
5th Session Third Parliament Trinidad and Tobago
25 Elizabeth II



Am's 10d A 1967(253)
" " A 1946(13)

TRINIDAD AND TOBAGO

Act No. 20 of 1976

[L.S.]

AN ACT to amend the Representation of the People Act, 1967 and to make provision for the consequential amendment of certain provisions of the Constitution.

[Assented to 3rd May, 1976]

WHEREAS new provisions have been made by the Constitution of the Republic of Trinidad and Tobago set out in the Schedule of the Constitution of the Republic of Trinidad and Tobago Act, 1976, *inter alia*, with respect to the voting age and the conduct of elections:

And whereas it is necessary and expedient to amend the Representation of the People Act, 1967, so as to

enable steps to be taken under the Constitution to implement elections to be held under the Constitution of the Republic:

And whereas it is enacted by section 38 of the Constitution—

- (a) that Parliament may alter any of the provisions of the Constitution, but that as regards certain provisions thereof a Bill for an Act of Parliament under the said section 38 shall not be passed unless at the final voting thereof in each House it is supported by the votes of certain special majorities provided in the said section 38; and
- (b) that the provisions of the Constitution shall not be altered except in accordance with the provisions of that section:

And whereas it is intended by this Parliament to alter the Constitution in the manner in which and to the extent to which the provisions of this Act are inconsistent with the provisions of the Constitution:

Enactment

NOW THEREFORE, BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Trinidad and Tobago, and by the authority of the same, as follows:—

Short title

1. (1) This Act may be cited as the Representation of the People (Amendment) Act, 1976.

(2) This Act shall have effect for the purpose of the alteration of all those provisions of the Constitution with which it is inconsistent in the manner in which and to the extent to which the inconsistency arises.

Interpretation

2. (1) In this Act—

“alter” has the same meaning as in section 38(6)(b) of the Constitution;

“the Act” means the Representation of the People Act, 1967.

(2) Where in the Act, as in force immediately after the commencement of this Act, provision is made imposing some condition or requirement to be met or fulfilled before a person who is otherwise qualified is

allowed to vote, failure to meet or fulfil any such condition or requirement shall be treated as if it was a disqualification under section 34 of the Constitution.

3. Section 2 of the Act is amended—

Section 2 of
the Act
amended

(a) by inserting in their appropriate alphabetical order the following new definitions:—

“ballot box” has the meaning assigned to it in the election rules;

“ballot paper” has the meaning assigned to it in the election rules;

“poll card” means the poll card referred to in rule 45 of the election rules;

“rubber stamp” means the rubber stamp prepared for use in marking the ballot papers at an election in accordance with rule 52 of the election rules;”;

(b) by deleting the definitions of “custodian” and “voting machine”; and

(c) by substituting for the definitions of “the Commonwealth”, “election officer” and “road” the following new definitions respectively:—

“the Commonwealth” means Trinidad and Tobago and any country to which section 15 of the Constitution applies and any dependency of any such country;

“election officer” means the Chief Election Officer, an Assistant Chief Election Officer, a returning officer, an election clerk, a presiding officer, a deputy presiding officer, a poll clerk, a registration supervisor, a registration officer, an assistant registration officer or a scrutineer;

“road” has the meaning assigned to it in the Highways Act, 1970.”

Section 5 of the
Act amended

4. Section 5 of the Act is amended by adding the following new subsection thereto:—

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

Section 8 of the
Act amended

5. Section 8 of the Act is amended—

- (a) in subsection (1) by inserting immediately after the words “a presiding officer” the words “and a deputy presiding officer”;
- (b) by substituting the following for subsection (3) thereof:—

“(3) Where a presiding officer dies or becomes unable to perform his functions during the taking of the poll, the deputy presiding officer shall forthwith report the fact to the returning officer and shall perform the functions of the presiding officer until some other person is appointed as presiding officer or the presiding officer resumes his functions.”.

Sections 9 and 10
of the Act
repealed

6. Sections 9 and 10 of the Act are repealed.

Section 11 of the
Act amended

7. Section 11(1) of the Act is amended by substituting for the words “sections 7, 8, 9 and 10” occurring in line two, the words “sections 7 and 8”.

Section 13(1) of
the Act repealed
and replaced

8. Section 13(1) of the Act is repealed and replaced as follows:—

“13(1) The persons entitled to vote in accordance with rule 43 of the election rules at an election in an electoral district are electors for that electoral district.”.

Section 14 of
the Act amended

9. Section 14 of the Act is amended in paragraphs (a) and (b) by substituting for the words “of the age of twenty-one years or upwards” the words “of the age of eighteen years or upwards”.

10. Section 15(1) of the Act is amended by substituting for the words "of the age of twenty-one years or upwards" occurring in lines three and four thereof, the words "of the age of eighteen years or upwards".

Section 15 of the
Act amended

11. Section 16(2) of the Act is amended by substituting for the words "of the age of twenty-one years," the words "of the age of eighteen years,".

Section 16 of the
Act amended

12. Section 17(1)(a) of the Act is repealed and replaced as follows:—

Section 17(1)(a) of
the Act repealed
and replaced

"(a) is mentally ill, within the meaning of the Mental Health Act, 1975."

No. 30 of
1975

13. The Act is amended by inserting immediately after section 23 the following new section:—

The Act amended

"Transfer
of regis-
tration of
persons
eighteen
years of
age and
under
twenty-one
years

23A. (1) Notwithstanding any provision of this Act or any other rule of law to the contrary, the registration officer shall remove the registration record card of a person to whom this section applies from among the registration record cards of persons referred to in section 18(1)(b) and shall place them among those of persons referred to in section 18(1)(a) and thereupon the persons to whom those registration record cards relate shall be deemed to have applied for registration as electors and to have been so registered for all the purposes of this Act.

(2) This section applies to a person who is registered under section 18(1)(b) and who is, or at the qualifying date will be, eighteen years of age but who has not yet attained, or who will not at that date attain, the age of twenty-one years and who is otherwise *prima facie* qualified to be registered as an elector under section 18(1)(a)."

14. Section 25 of the Act is amended by renumbering the section as section 25(1) and by adding the following new subsection thereto:—

Section 25 of the
Act amended

"(2) Where the Chief Election Officer is satisfied as to the accuracy of any information

furnished under subsection (1) he may, after notifying the person concerned as to his intention so to do, with the approval of the Commission, make such changes on the registration record card of any such person as are necessary to ensure the accuracy of the registration record card, so however that no such changes shall be made during an electoral registration under Part 3 of the election rules.”.

Section 39 of the Act amended

14A. Section 39 of the Act is amended—

(a) by substituting for subsection (9) the following—

“(9) In this section ‘the appropriate police officer’ means a police officer designated for the purposes of this section by the Commissioner of Police by Notice published in the *Gazette*.”;

(b) by adding immediately after subsection (9) the following new subsection—

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

Section 48(2) of the Act amended

14B. Section 48(2) of the Act is amended by substituting for the words “five dollars” the words “ten dollars”.

Section 49 of the Act amended

15. Section 49 of the Act is amended by substituting for subsection (1) thereof the following:—

“Limitation of election expenses

49. (1) No sum shall be paid and no expenses shall be incurred by a candidate at an election or by his election agent whether before, during or after an election on account of or in respect of the conduct or management of an election, in excess of the amount of five thousand dollars in the case of a parliamentary election or two thousand, five hundred dollars in the case of a municipal council or county council election.”.

16. Section 56 of the Act is amended by substituting in subsections (1) and (2) for the words "twenty-five dollars" the words "forty dollars".

Section 56 of
the Act
amended

17. Section 64 of the Act is amended—

Section 64 of the
Act amended

(a) by inserting immediately after the words "a presiding officer" occurring in line two, the words "a deputy presiding officer, or"; and

(b) by deleting the words "or a machine attendant" occurring in lines two and three.

18. Section 65 of the Act is amended—

Section 65(1)
of the Act
amended

(a) by substituting for paragraph (a) of subsection (1) thereof the following—

"(a) the Chief Election Officer an Assistant Election Officer, returning officer, registration supervisor, election clerk, presiding officer, deputy presiding officer, poll clerk or police officer on duty attending at a polling station;"

(b) by substituting for subsection (4) the following—

"(4) Every person attending the proceedings in connection with the issue or the opening of postal ballot papers shall maintain and aid in maintaining the secrecy of the voting and shall not attempt to ascertain at the proceedings in connection with the opening of postal ballot papers the candidate for whom any vote is given in any particular postal ballot paper or communicate any information with respect thereto obtained at those proceedings."

19. Section 71(1) of the Act is amended—

Section 71(1)
of the Act
amended

(a) by inserting immediately after paragraph (f) thereof the following new paragraph—

"(g) fraudulently defaces or fraudulently destroys any rubber stamp;"

(b) by renumbering paragraph (g) as paragraph (h).

