper given to such voter.

How to mark
a vote.

77. The voter shall mark his vote on the ballot paper by placing a cross opposite the name of the candidate for whom he wishes to vote.

Returning
Officer to
instruct voter.

78. The Returning Officer shall, on request, give such instructions as may appear to be necessary to any voter as to the manner in which he should record his vote.

Voter to leave
station after
voting.

79. The voter shall vote without undue delay and shall quit the polling station as soon as he has put his ballot paper into the ballot box.

Who are to be
admitted
within polling
station.

80. No person shall be admitted within any polling station during the hours appointed for taking the poll, except the Returning Officer and his assistants and clerks and the constables on duty, the candidates, and such number of voters as are admitted by the returning officer under section 72 of this Ordinance.

Candidates
how to
be placed.

81. Any candidate present as aforesaid shall be posted in such a position that he can see each person who presents himself as a voter and hear his name as given by him, but so that he cannot see how any voter votes, or otherwise interfere.

Preservation
of order.

82. If any candidate persists, after being warned, in contravening the provisions of the last preceding section, it shall be lawful for the Returning Officer to have him turned out of the polling station. The Returning Officer may at any time summon constables within the polling station for the purpose of preserving order.

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83. The non-attendance of any candidate shall not in any wise invalidate any act or thing done under this Ordinance, if such act or thing is otherwise duly done, notwithstanding such act or thing is required or authorized to be done in the presence of such candidate.

Non-attendance of candidate not to invalidate any act.

84.—(1) No enquiry shall be permitted at any election as to the right of any person to vote as a Burgess except only as follows; that is to say, that the Returning Officer shall, if required by any two Burgesses, or by a candidate, put to any voter at the time of his delivering in his ballot paper, but not afterwards, the following questions, or either of them, but none other:—

Limitation of enquiry as to right to vote.

- (a) Are you the person enrolled under the following description in the Burgess roll for this borough? (*Here read entry in roll in full.*)
(b) Have you already voted at the present election?

(2) The vote of a person required to answer any of these questions shall not be received until he has answered them.

(3) If any person makes a false answer to any such question, he shall be guilty of a misdemeanor, and shall be liable, on conviction on indictment, to imprisonment for any term not exceeding one year, with or without hard labour.

(4) Save as by this Ordinance authorized, no enquiry shall be permitted at any election as to the right of any person to vote.

85. If a person representing himself to be a particular elector named on the register of voters applies for a ballot paper after another person has voted as such elector, the applicant shall, upon duly answering the questions set forth in the last preceding section, 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 Returning Officer and endorsed by him

Where person claims to vote as an elector after another has voted as such elector.

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with the name of the voter and his number in the register of voters, and set aside in a separate packet, and shall not be counted by the Returning Officer. And the name of the voter and his number on the register shall be entered on a list to be called "the tendered votes list."

Spoilt ballot
paper.

86. 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 Returning Officer the ballot paper so inadvertently dealt with, and proving the fact of the inadvertence to the satisfaction of the Returning 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 Returning Officer writing the word "cancelled" across the face of the same and across the face of the corresponding counterfoil.

Where voter
is physically
incapacitated
from voting
in manner
prescribed.

87.—(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 makes, in the presence of the Returning Officer, a declaration of his inability to read, the Returning 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 voters of every voter whose vote is so marked for him, and the reason why it is so marked, shall be entered on a list (in this Ordinance referred to as "the list of votes marked by the Returning Officer") which shall be kept by the Returning Officer.

Appointment
of interpreters.

(2) The Returning Officer may appoint fit and proper persons to interpret to any voter the declaration prescribed by this section and any instructions authorized by this Ordinance to be given to voters. Any such interpreter shall be an assistant within the meaning of this Ordinance.

Procedure in
case of
obstruction of
election.

88. In any case where the proceedings at an election are interrupted or obstructed by any riot or open violence at the polling station, the Returning Officer may adjourn the

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further holding of the election at such polling station until the next working day, and so on as often as may be necessary.

