

No. 28—1942.

Legislative Council (Elections) (Amendment).

AN ORDINANCE to amend the Legislative Council (Elections) Ordinance, Ch. 2. No. 2.

[24th December, 1942.]

Commencement.

1. This Ordinance may be cited as the Legislative Council (Elections) (Amendment) Ordinance, 1942, and shall be read as one with the Legislative Council (Elections) Ordinance hereinafter referred to as the Principal Ordinance.

Short title and construction.

Ch. 2. No. 2.

2. The provisions of the Principal Ordinance specified in Column 1 of the Schedule hereto are hereby amended in accordance with the directions specified in Column 2 of the said Schedule.

Principal Ordinance to be amended in accordance with the Schedule.

THE SCHEDULE.

1. Provision of the Legislative Council (Elections) Ordinance.	2. Directions for amendment.
Section 2. ...	Substitute the following for the definition of "Order in Council" :— "Order in Council" means the Trinidad and Tobago (Legislative Council) Orders in Council, 1924 to 1942, and any Order of His Majesty the King in Council from time to time in force in place of those Orders, or amending those Orders or any Order in force in place of those Orders ;
Subsection (1) of section 3.	Substitute " member or members " for " member ".
Section 9 ...	Add the following at the end of the section :— " The power conferred on the Governor by this section may be exercised in relation to a particular register specified in the notice or in relation to registers generally."

THE SCHEDULE.— *Continued.*

1. Provision of the Legislative Council (Elections) Ordinance.	2. Directions for amendment.— <i>Contd.</i>
Subsection (1) of section 15.	Substitute "seat or seats" for "seat".
Section 16	<p>Substitute the following section :—</p> <p>"Uncontested elections. 16. If at the expiration of three hours from the time appointed there shall be only one candidate duly nominated where there is only one seat to be filled or there shall be only two candidates duly nominated where there are two seats to be filled, the returning officer shall forthwith publicly declare such candidate or candidates, as the case may be, to be elected, and shall immediately thereafter certify by endorsement on the writ of election the return of such candidate or candidates and shall return the writ so endorsed to the Governor within the time for that purpose specified therein."</p>
Subsection (1) of section 17.	<p>Substitute for the words "If there shall be more than one candidate duly nominated" the words "If there shall be more than one candidate duly nominated where there is only one seat to be filled or if there shall be more than two candidates duly nominated where there are two seats to be filled".</p>
Subsection (1) of section 18.	<p>Substitute for the words "there remains not less than one duly nominated candidate for the seat to be filled" the words "there remains not less than one duly nominated candidate where there is only one seat to be filled or there remain not less than two duly nominated candidates where there are two seats to be filled".</p>
Subsection (2) of section 18.	<p>Substitute the following subsection :—</p> <p>"(2) If any such candidate withdraws from his candidature in accordance with subsection (1), 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 preceding section; and if on such withdrawal or death there remains only one duly nominated candidate where there is only one seat to be filled or there remain only two duly nominated candidates where there are two seats to be filled, the returning officer shall forthwith declare such candidate or candidates to have been elected, and shall immediately thereafter certify by endorsement on the writ of election the return of such candidate or candidates, and shall return the writ so endorsed to the Governor within the time for that purpose specified therein."</p>

THE SCHEDULE.—Continued.

1. Provision of the Legislative Council (Elections) Ordinance.	2. Directions for amendment.—Contd.
Subsection (1) of section 24.	Substitute for the words "No person shall at any election vote for more than one candidate" the words "No person shall vote for the election of more than one candidate where there is only one seat to be filled or for more than two candidates where there are two seats to be filled".
Section 25	<p>Substitute the following section —</p> <p>"Directions to voters. 25. 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 form set out below which is appropriate:</p> <p style="text-align: center;"><i>Directions.</i></p> <p>(1) You can vote for one candidate only.</p> <p>(2) Place a cross opposite the name of the candidate for whom you wish to vote.</p> <p>(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.</p> <p style="text-align: center;"><i>Directions.</i></p> <p>(1) You can vote for two candidates only.</p> <p>(2) Place a cross opposite the name of each candidate for whom you wish to vote.</p> <p>(3) Fold up your voting paper so that your cross or crosses 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."</p>
Section 30	Substitute the word "votes" for the word "vote" where it first occurs.
Section 31	<p>Substitute the following:—</p> <p>"How to mark votes. 31. The elector shall mark his vote or votes upon the ballot paper by placing a cross opposite the name of the candidate for whom he wishes to vote or, if there be two seats to be filled, opposite the name of the candidate or candidates (not exceeding two) for whom he wishes to vote."</p>

THE SCHEDULE.—Continued.

1. Provision of the Legislative Council (Elections) Ordinance.	2. Directions for amendment.—Contd.
Section 35	<p>Substitute the following section :—</p> <p>Blind, illiterate, etc., voters. 35. (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 or votes 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 of the register of electors of every voter whose vote or votes is or are 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.</p> <p>(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.</p>
Section 41	<p>Substitute the following section :—</p> <p>“What ballot papers are not to be counted. 41. Any ballot paper which has not on its back the official mark, or on which a vote is given to more than one candidate where there is only one seat to be filled, or to more than two candidates where there are two seats to be filled, 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.”</p>
Section 46	<p>Substitute the following section :—</p> <p>“Declaration of the poll and return of the writ. 46. 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 (if there is only one seat to be filled) or the candidates (if there are two seats to be filled) to whom most votes have been given to be elected as the member or members for the electoral district; and shall immediately thereafter certify by endorsement on the writ of election the return of such candidate or candidates, 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.”</p>