Section 72 of the Act amended

20. Section 72 of the Act is amended as follows—

(a) in subsection (1) by substituting—

(i) for the words “voting machine” wherever they occur in the subsection the words “ballot box”; and

(ii) for the words “ten years” occurring in the last line thereof the words “two years”;

(b) in subsection (3) by substituting—

(i) for the words “voting machine” occurring in lines two and three thereof the words “ballot box”; and

(ii) for the words “ten years” occurring in the penultimate line thereof the words “two years”.

Section 93 of the Act amended

20A. Section 93 of the Act is amended by substituting for subsection (3) the following—

“(3) No presiding officer, deputy presiding officer or poll clerk shall consume any intoxicating liquor on polling day within any polling station”.

Section 99(2) of the Act amended

20B. Section 99(2) of the Act is amended by adding the following new paragraph thereto:—

“(c) by duress, induces a public officer to use his office to prevail upon an elector to vote in a particular way at any election.”

Section 158 of the Act repealed and replaced

21. The Act is amended by repealing and replacing section 158 as follows:—

“Powers to administer oath or affirmation
Form No. 6
Fifth
Schedule

158. (1) Save as is provided in section 3(3) every election officer shall, before entering upon his duties under this Act take an oath in the form set out as Form No. 6. in the Fifth Schedule before any person authorised by law to administer oaths or affirmations or before the Chief

Election Officer, an Assistant Chief Election Officer or any registration supervisor, registration officer, assistant registration officer, returning officer, election clerk, presiding officer, deputy presiding officer or poll clerk.

(2) The Chief Election Officer, an Assistant Chief Election Officer or any registration supervisor, registration officer, assistant registration officer, returning officer, election clerk, presiding officer, deputy presiding officer or poll clerk are hereby authorised and empowered to administer any oath or affirmation and to take any declaration required by this Act to be made or taken by an election officer or any other person.”.

22. The Act is amended by repealing and replacing section 160, as follows—

“Computation of time

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

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

23. Section 162 of the Act is amended by deleting subsection (3) thereof.

24. Rule 6(2) of the Second Schedule to the Act is repealed and replaced as follows:—

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

Section 160 of the Act repealed and replaced

Section 162 of the Act amended

Rule 6(2) of Second Schedule repealed and replaced

Rule 11(5) of
Second Schedule
amended

24A. Rule 11(5) of the Second Schedule to the Act is amended by substituting for the words "twenty-one years" the words "eighteen years".

Rule 19(1) of
Second Schedule
repealed and
replaced

25. Rule 19(1) of the Second Schedule to the Act is repealed and replaced as follows:—

"Correction
of minor
errors and
omissions

19. (1) Any clerical error or omission in a registration record card or in any identification card and any other error in any such card that has been caused by the inadvertence of an assistant registration officer or the person seeking registration may be corrected or inserted as the case may require either by the assistant registration officer who registered the person to whom such registration record card or identification card relates, or if such assistant registration officer is for any reason unavailable for the purpose, by any other assistant registration officer."

Rule 41(11) of
Second Schedule
amended

25A. Rule 41(11) is amended by substituting for "2" thereof the following:—

"2. Under age of 18."

Rule 48(3) of
Second Schedule
amended

26. Rule 48(3) of the Second Schedule to the Act is amended by substituting for the words "the Chief Election Officer" occurring at the beginning of line four the words "the presiding officer".

Rule 62 of
Second Schedule
amended

27. Rule 62 of the Second Schedule to the Act is amended—

- (i) by inserting at the beginning of paragraph (3) thereof, the words "Subject to paragraph (4),";
- (ii) by inserting immediately after paragraph (3), the following new paragraph:—

"(4) Where in the opinion of the Commission, a revised list in the form specified in paragraph (3) cannot be completed before the last day for the publication of such list, that revised list may be prepared so as to consist of—

- (a) the preliminary list of electors for that polling division; and
 - (b) a list of names of electors to be added to that preliminary list as well as a list of names of persons to be deleted from that preliminary list. The lists referred to in subparagraph (b) shall reflect the changes effected in the unit register for that polling division subsequent to the publication of the annual list or the preliminary list.”;
- (iii) by adding immediately after paragraph (4) the following new paragraphs:—

(5) Where the revised list is prepared in accordance with paragraph (4) the registration officer shall cross off the name of any person from the preliminary list where that name also appears on the list of names to be deleted from the preliminary list, and shall initial every name so crossed out.

(6) Three copies of the list showing the names crossed out by the registration officer shall be used at the polling station on polling day, one copy thereof shall be retained by the returning officer and two copies shall be posted up in accordance with paragraph (8).”.

- (iv) by renumbering paragraphs (4) and (5) as paragraphs (7) and (8).

27A. Rule 70(1)(a) of the Second Schedule to the Act is amended by substituting for the words “twenty-one years” the words “eighteen years”.

Rule 70(1) of
Second Schedule
amended

28. Rule 2 of the Third Schedule to the Act is amended by—

Rule 2 of Third
Schedule amended

- (a) inserting in the appropriate alphabetical order the following:—
 - “ “ballot box” means a receptacle for

the reception of ballots cast at a polling station;";
 "voting booth" means an enclosure within a polling station provided for voters to mark their ballots in privacy."

- (b) deleting the following definitions—
 "candidates counter control knob" and "voting machine".

Rule 3 of Third Schedule amended

29. Rule 3 of the Third Schedule to the Act is amended by deleting the words "in the electoral district" occurring in line three.

Rule 14 of Third Schedule amended

30. Rule 14 of the Third Schedule to the Act is amended—

- (a) in paragraph (3) by substituting for the words "ballot labels" occurring in line one, the words "ballot papers";
 (b) in paragraph (6) by substituting for the words "voting machine enclosure" occurring in line two, the words "voting booth".

Rule 15(3) of Third Schedule amended

31. Rule 15(3) of the Third Schedule to the Act is amended by inserting at the beginning thereof the words "Save as is provided for in rule 7".

Rule 18 of Third Schedule repealed and replaced

32. Rule 18 of the Third Schedule to the Act is repealed and replaced as follows:—

"Manner of voting

18. The poll shall be taken by secret ballot and except as provided under Part IV, the votes of electors shall be cast at polling stations established under rule 19."

Rule 19 of Third Schedule amended

33. Rule 19 of the Third Schedule to the Act is amended—

- (a) by inserting immediately after paragraph (1) the following new paragraph—
 "(2) Each polling station shall contain one or more voting booths so arranged that each elector may be screened from observation and may without interference or interruption

mark his ballot paper. In each voting booth there shall be provided a table or desk for the use of electors in marking their ballots.”;

(b) by renumbering paragraphs (2) to (4) as paragraphs (3) to (5).

34. Rules 20 and 21 of the Third Schedule to the Act are repealed and replaced as follows:—

“Ballot boxes

20. (1) Ballot boxes shall be constructed of a durable material and designed to accommodate not less than 800 ballots;

(2) Each ballot box shall be designed with a slot at the top for the insertion of the ballot and such slot shall be wide enough to permit insertion of ballots but not their withdrawal. The slot is to be equipped with a locking device operable from the inside of the box so that when it is locked from inside it cannot be opened unless the box is unlocked by means of the outside lock which is to be located at the upper front of the box;

(3) Ballot boxes shall be numbered consecutively beginning with the number “1” preceded by the initials “E.C.” (Elections Commission).

(4) Each ballot box in use at an election shall bear the name of the electoral district in which it is being used and the polling station number.

Custody of ballot boxes

21. (1) The Commission shall cause all ballot boxes to be securely kept and they shall be in its custody and control at all times except when they are in use at an election or when they are being used by a court for the purposes of a petition or prosecution relating to an election.

(2) The Commission shall cause all ballot boxes to be properly protected and preserved from damage or unnecessary deterioration and to be kept in good and proper repair, and shall not permit any person to tamper with them.”.

Rules 20 and 21 of Third Schedule repealed and replaced

Rule 22 of Third
Schedule repealed
and replaced

35. Rule 22 of the Third Schedule to the Act is repealed and replaced as follows:—

“Ballot
papers

22. (1) As soon as possible after the nomination of candidates for an election the Commission shall cause ballot papers to be printed for use in that election.

(2) A ballot paper is a paper on which there is printed—

- (a) the name of each candidate, arranged alphabetically in order of surnames and numbered consecutively from the top beginning with the number “1”;
- (b) the address and occupation of each candidate;
- (c) the symbol assigned to each candidate.

(3) The name, address and occupation of a candidate shall be printed on ballot papers exactly as they appear on the nomination paper of that candidate.

Form No. 45
Fifth
Schedule

(4) A ballot paper when completed shall be in the form set out as Form No. 45 in the Fifth Schedule.”

(5) Subject to paragraph (6) ballot papers shall be printed by the Government Printer who shall comply with the specifications and delivery dates prescribed by the Chief Election Officer. For this purpose the Government Printer shall keep in stock and in safe custody at all times a sufficient supply of the type of paper required for the printing of ballot papers at an election.

(6) Where the Government Printer is unable to complete the printing of ballot papers he may arrange for such printing to be done by a private printery so however that ballot papers for one constituency shall not be printed by more than one private printery.