89. The Returning Officer shall, at the close of the poll, make arrangements for counting the votes in the presence of the candidates as soon as practicable after the close of the poll, and shall give to the candidates notice of the day, time, and place on and at which he will begin to count the votes.

Notice of time and place when and where the votes will be counted.

90. The Returning Officer, his assistants (if any) and clerks, and the candidates, and no other person, except with the sanction of the Returning Officer, may be present at the counting of the votes.

Counting of votes and other duties of Returning Officer at close of poll.

91. On the day fixed by him for the counting of the votes, the Returning Officer shall proceed, in the presence of the candidates, to count the votes contained in the 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 back of such papers. He shall, after ascertaining the result of the poll by counting the votes given to each candidate, make up into separate packets

Idem.

- (a) the ballot papers taken from the ballot box together with the marked copy of the register of voters ;
- (b) the tendered ballot papers ;
- (c) the spoilt ballot papers ; and
- (d) the unused ballot papers with the counterfoils of the used ballot papers ;

and shall wrap together into one parcel the packets, and seal such parcel in such a manner that it cannot be opened without breaking the seal. The Returning Officer shall not himself refer, and shall take all proper precautions to prevent any other person from referring to the counterfoils of the used ballot papers.

Counting of
votes to be
continuous.

92. The Returning Officer shall, as far as practicable, proceed continuously with the counting of the votes, allowing only time for refreshment, and excluding the hours between seven o'clock in the evening and eight o'clock in the morning. During the excluded period, the Returning Officer shall place the ballot papers and other documents relating to the election under his own seal, and shall otherwise take proper precautions for the security of such papers and documents.

What ballot
papers not to
be counted.

93. Any ballot paper which has not on its back the official mark, or on which votes are given to more candidates than the voter is entitled to vote for, or on which anything except the said number on the back is written or marked by which the voter can be identified, shall be void and not counted.

Rejected
ballot papers.

94. 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 be in fact made by any candidate to his decision. The Returning Officer shall report to the Council the number of ballot papers rejected, and not counted by him, under the several heads of—

- (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 any of the candidates, before such report is sent in, to copy it.

How far
decision of
Returning
Officer final

95. 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.

Equality of
votes.

96. In case of an equality in the number of votes given for any two or more persons voted for, the Mayor shall select which of such persons shall be a Councillor; and the person so selected by the Mayor shall be deemed to have been duly elected.

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Return of
election of
Councillors.

97.—(1) The Returning Officer shall, as soon as he shall have ascertained the result of the poll, forthwith declare to be elected the candidate or candidates for whom the majority of votes have been given, or, in the case of an equality in the votes, the candidate who has been selected by the Mayor under the provisions of the last preceding section; and shall immediately thereafter make a return to the Town Clerk showing the names of each of the candidates, their respective addresses, the number of votes polled for each, and the name of the candidate or candidates whom he has declared to be elected.

(2) The Returning Officer shall also, as soon as may be after any election, forward to the Town Clerk a statement showing:—

- (a) The number of persons who, from the counter-foils, appear to have been supplied with ballot papers;
- (b) The number of persons who voted;
- (c) The number of rejected votes;
- (d) The number of spoilt ballot papers;
- (e) The number of unused ballot papers, and
- (f) The number of ballot papers marked by the Returning Officer.

(3) The Returning Officer shall, at the same time send the parcel made up by him in accordance with section 91 of this Ordinance to the Town Clerk, who shall keep the same in safe custody and shall allow no person to have access to the same.

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

(5) The Town Clerk shall retain for one year from the date of the election all documents relating to an election forwarded to him by the Returning Officer under this section, and at the expiration of such year, unless there are pending any legal proceedings calling in question such election, shall cause such documents to be destroyed.

