
Fifth Session Third Parliament Trinidad and Tobago
25 Elizabeth II



Am 2
No 28 1976 (253)

TRINIDAD AND TOBAGO
Act No. 28 of 1976

[L.S.]

AN ACT to amend the Representation of the People Act,
1967.

[Assented to 18th June, 1976]

BE IT ENACTED by the Queen's Most Excellent Majesty, Enactment
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:—

1. This Act may be cited as the Representation of Short title
the People (Amendment) (No. 2) Act, 1976.

Section 2 of
Act amended

2. Section 2(1) of the Representation of the People Act, 1967 (hereinafter referred to as "the Act") is amended by substituting in their appropriate alphabetical order for the definitions of "postal ballot box", "postal ballot paper" and "postal elector" occurring therein the following new definitions:—

"special ballot box" has the meaning assigned to it in the election rules;

"special ballot paper" has the meaning assigned to it in the Election Rules;

"special elector" has the meaning assigned to it in the Election Rules."

Section 3 of
Act amended

3. Section 3(2) of the Act is repealed and replaced as follows:—

"(2) There shall be a Chief Election Officer who shall, subject to any general or special directions of the Commission, perform such functions and duties and exercise such powers of the Commission in such manner as the Commission may from time to time direct including any of the following duties:—

(a) to make such arrangements and do such things as are necessary for the initiation and maintenance of the unit and central registers in accordance with this Act, and for that purpose to make arrangements for the preparation and issue of the necessary forms and instruments and for the collection and keeping of such records as may be necessary;

(b) to issue to election officers such instructions as he may, from time to time, deem necessary to ensure the effective execution of the provisions of this Act; and

(c) to execute and perform all other powers and duties that by this Act or by the Commission are conferred or imposed on him."

Section 14 of
Act amended

4. Section 14(c) of the Act is amended by deleting all the words occurring after the words "preceding the qualifying date".

5. Section 65(4) of the Act is amended by substituting for the words "postal ballot papers" wherever they appear in the subsection the words "special ballot papers". Section 65 of Act Amended

6. (1) Section 71(1) of the Act is amended by substituting for the words "postal ballot paper" wherever they appear in the subsection the words "special ballot paper". Section 71 of Act amended

(2) Section 71 of the Act is amended by substituting for the words "postal elector" occurring therein the words "special elector".

(3) Section 95 of the Act is amended by substituting for subsection (1)(c) the following—

"(c) for which he is entitled to vote as a special elector, otherwise than in accordance with Part IV of the election rules."

7. (1) Section 100(3) of the Act is amended by substituting for the words "postal ballot paper" occurring in the penultimate line thereof the words "special ballot paper". Section 100 of Act amended

(2) Rule 2 of the Registration Rules, 1967 (in this section referred to as "the Registration Rules") is amended by substituting for the definitions of "Forces Postal Elector" and "police postal elector" the following definitions, respectively:—

"Forces special elector means a member of the Trinidad and Tobago Defence Force who is entitled under the election rules to vote as a special elector;

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"police special elector" means a member of the Police Service, established under the Police Service Act, 1965, a member of the Special Reserve Police established under the Special Reserve Police Ordinance and a member of the police force of any Municipality or Borough who is entitled under the election rules to vote as a special elector."

(3) Rule 28(5) of the Registration Rules is amended by substituting for the words "police postal

electors, of the Trinidad and Tobago Defence Force postal electors” occurring therein the words “police special electors, of the Forces special electors”.”

Rule 2 of the
Rules amended

8. Rule 2(1) of the Election Rules, 1967 (hereinafter referred to as “the Rules”) is amended as follows:—

(a) by substituting in their appropriate alphabetical order for the definitions of “postal ballot box”, “postal ballot paper”, “postal elector” and “postal voter” occurring therein the following new definitions:—

““special ballot box” means a ballot box specially provided for the purpose of special voting under Part IV;

“special ballot paper” means a ballot paper issued to a special elector under rule 71;

“special elector” means an elector whose name appears on a list of special electors;

“special voter” means a special elector who has cast his vote at an election;”;

(b) by substituting for the definition of “registration of postal electors” occurring therein the following:—

““registration of special electors” means the registration of special electors referred to in rule 69;”;

(c) by substituting for the definition of “list of postal electors” occurring therein the following:—

““list of special electors” means a list of electors prepared under rule 68;”.

Part IV of the
Rules amended

9. Part IV of the Rules is amended by substituting for the word “postal” wherever it occurs in the Part the word “special”.