(7) The Government Printer is required to deliver ballot papers wherever

they may be printed to the Chief Election Officer. He shall deliver all the ballot papers printed and shall so certify to the Chief Election Officer. He shall also be required to certify that all spoilt or defective ballot papers printed have been destroyed and that all unused paper of the type used for the printing of ballot papers is in his possession and accounted for.

36. Rule 23 of the Third Schedule to the Act is amended—

Rule 23 of
Third Schedule
amended

- (a) by substituting in paragraphs (1) and (4) the words "ballot label" for the words "ballot paper";
- (b) by inserting immediately after paragraph (6) the following new paragraph:—

"(7) The Chief Election Officer shall inform all returning officers before nomination day of all political parties to which symbols have been assigned, and of the symbols so assigned."

37. The Third Schedule to the Act is amended by repealing rules 24, 25, 26, 27 and 28.

Rules 24, 25, 26,
27 and 28 of
Third Schedule
repealed

38. Rule 29 of the Third Schedule to the Act is amended by substituting for the word "four" occurring in line two, the word "two".

Rule 29 of
Third Schedule
amended

39. Rule 31(1) of the Third Schedule to the Act is amended by adding immediately after the word "station" occurring in line three, the words, "a ballot box with locking devices, a polling station diary, a rubber stamp with X mark to be used by electors to mark their ballots, and a guidance ballot, together with—".

Rule 31(1) of
Third Schedule
amended

40. Rules 32 and 33 of the Third Schedule to the Act are repealed.

Rules 32 and 33 of
Third Schedule
repealed

41. Rule 36(2) of the Third Schedule to the Act is amended by inserting immediately after the word "by" occurring in line one, the words "a deputy presiding officer, or".

Rule 36(2) of Third
Schedule amended

Rule 38(2) of Third
Schedule amended

42. Rule 38(2) of the Third Schedule to the Act is amended by inserting immediately after the words "Assistant Chief Election Officer" occurring in line one, the words "a registration supervisor".

Rule 39 of
Third Schedule
amended

43. Rule 39 of the Third Schedule to the Act is amended by substituting for paragraph (e) thereof the following:—

"(e) the Chief Election Officer, an Assistant Chief Election Officer, a registration supervisor, the returning officer, the election clerk, the deputy presiding officer and the poll clerks."

Rule 40 of
Third Schedule
repealed and
replaced

44. Rule 40 of the Third Schedule to the Act is repealed and replaced as follows:—

"Arrange-
ment of
polling
station

40. (1) The presiding officer shall cause every part of the polling station to be in plain view of himself, the deputy presiding officer, the poll clerk and of any polling agent, candidate or election agent who may be present.

(2) Subject to rule 54 an election officer shall not be in a position that will permit him to see how a voter votes or has voted.

(3) Subject to rule 54, the presiding officer shall not allow any person, except the companion of a physically handicapped voter to be in any position that will permit such person to see or ascertain how that voter votes or has voted.

(4) At frequent intervals during the hours of the poll, but not when an elector is voting, the presiding officer or deputy presiding officer shall inspect the voting booth to ensure that it has not been disarranged.

(5) While a poll is in progress neither the ballot box nor the poll card box shall be unlocked for any purpose."

45. Rule 41 of the Third Schedule to the Act is amended—

Rule 41 of Third
Schedule amended

- (a) by inserting immediately after the words “presiding officer” occurring in line one, the words “the deputy presiding officer and”; and
- (b) by deleting the words “and the machine attendant” occurring in the said line one.

46. Rule 42 of the Third Schedule to the Act is repealed and replaced as follows—

Rule 42 of
Third Schedule
repealed and
replaced

“Duties of
presiding
officer
before
opening
of poll

42. (1) Immediately before the opening of the poll the presiding officer shall in the presence of—

- (a) the deputy presiding officer and the poll clerk; and
- (b) the candidates or their agents, open and inspect the ballot box to ascertain that there are no ballot papers or other papers or material therein, after which the box shall be locked by means of the outside lock, placed on the table of the presiding officer in full view of all present and shall remain so placed until the close of the poll.

(2) Where neither the candidates nor their agents are present the presiding officer shall call upon two electors to witness the opening of the ballot box.

(3) The presiding officer shall open and inspect the poll card box in the same manner as the ballot box. The presiding officer shall then lock the poll card box, deliver it to the deputy presiding officer who shall place it on his table in full view of all present where it shall remain until the close of the poll.

(4) The presiding officer shall in signed writing record in the polling station diary, the opening and inspection of the ballot box and the poll card box and the persons in whose presence such opening and inspection were carried out shall sign the record as witnesses.”.

Rule 45 of
Third Schedule
amended

46A. Rule 45 of the Third Schedule to the Act is amended by adding the following new paragraph—

“(11) The poll clerk shall direct any prospective voter whose name does not appear on the revised list of electors to the presiding officer who shall check the unit register to see whether the name of the prospective voter appears therein.”.

Rule 43 of
Third Schedule
repealed and
replaced

47. Rule 43 of the Third Schedule to the Act is repealed and replaced as follows—

“Entitlement
to vote

43. No person shall be entitled to vote at a polling station for any polling division unless his registration record card appears in the unit register of electors for that polling division or his name appears on the revised list of electors for that polling division.”.

Rule 47 of
Third Schedule
amended

48. Rule 47 of the Third Schedule to the Act is amended—

(a) by repealing and replacing paragraph (4) as follows—

“(4) If no mark of electoral ink appears upon any of the fingers of such elector the presiding officer shall signify his permission for such elector to vote by—

- (a) writing the initial letters of the presiding officer’s name on the poll card;
- (b) entering on the stub of the ballot paper intended to be given to that elector the consecutive number as recorded on the poll card and the number recorded against the elector’s name on the revised list of electors in use at that polling station;
- (c) carefully detaching the ballots from the stub along the lines of perforation and

- placing the initial letters of the presiding officer's name in the place provided on the ballot for so doing;
- (d) using the guidance ballot, instructing the elector in the procedure for voting and the manner in which the ballot is to be folded after the elector has signified his vote thereon; and
 - (e) delivering the ballot to the elector and directing him to the deputy presiding officer."
- (b) by inserting immediately after paragraph (4) the following new paragraphs—

"(5) The deputy presiding officer shall hand to the elector the rubber stamp with 'X' mark or other instrument provided for electors to mark their ballots at the election and direct the elector to the voting booth where he shall mark his ballot by imprinting or marking an 'X' against the particulars of the candidate of his choice with the rubber stamp or other instrument provided therefor. The elector shall then fold his ballot so that the initials of the presiding officer can be seen without opening the ballot return to the presiding officer displaying the ballot and handing over his poll card to him. Where the ballot is not so folded the presiding officer shall require the elector to fold the ballot as required by this paragraph.

(6) The presiding officer upon satisfying himself—

- (a) that the ballot is the ballot he gave to the elector;
- (b) that the ballot is correctly folded,

shall require the elector to immerse his finger in the electoral ink. When the elector so immerses his finger the presiding officer shall, after allowing the elector to insert his ballot into the ballot box, hand over the elector's poll card to the deputy presiding officer who shall indicate on the card that the elector has voted and insert the poll card in the poll card box.

The presiding officer however shall not require an elector to immerse his finger in the electoral ink if he is satisfied—

- (a) that the elector is suffering from some injury to all his fingers which is of such a nature as to render it undesirable for him to immerse any of his fingers in the electoral ink; or
- (b) that there is on the fingers of the elector any substance which in the opinion of the presiding officer is likely to prevent the adhesion of the electoral ink.

(7) Where before issuing a ballot paper to an elector, the presiding officer inspects the fingers of that elector and finds them marked with electoral ink he shall not allow that elector to vote and shall make an entry to that effect in the polling station diary.

(8) Where after an elector has marked his ballot as required by these Rules he refuses to immerse his finger in the electoral ink, the presiding officer shall not permit him to insert his ballot in the ballot box but shall require the elector to hand over his ballot and poll card to him for

immediate destruction in the presence of all persons present in the polling station and the presiding officer shall make an entry of this occurrence in the polling station diary.”;

- (c) by deleting paragraphs (5) and (6) thereof and by renumbering paragraphs (7) to (12) as paragraphs (9) to (14);
- (d) by inserting in paragraph (10) as renumbered immediately after the words “paragraphs (3) to (6)” occurring in line two, the words “of Rule 45”;
- (e) by repealing and replacing paragraph (12) as renumbered as follows:—

“(12) No elector who has refused to take an oath or affirmation or to make any declaration or to answer any question or to immerse his finger in the electoral ink as required by these Rules shall be permitted to vote; and no such elector shall be again admitted to the polling station on polling day.”;
- (f) by repealing and replacing paragraph (14) as renumbered as follows:—

“(14) Where a presiding officer has reasonable cause to suspect that there is some foreign matter folded in a ballot, he may examine that ballot by touch but in such a way so as not to contravene the requirement of secrecy.”;
- (g) by adding immediately after paragraph (14) as renumbered the following new paragraphs—

“(15) Where upon examining the ballot, the presiding officer is of the opinion that there is some foreign matter folded therein, he shall so inform the elector and shall not permit him to insert the ballot in the ballot box.