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(6) No person shall be allowed to inspect any rejected ballot papers in the custody of the Town Clerk except under the order of the Supreme Court or a Judge, to be granted by such Court or Judge on being satisfied by evidence on oath that the inspection or production of such ballot papers is required for the purpose of instituting or maintaining a prosecution for an offence relating to ballot papers or for the purpose of a petition questioning a return or election ; and any such order for the inspection or production of ballot papers may be made subject to such conditions as to persons, time, place, and mode of inspection or production as the Court or Judge making the same may think expedient, and shall be obeyed by the Town Clerk.

(7) No person shall, except by order of the Court or a Judge, open the sealed packet of counterfoils after the same has been once sealed up, or be allowed to inspect any counted ballot papers in the custody of the Town Clerk. Such order may be made subject to such conditions as to persons, time, place, and mode of opening or inspection as the Court or Judge may think expedient : Provided that, on making and carrying into effect any such order, care shall be taken that the mode in which any elector has voted shall not be discovered until he has been proved to have voted and his vote has been declared by the Court to be invalid.

(8) Nothing in this section contained shall be held to prevent a Judge of the Supreme Court from inspecting any paper delivered to him as provided in sub-section (4) of this section.

Declaration
of result of
poll.

98.—(1) The Town Clerk shall, as soon as possible, publish a list of the persons elected, specifying the wards for which each of such persons has respectively been elected, and the number of votes which he received.

(2) Such publication shall be made by affixing a copy of the list to the outer door of the Town Hall or in some conspicuous place therein.

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99. No voter who has voted at any election shall, in any proceeding to question the election, be required to state for whom he has voted. Protection to voter.

100. Every borough may, by resolution of the Council, prescribe the form of any notice, return, advertisement, or other document to be used in connection with the powers and duties of such borough under this Ordinance, and the forms so prescribed shall be sufficient in all cases to which those forms are applicable. Forms may be prescribed by each borough.

101. No election shall be declared invalid by reason of any non-compliance with the directions of this Ordinance as to the procedure at an election, or any mistake in the use of any of the prescribed forms, if it appears to the tribunal having cognizance of the question that the election was conducted in accordance with the principles laid down in the Ordinance, and that such non-compliance or mistake did not affect the result of the election. Saving validity of elections.

Election of Auditors.

102. The following provisions shall apply with respect to the election of Auditors :— Time and mode of election of Auditors.

- (1) The ordinary day of election of Auditors shall be the first day of November ;
- (2) There shall be two Auditors, each of whom must be qualified to be a Councillor of the borough, but may not be a member of the Council or the Town Clerk and Treasurer ;
- (3) The term of office of each Auditor shall be one year ;
- (4) An elector shall not vote for more than one person to be Auditor ;
- (5) Elections of Auditors shall be held at the Town Hall or some other convenient place appointed by the Mayor ;
- (6) Save as in this section provided, all the provisions of this Part of this Ordinance with respect to the nomination and election of Councillors for a borough not having wards shall apply to the nomination and election of Auditors.

PART III.

GENERAL.

*Offences relating to elections.*Application
of Part III.

103. This Part of this Ordinance shall apply to municipal elections held in and for the city of Port-of-Spain, the boroughs of San Fernando and Arima and any other borough constituted under the provisions of the Municipal Corporations Ordinance, No. 210.

Punishment of
personation.

104. Every person who at an election applies for a ballot paper in the name of another person, whether that name be the name of a person living or dead, or of a fictitious person, or who, having voted once at any election, applies at the same election for a ballot paper in his own name, shall be guilty of a misdemeanor, and shall be liable, on conviction on indictment to imprisonment, with or without hard labour, for any term not exceeding two years.

105.—(1) Every person who—

Other offences.