10. Rule 64(k) of the Rules is revoked. Rule 64 of the Rules amended
11. Rule 65 of the Rules is revoked and replaced as follows:— Rule 65 of the Rules revoked and replaced
- “Voting by special elector” 65. (1) Where his application is allowed under paragraph (1) of rule 67 an elector referred to in rule 64 may be treated as a special elector.
- (2) A special elector shall cast his ballot in the manner and at the time and place fixed for the casting of votes of special electors of the category to which he belongs as specified in rule 64.”
12. Rule 66 of the Rules is revoked and replaced as follows:— Rule 66 of the Rules revoked and replaced
- “Voting on polling day” 66. A special elector is not entitled to vote at a polling station on polling day at an election for which he is a special elector. A special elector may vote only in accordance with the provisions of this Part.”
13. Rule 70A of the Rules is amended by deleting the words “and of declarations of identity” occurring in lines one and two thereof. Rule 70 of the Rules amended
14. Rule 71 of the Rules is amended as follows:— Rule 71 of the Rules amended
- (a) in subsection (2) thereof by deleting the words “and a declaration of identity” occurring in line three thereof;
- (b) in subsection (3) thereof by deleting the words “and a declaration of identity shall be in the form set out as Form No. 62 or Form No. 62A in the Fifth Schedule.”
15. Rule 76 of the Rules is revoked and replaced as follows:— Rule 76 of the Rules revoked and replaced
- “Covering envelope” 76. The returning officer shall, in addition to the special ballot paper which he is required by rule 71 to send to a special elector, send a covering envelope.”

Rule 78 of the
Rules amended

16. Rule 78(1) and (2) of the Rules are revoked and replaced as follows:—

“Special
Polling
stations

78. (1) The returning officer for each electoral district shall establish special polling stations at his office at which special electors for that electoral district may cast their ballots.

(2) For such purpose immediately after the issue of special ballot papers the returning officer shall provide a ballot box or ballot boxes.”.

New rule 79A
inserted

17. The Rules are amended by inserting the following new rule 79A—

“Hours of
special
polling
station

79A. The hours of operation of a special polling station established for an electoral district under rule 78 shall be published in the *Gazette* and in at least one daily newspaper circulated in Trinidad and Tobago.

Establish-
ment of
additional
special
polling
station

79B. (1) Where the Commission is of the opinion—

(a) that any category of special elector as specified in rule 64 would be unable to vote at the polling station established under rule 78; or

(b) that it is desirable for the convenience of the special electors of any such category to establish additional special polling stations for the purpose,

it may establish such additional polling stations as it considers appropriate.

(2) Such additional special polling stations may be established at such places as the Commission considers convenient and shall be open for use by the category of special elector referred to in paragraph (1) without restriction as regards the electoral district to which he belongs.

Times of
opening of
special
polling
stations

79C. (1) A special polling station established under rule 79B shall be open at such times and places as may be fixed by the Commission.

(2) The Commission shall give at least two days' notice of the establishment of such special polling station and shall state the class of special electors who may vote at such special station.

Minimum
duration
of poll

79D. No special polling station established under rule 79B may be opened later than four days before polling day.

Presiding
officers

79E. The voting at a special polling station established under rule 79B shall be supervised by special presiding officers appointed by the Commission.

Supervision
by returning
officer

79F. The voting at a special polling station established under rule 78 shall be supervised by the returning officer or his election clerk, and in so doing such returning officer or election clerk shall be designated a special presiding officer.

Duties of
employers
of certain
Institutions

79G. Each employer or person in charge of an Institution shall, where notice is given to him by the Commission of its intention to establish a special polling station for the convenience of persons working, resident or confined in an area under his control, shall provide such facilities as may be necessary for the special presiding officer to function and for such special electors to cast their vote in secrecy.

Procedure
on special
voting

79H. Before a special elector is permitted to cast his vote, the special presiding officer shall, after the special elector has identified himself—

- (a) request the special elector to supply his name and address and occupation, and where the polling station is established under rule 79B, the electoral district for which he is a special elector, the

- covering envelope and if available, his identification card;
- (b) check the list of special electors for that electoral district supplied to him by the Chief Election Officer to establish whether there is an entry corresponding to the information given;
 - (c) where the check required by paragraph (b) establishes the information given, request him to display—
 - (i) the special ballot paper in his possession so as to ensure that it has not yet been marked for any candidate, and if unmarked, that it bears an initial in the area reserved for signature of the returning officer;
 - (ii) the covering envelope bearing the address of the returning officer for his electoral district with the declaration of identity;
 - (d) request him to complete and sign the declaration of identity on the outside of the covering envelope and compare the signature placed thereon with that on the identification card if presented;
 - (e) provide the special voter with the rubber stamp or any other writing instrument for him to mark the ballot for the candidate of his choice and then direct him to the area provided for voters to mark their ballot in secrecy and instruct him in the form in which it is to be folded when being returned;

- (f) after the special elector has marked his ballot paper and displayed the folded ballot, the special presiding officer shall ensure that the folded ballot bears the initial of the returning officer in the space provided, request him to place it first in the envelope provided for the ballot and the two into the covering envelope addressed to the returning officer for the appropriate electoral district and after sealing same cause him to insert it into the special ballot box;
- (g) every special presiding officer shall keep a record at a special polling station in which he shall enter the name, address and identification card number, if available, of a special elector and whether or not such special elector has voted and he shall cause every special elector who has voted at that special polling station to sign the entry referred to in this paragraph.”.