(16) Where the elector denies having placed any foreign matter in his ballot, the presiding officer shall call the attention of any election officers, any candidates or their agents present at the polling station, to the fact that there appears to be some foreign matter enclosed in the elector's ballot and inform them of his intention not to permit its insertion into the ballot box.

(17) The presiding officer shall advise the elector that if he wishes to cast his vote his ballot shall be placed in a special envelope for suspect ballots, kept outside the ballot box.

(18) Where the elector refuses to have his ballot placed in the envelope for suspect ballots, the presiding officer shall, in the presence of all persons in the polling station destroy the ballot and the poll card and make an entry to that effect in the polling station diary.

(19) An elector whose ballot is destroyed under paragraph (17) shall not be issued another ballot paper at that election."

Rule 49 of
Third Schedule
repealed and
replaced

49. Rule 49 of the Third Schedule to the Act is repealed and replaced as follows—

"Procedure
for elector
whose
name is
not on
revised
list

49. Where an elector's name does not appear on the revised list of electors for the polling station at which he is qualified to vote but his registration record card appears in the unit register, the elector shall be required to take the oath set out as Form No. 51 in the Fifth Schedule before he is permitted to vote and such oath shall be administered by the presiding officer.

Form No.
51 Fifth
Schedule

Third Schedule
amended

50. The Third Schedule to the Act is amended by adding immediately after Rule 49 the following new rule—

"Procedure where elector's registration record card is not in unit register

Form No. 55, 55A or 55B Fifth Schedule

49A. (1) Where an elector's registration record card is not in the unit register of electors for the polling station at which he is qualified to vote but his name appears on the revised list of electors for that polling station, the elector shall be required to take the oath set out as Form No. 55, 55A or 55B in the Fifth Schedule before he is permitted to vote and such oath shall be administered by the presiding officer.

(2) Where an elector takes an oath under this rule or under rule 49, the provisions regarding the completion of forms and procedures for the purposes of voting shall apply in so far as is practicable."

51. Rule 50 of the Third Schedule to the Act is repealed and replaced as follows—

"Guidance ballot

50. For the purpose of instructing electors in the procedure for voting and for informing them of the manner in which the ballot is to be folded, the presiding officer shall use a guidance ballot provided by the Commission."

Rule 50 of Third Schedule repealed and replaced

52. Rule 51 of the Third Schedule to the Act is repealed and replaced as follows—

"Secrecy of ballot

51. Except as otherwise provided in these Rules voting shall be secret and obscured from all persons except the voter."

Rule 51 of Third Schedule repealed and replaced

53. Rule 52 of the Third Schedule is repealed and replaced as follows—

"Manner of voting

52. (1) An elector voting at a polling station shall mark his ballot with the rubber stamp or other instrument provided which shall be handed to him by the presiding officer or deputy presiding officer before he enters the voting booth.

(2) The "X" shall be stamped or marked in the space provided therefor on the right hand side of the name of the candidate as printed on the ballot paper.

Rule 52 of Third Schedule repealed and replaced

(3) A ballot paper shall not be rejected by reason only that the "X" is stamped or marked outside the space provided or that more than one "X" is stamped or marked thereon so long as there is a clear indication as to the candidate for whom the elector intended to vote.

Rule 53(2) of
Third Schedule
amended

54. Rule 53(2) of the Third Schedule to the Act is amended by substituting for the words "voting machine enclosure" the words "voting booth".

Rule 55(4)(b) of
Third Schedule
amended

55. Rule 55(4)(b) of the Third Schedule to the Act is amended by substituting for the words "twenty-one years" occurring in line three thereof, the words "eighteen years".

Rule 56 of
Third Schedule
amended

56. Rule 56 of the Third Schedule to the Act is amended—

- (a) by inserting in paragraph (2) immediately after the word "on" occurring in line two the words "the ballot paper and";
- (b) by adding immediately after paragraph (4) the following new paragraph—

"(5) A married woman whose maiden name appears on the revised list of electors and whose registration record card in such name is in the unit register, and who presents her identification card bearing her maiden name shall be permitted to vote, after having taken such oath as to her identity as may be required. An entry shall be made in respect of this event in the polling station diary."

Rule 60 of
Third Schedule
repealed and
replaced

57. Rule 60 of the Third Schedule is repealed and replaced as follows—

"Polling
station
diary

60. (1) The presiding officer shall cause to be maintained at each polling station a record to be called a polling station diary.

(2) The presiding officer shall cause to be recorded in the polling station diary, in addition to any event which in his opinion ought to be so recorded—

-
- (a) the hour at which the poll was opened and whether the candidates or their agents were present;
 - (b) the name of any person who votes under rule 56(1) or (5);
 - (c) the name, address and identification card number of any person who claims to be registered and entitled to vote at that polling station but whose name does not appear on the revised list of electors or in the unit register at that polling station;
 - (d) the name of any elector who is not permitted to vote because of his refusal to take an oath or to comply with any lawful direction of the presiding officer provided for in this Act or the Rules made thereunder and which is required to be complied with before the elector casts his vote;
 - (e) any objection recorded by a candidate or his agent;
 - (f) a ballot which, to the presiding officer, appears to contain some foreign element and is placed in the special envelope reserved for suspect ballots;
 - (g) the name of any elector who is required to take an oath and the form of such oath;
 - (h) a certificate as to the number of persons who voted at the polling station signed by them and other polling station officials;
 - (i) destroyed ballots and spoiled ballots; and
 - (j) a statement of the result of the poll;
 - (k) the circumstances surrounding any destroyed ballot.”.

Third Schedule
to Act amended
by inserting new
rule 60A

58. The Third Schedule to the Act is amended by inserting immediately after rule 60 the following new rule—

“Spoiled
ballots

60A. An elector who has inadvertently dealt with the ballot paper delivered to him in such manner that it cannot conveniently be used shall return it to the presiding officer who shall—

- (a) deface it in such manner as to render it a spoiled ballot;
- (b) deliver another ballot paper to the elector;
- (c) place the spoiled ballot in an envelope provided therefor; and
- (d) cause a record thereof to be made in the polling station diary.”.

Rule 61 of Third
Schedule repealed
and replaced

59. Rule 61 of the Third Schedule to the Act is repealed and replaced as follows—

“Suspension
or adjourn-
ment of poll

61. (1) Where proceedings at a polling station are interrupted or obstructed by riot or open violence the presiding officer shall suspend the proceedings and report the matter to the returning officer. Where the poll is not reopened by 6.00 p.m. it shall be adjourned until the following day.

(2) Where the poll is adjourned at a polling station under this rule—

- (a) the hours of the poll on the day to which it is adjourned shall be the same as for the original day; and
- (b) references in this Act to the close of the poll shall be construed accordingly.”.

Rules 62 and 63 of
Third Schedule
repealed and
replaced

60. Rules 62 and 63 of the Third Schedule to the Act are repealed and replaced as follows:—

“Closing
of poll

62. Immediately after the last elector has voted after 6.00 p.m. the presiding officer shall announce the close of the poll.

Procedure
at closing
of poll

63. (1) The presiding officer shall record in the polling station diary, the hour at which the poll was closed and the number of persons who voted at that polling station as recorded on the stub of the last ballot paper issued.

(2) The presiding officer shall sign the record in the polling station diary referred to in paragraph (1) and cause the deputy presiding officer, the poll clerk and such of the candidates or their agents as are present to append their signatures thereto.”.

61. Rule 64 of the Third Schedule to the Act is amended—

Rule 64 of
Third Schedule
amended

(a) in paragraph (c) by inserting at the beginning thereof the words “a member of the Elections Commission,”;

(b) by substituting for paragraph (e) the following:—

“(c) a presiding officer, a deputy presiding officer or a poll clerk;”;

(c) by inserting immediately after paragraph (k), the following new paragraph—

“(l) a member of the flight crew of an aircraft;

(m) a person engaged in offshore petroleum operations.”.

62. Rule 72 of the Third Schedule to the Act is amended by substituting for paragraph (a) the following:—

Rule 72 of
Third Schedule
amended

“(a) the Chief Election Officer, an Assistant Chief Election Officer and a registration supervisor.”.

63. Rule 73(2) of the Third Schedule to the Act is amended—

Rule 73(2) of
Third Schedule
amended

(a) by inserting at the end of line one, the words “ a registration supervisor,”;

(b) by substituting for the word “Justice” occurring in line three and four respectively the words “Justice of the Peace”.

Rule 74 of
Third Schedule
amended

64. Rule 74 of the Third Schedule to the Act is amended by substituting for the word "counterfoil" occurring in line three, the word "stub".

Rule 82(1) of
Third Schedule
amended

65. Rule 82(1) of the Third Schedule to the Act is amended in subparagraph (a) by deleting the word "and" occurring therein and by adding at the end thereof, the words "and a registration supervisor;".