- (a) forges or counterfeits, or fraudulently defaces or destroys, any ballot paper or the official mark on any ballot paper ; or
- (b) without due authority, supplies a ballot paper to any person ; or
- (c) fraudulently puts into the ballot box any paper other than the ballot paper which he is authorized by law to put in ; or
- (d) fraudulently takes out of the polling station any ballot paper ; or
- (e) without due authority, destroys, takes, opens, or otherwise interferes with the ballot box or packet of ballot papers then in use for the purposes of any election,

shall be guilty of a misdemeanor, and, on conviction on indictment, shall be liable, if he is the Returning Officer

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General.

or a clerk employed at a polling station, to imprisonment for any term not exceeding one year, with or without hard labour, or to a fine not exceeding one hundred pounds, and if he is any other person shall be liable, on summary conviction before a Magistrate, to imprisonment with or without hard labour, for any term not exceeding three months, or to a fine not exceeding twenty pounds.

(2) Any attempt to commit any offence specified in this section shall be punishable in the manner in which the offence itself is punishable.

106. Any person who—

- (1) corruptly, before, during, or after an election ^{Treating.} provides or pays in whole or in part the expenses of providing any food, drink, or lodging, to or for any person on account of anything already done or omitted to be done, or to be afterwards done or omitted to be done, by an elector at the election in the capacity of an elector; or
- (2) being an elector, corruptly receives any food, drink, or lodging, on account of any such act or omission,

shall be liable, on summary conviction before a Magistrate, to imprisonment, with or without hard labour, for any term not exceeding six months, or to a fine not exceeding fifty pounds.

107. Any person who—

- (1) uses or threatens to use any force or restraint ^{Undue Influence.} or does or threatens to do any temporal or spiritual injury, or causes or threatens to cause any detriment of any kind, to an elector in order to induce him to vote or refrain from voting at an election, or on account of his having voted or refrained from voting at an election; or

- (2) by force or fraud prevents or obstructs the free exercise of the franchise by an elector, or by any such means compels or induces an elector to vote or refrain from voting at an election,

shall be liable, on summary conviction before a Magistrate, to imprisonment, with or without hard labour, for any term not exceeding six months, or to a fine not exceeding fifty pounds.

Bribery.

108. Any person who—

- (1) gives, confers, or procures, or promises or offers to give, confer, or procure or attempt to procure, to, upon, or for any person any property or benefit of any kind on account of anything done or omitted to be done, or to be afterwards done or omitted to be done, by an elector at an election in the capacity of an elector, or on account of any person acting or joining in a procession during an election, or in order to induce any person to endeavour to procure the return of any person at an election, or the vote of any elector at an election ; or
- (2) being an elector, asks, receives, or obtains, or agrees or attempts to receive or obtain, any property or benefit of any kind for himself or any other person on account of anything already done or omitted to be done, or to be afterwards done or omitted to be done, by him, at an election in the capacity of an elector ; or
- (3) asks, receives, or obtains, or agrees to or attempts to receive or obtain, any property or benefit of any kind for himself or any other person, on account of a promise made by him or any other person, to endeavour to procure the return of any person at an election, or the vote of any person at an election ; or

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General.

- (4) advances or pays any money to or to the use of any other person with the intent that such money shall be applied for any of the purposes hereinbefore in this section mentioned, or in discharge or repayment of money wholly or in part applied for any such purpose ; or
- (5) corruptly transfers or pays any property or money to any person for the purpose of enabling that person to be registered as an elector, and thereby of influencing the vote of that person at a future election ; or
- (6) is privy to any such transfer or payment as last mentioned which is made for his benefit ; or
- (7) being a candidate at an election, convenes or holds a meeting of electors or of his committee in a house licensed for the sale of fermented or spirituous liquors,

shall be liable, on summary conviction before a Magistrate, to imprisonment, with or without hard labour, for any term not exceeding six months, or to a fine not exceeding fifty pounds.

109. Any person convicted of any of the offences defined in the last five preceding sections committed with respect to an election shall become incapable, for seven years from the date of the conviction, of being registered as an elector or of voting at any election or of holding any corporate office, and if he holds any such office, the office shall be vacated.

Further
penalty for
corrupt
practices.

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

Laying
property.

Secrecy by
officer at
polling station.