18. Rule 80 of the Rules is revoked and replaced as follows:—

Rule 80 of the Rules revoked and replaced

“Procedure after the close of the special polling station

80. (1) A special polling station established under section 79B shall be closed at the hour specified in the notice published by the Chief Election Officer for the casting of special votes at that special polling station. After that hour no further ballots shall be inserted into the ballot box.

(2) The special presiding officer shall, in the presence of at least one witness, open the ballot box and without opening the covering envelopes, count them and record on a form to be provided by the Chief Election Officer the total number of envelopes contained in the ballot box.

(3) The special presiding officer shall then count the number of covering envelopes addressed to each returning officer and make an entry to that effect on the form referred to in this paragraph.

(4) The special presiding officer shall place the covering envelopes addressed to each returning officer into a special envelope on which shall be written the name of the electoral district to which the ballots relate and the number of covering envelopes contained therein.

(5) The special envelope shall then be sealed by the special presiding officer and the witness or witnesses present shall be invited to do the same.

“Transmission of special ballots to the appropriate returning officer

80A. (1) After the special ballots in the covering envelope have been placed into special envelopes in accordance with Rule 80, the special presiding officer shall forthwith personally deliver all such special envelopes to the Chief Election Officer who shall give the special presiding officer a receipt to the effect that he received the special envelopes and that they were properly sealed.

(2) The Chief Election Officer shall make the necessary arrangements for the delivery of every such special envelope to the returning officer to whom it has been addressed.

(3) The returning officer shall give the Chief Election Officer or a person designated by him a receipt to the effect that he has received the envelopes and that they were properly sealed.

80B. The returning officer shall immediately on receipt of the special envelope—

- (a) open such envelope and ascertain that the number of covering envelopes contained therein tallies with the number recorded by the

- special presiding officer on the outside of the special envelope;
- (b) check the name and address appearing on the declaration of identity on each covering envelope against the list of special electors;
 - (c) where the declaration of identity is incomplete, return the covering envelope to the special presiding officer for completion;
 - (d) record individually in the record book at the polling station the name and address of each elector as recorded on the declaration of identity on the covering envelope and the special polling station at which the vote was cast; and
 - (e) without opening the covering envelopes insert them into the ballot box provided at his office for the reception of special ballots.

19. Rule 84 of the Rules is revoked and replaced as follows:—

“Procedure on receipt of special ballots

84. (1) The returning officer shall then separately open each covering envelope contained therein.

(2) Where such envelope does not contain a special ballot paper the returning officer shall mark the covering envelope “No ballot paper” and also “rejected” and attach thereto the contents (if any) of the said envelopes, and place the same into a separate receptacle (hereinafter referred to as “the receptacle for votes rejected”).

(3) Where such envelope does contain a special ballot paper the returning officer shall satisfy himself that—

- (a) the declaration of identity printed on the covering envelope has been duly signed;

Rule 84 of the Rules revoked and replaced

- (b) the signature on the declaration of identity corresponds with the signature on the registration record card of such elector in the register of special electors;
- (c) that the initials appearing on the special ballot paper are the initials of the returning officer.

(4) If the returning officer is not satisfied as in paragraph (3) he shall—

- (a) mark on the covering envelope the word “rejected”, if his dissatisfaction is in respect of subparagraph (a) and (b) of paragraph (3);
- (b) mark the special ballot paper “rejected” if his dissatisfaction is in respect of subparagraph (c) of paragraph (3);
- (c) show the declaration and the registration record card to the persons referred to in paragraph (1) of rule 82;
- (d) place the covering envelope in the receptacle for votes rejected;
- (e) add the words “rejection objected to” and the letter “Q” to the covering envelope if an objection is made by a candidate or an election agent or any counting agent to his decision.

(5) If the returning officer is satisfied as in paragraph (3) he shall—

- (a) place the covering envelope on which the declaration of identity is printed in a separate receptacle (hereinafter referred to as “the receptacle for covering envelopes”);

(b) place the special ballot paper in the special ballot box;

(c) mark the letter "V" opposite the name of the elector on two copies of the list of special electors.

(6) On opening a covering envelope, if a special ballot paper therein is unfolded, the returning officer shall immediately fold same taking all proper precautions for preventing any persons from seeing the face of the special ballot paper.

20. Rule 85(1) of the Rules is amended by deleting the words "for declaration of identity, for special ballot envelopes and for ballot counter foils" occurring therein and by substituting the following therefore "for covering envelopes". Rule 85 of the Rules amended

21. Rule 90 of the Rules is amended by inserting immediately after the words "but shall be subject to" occurring therein, the words "a check by the Chief Election Officer under rule 96 or to". Rule 90 of the Rules amended

22. The Rules are amended by inserting immediately after rule 90B the following new rule:— Rule 90c of the Rules inserted

"Police assistants

90c. The Commission may require the Commissioner of Police to provide the necessary police officers for duty in order to ensure the safety of the special ballot while in his possession or in the possession of a returning officer or special presiding officer."

Passed in the House of Representatives this 28th day of May, 1976.

J. E. CARTER
Clerk of the House

Passed in the Senate this 1st day of June, 1976.

R. L. GRIFFITH
Clerk of the Senate