Rule 84 of
Third Schedule
amended

66. Rule 84 of the Third Schedule to the Act is amended—

(a) in paragraph (3)—

- (i) by deleting subparagraph (c);
- (ii) by renumbering subparagraph (d) as subparagraph (c);
- (iii) by substituting for subparagraph (c) as renumbered the following:—

"(c) that the initials appearing on the postal ballot paper are the initials of the returning officer.";

(b) in paragraph (4),

- (i) by deleting in subparagraph (b) the words "or (d)" occurring immediately after the word "subparagraph" occurring in line two;
- (ii) by deleting in subparagraph (c) the words "and the counterfoil of the postal ballot paper" occurring in lines one and two;

(c) in paragraph (5) by deleting subparagraphs (b) and (d) and by renumbering subparagraphs (c) and (e) as subparagraphs (b) and (c) respectively.

Rule 85(1) of
Third Schedule
amended

67. Rule 85(1) of the Third Schedule to the Act is amended—

- (a) by inserting between the words "identity" and "for" occurring in line four, the word "and";
- (b) by deleting the words "and for ballot counterfoils" occurring in line five.

68. The Third Schedule to the Act is amended by inserting the following new rules after rule 90—

Third Schedule
amended by
inserting new
rule 90A

“Procedure
by presid-
ing officer
after closing
of poll

90A. (1) Immediately after the presiding officer has complied with the requirements of rule 62 he shall—

- (a) count the number of spoiled ballots, if any, and place them in the special envelope supplied for that purpose, indicate thereon the number of such ballot papers and seal the envelope;
- (b) count the unused ballot papers undetached from the book of ballot papers, place them with the stub of all used ballot papers in the special envelope supplied for that purpose and indicate thereon the number of unused ballot papers;
- (c) check the number of ballot papers supplied by the returning officer against the number of spoiled ballot papers, if any, the number of unused ballot papers and the number of destroyed ballot papers as recorded in the polling station diary and the number of voters at the polling station as reflected on the stub of the last ballot issued at that polling station, in order to ascertain that all ballot papers are accounted for;
- (d) record the number of ballots and ballot papers on the Statement of the Poll set out as Form No. 58 in the Fifth Schedule;
- (e) open the ballot box and empty its contents upon a table;
- (f) take the suspect ballots, if any, from the special envelope provided for such ballots and without opening it place it among the other ballots which were

contained in the ballot box without opening the suspect ballots to reveal for whom the voters have voted;

- (g) distribute tally sheets to the deputy presiding officer, the poll clerk and the candidates or their polling agents present;
- (h) count the number of votes given to each candidate on his tally sheet giving full opportunity for those present to examine each ballot."

(2) In counting the votes the presiding officer shall reject all ballots—

- (a) that are on ballot papers that have not been supplied by him;
- (b) that have not been marked for any candidate or have not been stamped or marked in the manner prescribed;
- (c) on which votes have been given for more than one (1) candidate;
- (d) where it cannot be established for whom the elector has voted;
- (e) upon which there is any writing or mark by which the elector can be identified.

(3) No ballot shall be rejected by reason only that—

- (a) it has on it any number or mark placed thereon by the presiding officer; or
- (b) it has been marked with some instrument other than that provided at that election for electors to record their votes so long as the mark does not constitute identification of the voter.

(4) Where in the course of counting the ballots a presiding officer discovers that he had omitted to affix his initials to

the back of the ballot at the time it was issued he shall in the presence of the deputy presiding officer and the poll clerk and the candidates or their agents, affix his initials to the ballot and count the ballot if he is satisfied that—

- (a) the ballot paper is one that has been supplied by him;
- (b) an omission has really been made; and
- (c) every ballot paper supplied to him by the returning officer has been accounted for.

(5) In counting the ballots the presiding officer shall, wherever his decision on a ballot is questioned, record the fact by writing the letter "Q" at the back of the ballot and appending his initials.

(6) The decision of the presiding officer as to the validity or otherwise of a ballot shall be final subject to review.

(7) The presiding officer shall place the ballots cast for each candidate in a separate envelope whether or not any such ballot is a questioned ballot.

(8) All rejected ballots shall be put into a separate envelope.

(9) All the envelopes referred to in paragraphs (7) and (8) shall be endorsed as to indicate their contents and shall be sealed by the presiding officer. The number of questioned ballots and the total number of ballots contained in each envelope shall be indicated on the outside of the envelope.

(10) The presiding officer, the deputy presiding officer, and the poll clerk shall affix their seal and the presiding officer shall invite such of the candidates or their agents as are present to do likewise.

(11) The presiding officer shall open the poll card box, count the poll cards and place them in the envelope provided for the purpose. He shall indicate the number of poll cards on the outside of the envelope and in the appropriate place on the Statement of the Poll. He shall place the envelope in the poll card box which he shall then lock and seal.

(12) After the completion of the count the presiding officer shall complete the Statement of the Poll, in the form set out as Form 58 in the Fifth Schedule, in the polling station diary and prepare and certify a sufficient number of copies for distribution as follows—

Form 58
Fifth
Schedule

- (a) to the returning officer;
- (b) to the deputy presiding officer;
- (c) to such of the candidates or their agents as are present;
- (d) the Chief Election Officer.

The copy intended for the Chief Election Officer shall be despatched by means other than that by which the copy to the returning officer was despatched.

(13) The presiding officer shall then place the sealed envelopes with the counted ballots, the envelopes with the spoiled ballots, the polling station diary and such other election documents as may be decided upon by the Commission into the ballot box.

He shall then lock the slot at the top of the ballot box by means of the locking device provided, lock the ballot box by means of the outside lock and affix his seal, and the deputy presiding officer, the poll clerk and such of the candidates or their agents as may be present shall be invited to affix their seals.

(14) In delivering or despatching the ballot box, poll card box and other election material the presiding officer shall

keep outside the box in separate envelopes—

- (a) a Statement of the Poll;
- (b) the key to the ballot box; and
- (c) the key to the poll card box.

Until the delivery of the box to the person authorised by the returning officer to collect such boxes or until delivery of such box by the presiding officer to the returning officer's office, the presiding officer shall ensure that the boxes are not tampered with and they shall be regarded as being in his custody.

(15) The presiding officer shall, in such manner as the Commission may direct, transmit or deliver to the returning officer the ballot box and the poll card box together with the keys thereof in the envelope provided for that purpose.

(16) The presiding officer shall also transmit to the returning officer the register of electors and the file of answers to questions locked in the carrying case, and the keys thereof enclosed in the envelope provided for that purpose.

(17) The returning officer may specially appoint one or more persons for the purpose of collecting the ballot boxes and the poll card boxes and the carrying cases from a given number of polling stations; and such person or persons shall, before delivering the poll card boxes and carrying cases to the returning officer, take the oath in the form set out as Form No. 59 in the Fifth Schedule.

Form
No. 59
Fifth
Schedule

Loss, etc.
of Ballot
box

90E. Where a ballot box with its contents is lost or destroyed the certified statement of the poll on the oath of the presiding officer or deputy presiding officer shall be accepted as representing the result of the poll at that polling station.

Rule 91 of
Third Schedule
amended

69. Rule 91 of the Third Schedule to the Act is amended by deleting the word "machine" occurring in line three.

Rule 92 of
Third Schedule
repealed and
replaced

70. Rule 92 of the Third Schedule to the Act is repealed and replaced as follows:—

"Ascertain-
ment of
number of
votes given
for each
candidate

92. (1) Where by 12.00 noon on the day following the closing of the poll neither a candidate nor his agent requests the returning officer to conduct a final count the returning officer shall confirm the count conducted by the presiding officer as set out in his Statement of the Poll and shall add thereto the count of the postal ballot. The returning officer shall then declare in writing the candidate who is found to have the most votes to be elected and a copy of such declaration shall be delivered by the returning officer to each candidate or his agent present and where any candidate is neither present nor there represented, the returning officer shall forthwith transmit by registered post to such candidate a copy of the declaration.

(2) No notice of the final determination of the number of votes given to the several candidates shall be given other than that contained in the election notice.

(3) Where a candidate or his agent requests a final count he shall indicate whether he requests a general count or a limited count and whether a count of poll cards is also to be carried out. The request shall specify the polling stations results in respect of which the count is to be conducted and the returning officer shall conduct the count as requested.

(4) Where a limited count is conducted the returning officer shall review only the decisions of the presiding officer

as regards questioned ballots and rejected ballots at the polling stations specified in the request for the count. In this case all ballots marked "Q" by the presiding officer and all rejected ballots shall be examined by the returning officer.

(5) Where in a limited count the returning officer agrees with the decision of the presiding officer as regards any questioned ballot or rejected ballot, he shall write the word "confirmed" at the back of the ballot and where he disagrees with the decision of the presiding officer he shall write the word "varied" at the back of the ballot.