111. Every officer and clerk in attendance at the polling station shall maintain and aid in maintaining the secrecy of the voting in such station, and shall not communicate to any person except for some purpose authorized by law, before the poll is closed, any information as to the name or number on the register of voters of any voter who has or has not applied for a ballot paper or voted at such station ; and no person whosoever shall interfere with or attempt to interfere with a voter when marking his vote, or otherwise attempt to obtain in the polling station any information as to the candidate for whom any voter in such station is about to vote or has voted, or as to the number on the back of the ballot paper given to any voter at such station.

Interfering
with voter.

Secrecy by
officer at
counting of
votes.

112. Every officer and clerk in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting, and shall not attempt to ascertain at such counting the number on the back of any ballot paper, or communicate any information obtained at such counting as to the candidate for whom any vote is given in any particular ballot paper.

Inducing voter
to display
ballot paper.

113.—(1) No person shall, directly or indirectly, induce any voter to display his ballot paper after he has marked it, so as to make known to any person the name of the candidate for or against whom he has so marked his vote.

(2) Every person who shall contravene any of the provisions of this section shall be liable, on summary conviction before a Magistrate, to imprisonment, with or without hard labour, for any term not exceeding six months.

On proof of
certain offence,
election to be
void.

114. If any candidate shall do or be guilty of doing, in manner and form therein mentioned, any of the matters or things prohibited in and by sections 106, 107 and 108 of this Ordinance, contrary to the true spirit and meaning of this Ordinance, then and in every such case, upon proof of the same on petition questioning the election or return, the election of such candidate shall be declared null and void ; and in case such candidate shall have a majority of votes on the poll, a new election shall take place.

Part III
General.

115. If any Returning Officer, clerk, or any person who-soever shall wilfully contravene or disobey the provisions of this Ordinance, or any of them, with respect to any matter or thing which such Returning Officer or clerk or other person is required to do, he shall for such offence, be liable to be sued in the Supreme Court by any registered voter, candidate, member actually returned, or other party aggrieved, for the sum of one hundred pounds; and the defendant in such action, being condemned, shall pay the sum so awarded, with full costs of suit, to the party who may sue for the same.

Officers
contravening
Ordinance
liable to suit.*Election Petitions.*

116.—(1) A petition complaining of an undue return or undue election of any Councillor, hereinafter called an election petition, may be presented to the Supreme Court within four days after such return or election, either by any four or more persons who voted or had a right to vote at the election to which the petition relates, or by some person who alleges himself to have been a candidate at such election.

Objection to
return by
candidate or
voter.

(2) The Chief Justice, with the concurrence of a Puisne Judge, may make rules regulating the practice and procedure with respect to election petitions.

Rules.

117.—(1) On presenting an election petition, the person presenting the same shall deposit with the Registrar of the Supreme Court a sum of fifty pounds, or give security with one or more sureties for payment of the like amount, the sum so deposited or secured to be security for costs.

Procedure on
petition.

(2) The Registrar shall not receive and file any petition unless such sum is paid or secured as aforesaid.

118.—(1) Every election petition shall be tried by a Judge of the Supreme Court, sitting alone without a jury, in open Court.

Trial of
election
petition.

(2) At the conclusion of the trial, the Judge shall determine whether the Councillor whose return or election is complained of, or any other and what person, was duly returned or elected, or whether the election was void, and

shall certify such determination to the Council ; and, upon such certificate being given, such determination shall be final ; and the return shall be confirmed or altered or a new election shall be held, as the case may require, in accordance with such certificate.

Procedure
at trial.

119. At the trial of an election petition, the procedure shall, as near as circumstances admit, be the same, and the Judge shall have the same powers, jurisdiction, and authority, as if he were trying a civil action without a jury ; and witnesses shall be subpoenaed and sworn in the same manner, as near as circumstances admit, as in the trial of a civil action in the Supreme Court, and shall be subject to the same penalties for perjury.