(6) Where a general count is conducted the returning officer shall review all ballots including rejected ballots, counted by the presiding officer at the polling stations specified in the request for the count and where he disagrees with the decision of the presiding officer as regards any ballot he shall write the word "varied" at the back of the ballot.

(7) Where a candidate or his agent disagrees with the returning officer as regards any ballot the returning officer shall write the letter "Q" followed by his initials on the back of the ballot.

(8) All ballots marked in any way by the returning officer in a final count shall be marked with his initials.

(9) A final count shall be conducted by the returning officer whether or not a request therefor is made in every case where from the count conducted by the presiding officer and set out in his statement of the poll and the count of the postal ballots there results an equality of votes between or among the candidates obtaining the most votes.

(10) All markings on a ballot by a returning officer shall be made on the back

of the ballot in ink different in colour from that used by the presiding officer.

(11) Where a limited or general count causes any change in the result of the ballot whether in respect of the amount of votes obtained by a candidate or in respect of which a candidate obtains the most votes the returning officer shall, on the basis of that count, make a declaration in accordance with paragraph (1) as to the candidate elected.

(12) At the conclusion of a final count, the returning officer shall place the ballots counted by him in the appropriate envelopes having regard to his decision on such ballots and shall seal the envelopes. The candidates or their agents present at the count shall sign the envelopes as witnesses.

(13) Where a final count results in an equality of votes between or among the candidates obtaining the most votes, the Chief Election Officer or an officer designated by him for the purpose shall conduct a recount not later than four days after the closing of the poll.

(14) Where the recount results in one candidate obtaining the most votes the Chief Election Officer shall so certify to the returning officer who shall make a declaration in accordance with paragraph (1) as to the candidate elected.

(15) Where the recount results in an equality of votes between or among the candidates obtaining the most votes the Chief Election Officer shall so certify to the returning officer who shall declare the election void and a new election shall, as soon as possible, be held in accordance with these Rules.

“Ballot not
invalidated
by mark of
presiding
officer, etc.

92A. A ballot shall not be invalidated by reason only of a mark on the back of such ballot made by the Chief Election Officer, the presiding officer or the returning officer in accordance with these Rules.”.

72. Rule 93 of the Third Schedule to the Act is amended by substituting for the words “Whenever, on the conclusion of the proceedings under paragraph (1) of rule 92” occurring in lines two and three, the words “Where on the conclusion of a recount by the Chief Election Officer,”.

Rule 93 of
Third Schedule
amended

73. Rule 96 of the Third Schedule to the Act is amended—

Rule 96 of
Third Schedule
amended

(a) paragraphs (1) to (4) are repealed and replaced as follows—

“Checking of
results of
poll

96. (1) A candidate for an electoral district or his agent may, within four days of the declaration of the poll under rule 94, apply in writing to the Chief Election Officer for a check of the results of the poll for that electoral district.

(2) An application for a check under paragraph (1) shall be accompanied by a deposit of one hundred dollars as security for the cost of the check.

(3) The Chief Election Officer shall give to the returning officer of the electoral district concerned and to each of the candidates who contested the election in the electoral district, at least two days notice specifying the time and place of the check and inviting their attendance.

(4) A check under this rule shall be limited to a count of questioned ballots only.

(5) The Chief Election Officer or the other Officer conducting the check shall certify the results thereof to the returning officer.

- (b) paragraphs (5) to (6) are renumbered paragraphs (6) to (8).
 (c) immediately after paragraph (8) as renumbered, the following new paragraph is added—

“(9) A recount under Rule 92 or a check of the results of the poll shall be conducted by the Chief Election Officer or by an Assistant Chief Election Officer, a registration supervisor or a registration officer designated for the purpose by the Chief Election Officer.”.

Third Schedule
amended

73A. The Third Schedule to the Act is amended by inserting after Rule 96 the following new rule—

“Appoint-
ment of
counting
agent

96A. (1) Each candidate or his agent may appoint one agent to be present at the final count or the check of the result of the poll and to attend the declaration of the result of the poll.

(2) An appointment of an agent for the purposes of this rule shall be in the form set out as Form 66 in the Fifth Schedule.

Form 66
Fifth
Schedule

Rule 97 of
Third Schedule
repealed and
replaced

74. Rule 97(1) of the Third Schedule to the Act is repealed and replaced as follows:—

“Election
return

97. (1) Subject to paragraph (2) the returning officer shall, on the seventh day next following the day on which he declared the result of the poll under rule 94, deliver personally or transmit by registered post to the Chief Election Officer—

- (a) the writ with his return, in the form set out as Form No. 65 in the Fifth Schedule, endorsed thereon that the candidate for whom the most votes have been given has been elected;

Form No. 65
Fifth
Schedule

- (b) a report of his proceedings in the form prescribed by the Commission;
- (c) the recapitulation sheets in the form prescribed by the Commission showing the number of votes cast for each candidate at each polling station and by postal ballots, and making such observations as the returning officer may think proper as to the state of the election papers as received from his presiding officers;
- (d) the returns from each polling station enclosed in sealed envelopes, including the polling station diary, a packet containing spoiled ballot papers, a packet containing rejected ballots a packet containing stubs and unused ballot papers, a packet containing rejected ballots, a packet containing the revised list of electors used at the polling station and a packet containing the written appointments of the candidates' agents;
- (e) the Statement of the Poll;
- (f) the reserve supply of undistributed blank postal ballot papers;
- (g) a packet containing the stubs and unused postal ballot papers;
- (h) the sealed packets referred to in rules 79 and 85;
- (i) the envelope referred to in rule 85(2);
- (j) all other documents used for the election.

75. The Third Schedule to the Act is amended by repealing rules 99 and 100.

Rules 99 and 100
of Third Schedule
amended

76. Rule 101 of the Third Schedule to the Act is amended by substituting for paragraph (1) thereof, the following—

Rule 101 of
Third Schedule
amended

“Remuneration of returning officers, etc.

101. (1) For their services in relation to an election returning officers, presiding officers, deputy presiding officers, poll clerks and such other persons as may be employed by the Commission in connection with an election shall be paid such remuneration and allowances as the Commission may determine.”.

Fifth Schedule amended

77. The Fifth Schedule to the Act is amended—

- (a) by substituting for the words “twenty-one years” occurring in Forms Nos. 53 and 55B, the words “eighteen years”;
- (b) in Form No. 51 by substituting for the words “(Election rules 47(8) and 57(6))” the words “(Election rules 47(10), 56(3) and 57(6)).”;
- (c) by amending the appendix to Form 48, by inserting in paragraph (1)(a) thereof immediately after the words “presiding officer” occurring in line two the words “deputy presiding officer” and deleting the words “or machine attendant or custodian” occurring in lines two and three;
- (d) by deleting Forms Nos. 46A and 62A;
- (e) by repealing and replacing Forms Nos. 28, 28A, 40, 42, 42A, 45, 46, 50, 54, 58, 59, 61, 62 and 63 as set out in Part I of the Schedule;
- (f) by adding immediately after Form No. 65 a new form set out as Form No. 66 in Part II of the Schedule.

Section 34 (a) of the Constitution amended

78. Section 34(a) of the Constitution is amended by substituting for the words “the age of twenty-one years” occurring therein the words “the age of eighteen years”.

Act to be certified

79. (1) The Clerk of the Senate and the Clerk of the House of Representatives shall certify whether this Act is one the Bill for which has been passed by the Senate and the House, respectively, and at the final voting thereon in the Senate and in the House, respectively, has been supported, in the Senate by the votes of not

FORM No. 28A

[Registration rule 50(3)(a)]

THE REPRESENTATION OF THE PEOPLE ACT, 1967

Election to the Council of the.....Corporation

Preliminary List of Electors

Election district of.....Polling Division No.....

Comprising the area.....

.....

Name of elector (Family name first; names to be arranged in alphabetical order in groups under the several addresses in the polling division)	Qualifying property	Consecutive number
*.....		
.....		
.....		
†.....		
.....		
.....		

I,.....

registration officer for the registration area of.....

certify that the above is a true copy of the preliminary list of electors for the polling

division No.....in the said registration area.

Dated this.....day of....., 19.....

.....
Registration Officer for the registration area of
.....

*Here set out persons having residence qualifications.

†Here set out persons having property qualifications.

FORM No. 40

[Election rule 4(1)(a)]

THE REPRESENTATION OF THE PEOPLE ACT, 1967

Notice of Election of a Member/Members* for the Electoral District of.....

His Excellency the Governor-General having issued His Writ for the Election of a member/members* of the House of Representatives/Council of the..... Corporation/the..... County Council* for the electoral district of....., the Returning Officer of the said district will on the..... and..... days of now next ensuing between the hours of 9 a.m. to noon at..... examine and decide on the validity of the nomination papers of candidates, and the Returning Officer of the said district will on the..... day of....., 19....., now next ensuing between the hours of 9 a.m. to noon and 1 p.m. to 3 p.m. at....., proceed to the nomination, and if there is no opposition, to the election of a member/members* for the electoral district of.....

Nomination paper forms may be obtained at the office of....., between the hours of.....and.....daily except on Saturday and Sunday.

Every nomination paper must be signed by any six or more persons whose names appear on the lists of electors for the electoral district of..... and be handed to the Returning Officer between the said hours of 9 a.m. and noon.

No nomination paper shall be valid or acted upon by the Returning Officer unless it is accompanied by—

- (a) the consent in writing of the person therein nominated or, if he be absent from Trinidad and Tobago, of his duly authorised agent; and
(b) a deposit of two hundred and fifty dollars/one hundred dollars* in legal tender, by banker's draft, or, with the consent of the Returning Officer, in any other manner.

In the event of the election being contested the poll will take place between the hours of 6 a.m. and 6 p.m. on the.....day of.....19..... the count of the postal votes will take place thereafter at..... at the hour of.....p.m., and as soon as possible thereafter the preliminary results of the poll will be announced at the said place.

If no written request is received by the Returning Officer by 12 noon on..... the Returning Officer shall confirm the result revealed by the statement of the poll from all the polling stations and the count of the postal poll and declare the candidate recorded as having received the most votes to be elected.

In the event that a request is received for a final count such count shall be conducted at.....on the.....day of....., 19..... commencing at the hour of..... a.m./p.m. and thereafter the number of votes given for the several candidates will be determined in accordance with the election rules.

The Returning Officer shall not be required to give any other notice of the date, time and place of the final count other than that given above.

The office of the Returning Officer for the electoral district of..... is situate at.....

Date.....

Returning Officer for the electoral district of

*Delete if inapplicable.

(Election rule 8)

FORM No. 42

THE REPRESENTATION OF THE PEOPLE ACT, 1967

Statutory Declaration of a Person Nominated as a Candidate for Election as a Member of the House of Representatives

Qualification of..... nominated as a candidate for election as a member of the House of Representatives for the Electoral District of

I of in the ofdo solemnly and sincerely declare as follows:—

That I am duly qualified to be elected as a member of the House of Representatives for this Electoral District and that—

- 1. I am a citizen of Trinidad and Tobago of the age of eighteen years or upwards.
2. *I have resided in Trinidad and Tobago for a period of at least two years immediately before the date of my nomination for election.
3. I am not, by virtue of my own act, under any acknowledgment of allegiance, obedience or adherence to a foreign power or state.
4. I am not an undischarged bankrupt under any law in force in any part of the Commonwealth.
5. I am not a person certified to be insane or otherwise adjudged to be of unsound mind under any law in force in Trinidad and Tobago.
6. I am not under sentence of death imposed on me by a court in any part of the Commonwealth.
7. I am not serving a sentence of imprisonment exceeding twelve months imposed on me by a court in any part of the Commonwealth or substituted by competent authority for some other sentence imposed on me by such a court, nor am I under such a sentence of imprisonment the execution of which has been suspended.
8. I am not disqualified for membership of the House of Representatives by any law of Parliament by reason of my holding, or acting in, any office the functions of which involve—
(i) any responsibility for or in connection with the conduct of any election; or
(ii) any responsibility for the compilation or revision of any electoral register.
9. I am not disqualified for membership of the House of Representatives by virtue of any law of Parliament by reason of my having been convicted of any offence relating to elections.
10. I am not disqualified for membership of the House of Representatives by any law of Parliament by reason of—
(i) my holding or acting in any office or appointment specified by such law;
(ii) my belonging to any of the armed forces of the State specified by such law or to any class of person so specified that is comprised in any such force; or
(iii) my belonging to any police force specified by such law or to any class of person so specified that is comprised in any such force.

I make this declaration conscientiously believing the same to be true and according to the Statutory Declarations Ordinance, and I am aware that if there is any statement in this declaration which is false in fact which I know or believe to be false or do not believe to be true, I am liable to fine and imprisonment.

(Signed)

Declared before me this.....day of....., 19.....

(Signed)

FORM No. 42A

(Election rule 8)

THE REPRESENTATION OF THE PEOPLE ACT, 1967

Statutory Declaration of Agent of a Person Nominated as a Candidate for Election as a Member of the House of Representatives

Qualification of....., of (name) (address)

in the..... of nominated as a candidate for election as a member of the House of Representatives for the Electoral District of.....

I,..... of in the..... of..... do solemnly and sincerely declare as follows:—

That..... is duly qualified to be elected as a member of the House of Representatives for this Electoral District, and that—

- 1. He is a Citizen of Trinidad and Tobago of the age of eighteen years or upwards.
2. *He has resided in Trinidad and Tobago for a period of at least two years immediately before the date of his nomination for election.
*He is domiciled in Trinidad and Tobago and is resident therein at the date of his nomination for election.
3. He is not, by virtue of his own act, under any acknowledgment of allegiance, obedience, or adherence to a foreign power or state.
4. He is not an undischarged bankrupt under any law in force in any part of the Commonwealth.
5. He is not a person certified to be insane or otherwise adjudged to be of unsound mind under any law in force in Trinidad and Tobago.
6. He is not under sentence of death imposed on him by a court in any part of the Commonwealth.
7. He is not serving a sentence of imprisonment exceeding twelve months imposed on him by a court in any part of the Commonwealth or substituted by competent authority for some other sentence imposed on him by such court, nor is he under such a sentence of imprisonment the execution of which has been suspended.
8. He is not disqualified for membership of the House of Representatives by any law of Parliament by reason of his holding, or acting in, any office the function of which involve—
(i) any responsibility for or in connection with the conduct of any election; or
(ii) any responsibility for the compilation or revision of any electoral register.
9. He is not disqualified for membership of the House of Representatives by virtue of any law of Parliament by reason of his having been convicted of any offence relating to elections.
10. He is not disqualified for membership of the House of Representatives by any law of Parliament by reason of—
(i) his holding or acting in any office or appointment specified by such law;
(ii) his belonging to any of the armed forces of the State specified by such law or to any class of person so specified that is comprised in any such force; or
(iii) his belonging to any police force specified by such law or to any class of person so specified that is comprised in any such force.

I make this declaration conscientiously believing the same to be true and according to the Statutory Declarations Ordinance, and I am aware that if there is any statement in this declaration which is false in fact which I know or believe to be false or do not believe to be true, I am liable to fine and imprisonment.

Signed.....

Declared before me this.....day of.....19.....





Signed.....

FORM No. 45

[Election rule 22(4)]

BALLOT PAPER

(Front)

	1. Emmanuel RONSON 475, Marli Street Insurance Broker	
Consecutive No.	2. Conrad D. BABULAH 72, Chancery Lane Engineer	
Voter's No. on Revised List of Electors	3. Francis OCEAN 291, Hoyle Street Merchant	
.....	4. Krishna RAMPERSAA Southern Main Road Financier	

(Back)

THE REPRESENTATION OF THE PEOPLE ACT, 1967

BALLOT PAPER

PARLIAMENTARY ELECTION

Electoral District of

Polling Day:

Space for Initials of P.O.

FORM No 46

[Election rule 31(a)]

THE REPRESENTATION OF THE PEOPLE ACT, 1967

Directions for the guidance of electors in voting where one candidate is to be elected

1. A person is entitled to vote only if:—
 - (a) he is registered as an elector in an unit register or his name appears on the revised list of electors for that polling station;
 - (b) he is qualified to be registered as an elector on the qualifying date.
2. An elector may not:—
 - (a) give more than one vote for any one candidate;
 - (b) vote for more than one candidate;
 - (c) vote in more than one electoral district or in more than one polling station in an electoral district.
3. An elector may vote only at the polling station where his registration record card appears in the unit register of electors or where his name appears on the revised list of electors.
4. An elector must:—
 - (a) hand his identification card (if any) to the poll clerk;
 - (b) if he has not handed his identification card to the poll clerk, give his name and address to the poll clerk;
 - (c) sign his name or make his impression on the poll card handed to him by the poll clerk;
 - (d) hand his identification card (if any) and the poll card to the presiding officer;
 - (e) where the poll card is handed to him by the presiding officer present the same to the Deputy Presiding Officer.

The deputy presiding officer will then hand to the elector a rubber stamp with an (X) mark or such other instrument as provided for electors to mark their ballot paper at the polling station, and then direct the elector to the voting booth. The elector will then either imprint an (X) with the rubber stamp provided or make a mark in the form of an (X) within the horizontal lines containing the name and other particulars of the candidate for whom he votes in the space to the right of the candidate's symbol.

The elector shall then fold the ballot paper so that the initials of the presiding officer can be seen without opening the ballot paper; he shall then return the ballot paper so folded together with the poll card to the presiding officer who shall, after satisfying himself that the folded paper is the ballot which was handed to the voter, require the voter to immerse his finger into the electoral ink and hand over the poll card to the deputy presiding officer. After the elector has complied with these instructions he shall then permit the voter to insert his ballot into the ballot box in the presence of those persons in the polling station.

The deputy presiding officer will then indicate in the space provided in the poll card that the elector has voted and insert the poll card into the poll card box. The elector shall then forthwith quit the polling station.