Where
objection not
proceeded with
or declared
frivolous,

120. If any candidate or voter, after objecting to any such election or return, shall not proceed to try the validity of the same, or if the petition of any such candidate or voter shall be declared frivolous and vexatious, such candidate or voter shall be liable to pay all such costs and expenses as may have been incurred by the candidate whose election or return is so objected to, such costs and expenses to be paid by order of the Court out of the money to be deposited or secured as aforesaid ; and if the money so deposited or secured shall not be sufficient to pay all the costs and expenses, the balance of the same shall be recovered by action in any Court of competent jurisdiction : Provided always, that if the candidate or voter so objecting to any such election or return as aforesaid shall, within five days after such election or return, give notice to the candidate whose return is objected to that it is not his intention to proceed to try the validity of such election or return, then and in such case such last mentioned candidate shall not be entitled to recover such costs or expenses as aforesaid.

Computation of Time.

Computation
of time.

121.—(1) Where by this Ordinance any limited time from or after any date or event is appointed or allowed for the doing of any act or the taking of any proceeding, then, in the computation of that limited time, the same

Part III.
General.

shall be taken as exclusive of the day of that date or of the happening of that event and as commencing at the beginning of the next following day, and the act or proceeding shall be done or taken at the latest on the last day of the limited time so computed, unless the last day is a Sunday, Christmas Day, Good Friday, Easter Monday, Corpus Christi, or any other public holiday, in which case any act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards, not being one of the days in this section specified.

(2) Where by this Ordinance any act or proceeding is directed or allowed to be done or taken on a certain day, then, if that day happens to be one of the days in this section specified, the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards, not being one of the days in this section specified.

(3) Where by this Ordinance any act or proceeding is directed or allowed to be done or taken within any time not exceeding seven days, the days in this section specified shall not be reckoned in the computation of such time.

122. The Municipal Corporations Elections Ordinance ^{Repeal.} 1915, save and except section 68 thereof; the Municipal ^{16-1915.} Corporations (Elections) (Amendment) Ordinance, 1916; ^{20-1916.} the Municipal Corporations (Elections) Port-of-Spain (Amendment) Ordinance, 1920; and the Municipal ^{18-1920.} Corporations (Elections) Port-of-Spain (Amendment) No. 2 Ordinance, 1920, are hereby repealed. ^{61-1920.}

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

JOHN DE NOBRIGA,
Clerk of the Council.

OBJECTS AND REASONS.

THIS consolidating Bill has been prepared with the object of removing the confusion which at present exists in the law relating to Municipal Elections. The principal Ordinance dealing with this subject is the Municipal Corporations Elections Ordinance, No. 16 of 1915, which, in its original form, applied to elections to be held in Port-of-Spain and in any borough then existing or to be thereafter constituted. This Ordinance has however been amended in its application to Elections in Port-of-Spain by three subsequent Ordinances, and consequently there now appear on the Statute Book a considerable number of provisions relating to Municipal Elections which apply only to Port-of-Spain and an equal number of provisions which apply to the boroughs but do not apply to Port-of-Spain.

In these circumstances it has been found impossible, without further legislation, to prepare a consolidating Ordinance in intelligible form for inclusion in the Revised Edition of the laws of the Colony. This Bill has therefore been prepared and proposes to deal with the existing law in the following manner :—

Part I reproduces the existing law relating to proceedings at Municipal Elections held in Port-of-Spain, and is declared (*see* clause 3) to apply *only* to Port-of-Spain.

Part II reproduces the existing law relating to proceedings at Municipal Elections held in any borough, other than Port-of-Spain, and is declared (*see* clause 54) *not* to apply to Port-of-Spain.

Part III reproduces sections 50 to 66 and 69 of Ordinance No. 16 of 1915 which have not been amended and which still apply to all boroughs. This part of the Bill is declared (*see* clause 103) to apply to Port-of-Spain and to all boroughs.

It is believed that the arrangement of the law as proposed in this Bill will be the most convenient one for the purposes of the Municipal Authorities, and it will remove the confusion which at present exists in the law dealing with this subject.

No change of any kind in the present law is proposed.