If an elector inadvertently spoils a ballot paper he may return it to the presiding officer who on being satisfied of the fact will give him another.

If an elector votes for more than one candidate or places any mark on the ballot paper by which he can afterwards be identified his vote will be void and will not be counted.

Illustrated below is a vote cast for the candidate of the voter's choice. The ballot paper given an elector will have one or more other names similarly set out. The voter is to mark or imprint an 'X' against the name of the candidate of his choice as shown in the specimen.

The Presiding Officer will instruct the elector in the manner in which the ballot is to be folded.

OCEAN, Francis
891, Hayes Street,
Merchant

Symbol X

[Election rule 45(4)]

FORM No. 50

THE REPRESENTATION OF THE PEOPLE ACT, 1967

Declaration by elector without Identification Card

Electoral District ofPolling Station No.....

I, do solemnly and sincerely declare as follows:—

1. That I reside at

2. That I was born at.....

on the day of, 19.....

3. That my occupation is

4. That my number on the revised list of electors for this polling station is

5. My name does not appear on the Revised List of Electors but my registration record card appears in the unit register of electors for this Polling Station.

6. I am unable to produce my identification card for the following reason—

.....

(Signature of declarant or mark of declarant and signature of witness to such mark)

Declared before me thisday of....., 19.....

Poll Clerk

[Election rule 56(1)]

FORM No. 54

THE REPRESENTATION OF THE PEOPLE ACT, 1967

Oath of a Personated Elector

You swear that you are
(name as on list of electors)

of
(address as on list of electors)

whose name is entered on the list of electors now shown you/whose card appears
in the unit register of electors for this polling division.

So HELP YOU GOD

FORM No. 58

THE REPRESENTATION OF THE PEOPLE ACT No. 41/67

Statement of the Poll

Electoral District of.....Polling Station

Table with 2 columns: Description and Count. Rows include: Number of ballot papers received from the Returning Officer, Number of ballots cast for (multiple rows), and Number of rejected ballots.

- (a) Total number of ballots found in box
(b) Suspect ballots taken from envelope for suspect ballots and added to those at (a) and counted
(c) Number of destroyed ballot papers
(d) Number of spoiled ballot papers
(e) Number of unused ballot papers undetached from the books

Total

Number of Poll cards found in Poll card box

Number of names on official list of electors used at the Polling Station

I hereby certify that the above statement is correct and that a copy was handed to the Deputy Presiding Officer, the Poll Clerk and to each of the candidates or their agents who were present at the count.

Dated atthisday of....., 19.....

Certified in the presence of:
Deputy Presiding Officer.....
Poll Clerk
and Candidate/Agent.....

FORM No. 59

[Election rule 63(4)]

THE REPRESENTATION OF THE PEOPLE ACT, 1967

Oath of Messenger sent to collect ballot boxes, poll card boxes and carrying cases

I,

messenger appointed by.....

returning officer for the electoral district of.....

do swear that the several ballot boxes to the number of.....

poll card boxes to the number of.....and carrying cases to the

number of.....which were used at polling stations

Nos.of this electoral district on polling day

now delivered by me to.....were handed to me by.....

that they have not been opened by me or any other person and that they are in the

same state as they were in when they came into my possession.

.....
Signature

Sworn before me at.....this.....day

of....., 19.....

.....
Returning Officer
(or as the case may be)

FORM No. 61 [Election rule 71(3)]
POSTAL BALLOT PAPER

(Front)

1. Emmanuel
RONSON
475, Marli Street
Insurance Broker



Consecutive

No.

2. Conrad D.
BABULAH
72, Chancery Lane
Engineer



Voter's No.
on List of
Postal
Electors

3. Francis
OCEAN
291, Hoyle Street
Merchant



4. Krishna
RAMPERSAA
Southern Main Road
Financier



(Back)

THE REPRESENTATION OF THE PEOPLE ACT, 1967

POSTAL BALLOT PAPER

PARLIAMENTARY ELECTION

Electoral District of

Polling Day:

Space for
Initials
of R.O.

(Front of Form)

FORM No. 62

[Election rule 71(3)]

THE REPRESENTATION OF THE PEOPLE ACT, 1967

Declaration of Identity

I hereby declare that I am the person to whom the ballot paper numbered as above and the envelope in which it was enclosed (both of which I now produce) were sent.

.....
Elector's signature

The above named, who is personally known to me, has produced the ballot paper and the envelope above referred to, and has signed the above declaration in my presence.

Witness's signature

Witness's address

.....

.....

(See instructions on the back of this form)

(Back of Form)

Directions for the guidance of postal electors in voting when one candidate is to be elected

- 1. A person is entitled to vote only if:—
(a) he is registered as an elector in a unit register or his name appears on the revised list of electors for the polling station; and
(b) he is qualified to be registered as an elector on polling day.
2. An elector may not:—
(a) give more than one vote for any one candidate;
(b) vote for more than one candidate;
(c) vote in more than one electoral district.
3. A postal elector may vote only on the ballot paper sent to him through the post by the returning officer of the electoral district in which he is registered.
4. Before marking the ballot paper sent to him the elector must produce:—
(a) the ballot paper showing the number thereon;
(b) this declaration; and
(c) the envelope in which the elector has received this declaration and the ballot paper,
to some person to whom the elector is known, who will witness the declaration of identity (see other side).
5. The elector must sign the declaration of identity in the presence of the witness.
6. The elector must vote by marking the ballot paper in ink or in pencil with a mark in the form of a cross in the space containing the name of the candidate for whom he votes thus X. The mark should preferably be made on the right-hand side of the paper.
7. The elector must not allow any person to see how he has voted.
8. After voting the elector must fold the ballot paper from right to left so that the numbers on the counterfoil and the initials of the returning officer on the ballot paper can be seen. It is important that this should be done; otherwise the way in which the elector voted may become known during the counting of the postal ballots. If ink is used in marking the ballot paper it is advisable to allow the ink to dry before folding.
9. Immediately after voting the voter must place the marked and folded ballot paper in the enclosed small envelope on which are printed the words "ballot paper envelope" and fasten it up. He must then place the ballot paper envelope, together with this paper, in the other larger enclosed envelope addressed to the returning officer and despatch the same by post without delay. Unless the voter returns the ballot paper to the returning officer on or before 6.00 p.m. on polling day it will not be counted.
10. If an elector votes for more than one candidate, makes a mark that is not recognisable as a cross or places any mark on the ballot paper by which he can afterwards be identified or omits to complete and forward his declaration of identity with his postal ballot paper his vote will be void and will not be counted.
11. If more than one ballot paper is received it must be remembered that it is illegal to vote more than once at the same election.

FORM No. 63

[Election rule 73(1)]

THE REPRESENTATION OF THE PEOPLE ACT, 1967

Declaration of Secrecy (Postal Poll)

I, of do solemnly promise and declare that I will not do anything forbidden by subsection (4) or (6) of section 63 of the Representation of the People Act, 1967, set out in the appendix hereto, which have been read to me.

(Signature of declarant)

Declared before me this day of 19.....

Justice of the Peace* / Returning Officer / Election Clerk

APPENDIX

63. (4) Every person attending the proceedings in connection with the issue of the opening of postal ballot papers shall maintain and aid in maintaining the secrecy of the voting and shall not—

- (a) except for some purpose authorised by law, communicate to any person at any time any information obtained at those proceedings as to the number on the stub of the postal ballot paper sent to any person;
(b) except for some purpose authorised by law, attempt to ascertain at the proceedings in connection with the receipt of postal ballot papers;
(c) attempt to ascertain at the proceedings in connection with the opening of postal ballot papers the candidate for whom any vote is given in any particular postal ballot paper or communicate any information with respect thereto obtained at those proceedings.

(6) If any person fails to comply with or contravenes this section he is liable on summary conviction to a fine of two hundred and fifty dollars or to imprisonment for a term of six months.

PART II

FORM No. 66

THE REPRESENTATION OF THE PEOPLE ACT, 1967

Appointment of Agent for final count/check of result of poll

I, nominated to/the election agent of who has been nominated to* serve as a member of the House of Representatives/the Council of the Corporation/the County Council* for the electoral district of do hereby appoint whose address is as my/his* agent to be present at the final count/check of the result of the poll for the above electoral district to attend the counting of the votes and the declaration of the result of such count.

Dated this day of 19.....

Candidate / Election Agent*

I accept the above appointment

*Delete if inapplicable,

Passed in the House of Representatives this 14th day of April, 1976.

J. E. CARTER
Clerk of the House

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed by the House of Representatives and at the final vote thereon in the House has been supported by the votes of not less than three-fourths of all the members of the House, that is to say by the votes of 32 members of the House.

J. E. CARTER
Clerk of the House

Passed in the Senate this 27th day of April, 1976.

R. L. GRIFFITH
Clerk of the Senate

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed by the Senate and at the final vote thereon in the Senate has been supported by the votes of not less than two-thirds of all the members of the Senate, that is to say by the votes of 22 Senators.

R. L. GRIFFITH
Clerk of the Senate