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**THE VOTERS REGISTRATION AND ELECTION
REGULATIONS ORDINANCE 1994
(No. 14 of 1994)**

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THE VOTERS REGISTRATION AND ELECTION

REGULATIONS ORDINANCE 1994

(No. 14 of 1994)

Assent April 14, 1994
Publication in the Gazette April 15, 1994
Commencement See section 1(2)

AN ORDINANCE to repeal and re-enact with modifications the Voters Registration and Election Regulations 1987.

PART I

PRELIMINARY

Short title, commencement 1. (1) This Ordinance may be cited as the Voters Registration and Election Regulations Ordinance 1994.

(2) This Ordinance shall come into operation on such day or days as the Governor may appoint by notice published in the Gazette ; and the Governor may appoint different days for the coming into operation of different provisions of this Ordinance.

Interpretation 2. (1) In this Ordinance unless the context otherwise requires -

"by-election" means an election other than a general election;

"Constitution" means the Constitution of the Turks and Caicos Islands set out in Schedule 2 to the Turks and Caicos Islands Constitution Orders 1988 to 1993;

"election" means an election of a member or members to serve in the Legislative Council;

"election documents" means the documents which the returning officer is required by section 44(1) to transmit to the Supervisor of Elections after an election;

"election officer" includes the Supervisor of Elections, every registering officer, returning officer, presiding officer, poll clerk or other person having any duty to perform pursuant to this Ordinance, to the faithful performance of which duty he may be sworn;

No. of 1994

"electoral district" means an electoral district as defined in the Electoral Districts (Boundaries) Ordinance 1994;

Form No. 17

"poll book" means the book in the form set out as Form No. 17 in Schedule I in which the name and other particulars of every person applying to vote are consecutively entered by the poll clerk as soon as the applicant's right to vote at the polling station has been ascertained and before any such applicant is allowed to vote;

"polling day" means the day fixed for holding the poll at any election;

"polling division" means any polling division constituted in accordance with the provisions of section 5 and to which the whole or a part of the register of voters for a polling division is allotted;

"polling station" means any room secured by the returning officer for the taking of the votes on polling day and to which the whole or a part of the register of voters for a polling division is allotted;

"qualifying date" means the date appointed by the Governor under subsection (3) as the date with reference to which the qualifications of persons for registration as electors for the purpose of the election of members of the Legislative Council are to be ascertained;

"rejected ballot paper" means a ballot paper which has been handed by the presiding officer to a voter to cast his vote but which at the close of the poll has been found in the ballot box unmarked or so improperly marked that in the opinion of the returning officer it cannot be counted;

"returning officer" means in relation to an electoral district, the officer appointed by the Governor in that behalf under section 7;

"revising officer" means the person appointed under section 14 for the purpose of revising and settling the list of voters referred to in section 10;

"specified day" means the day specified by the Governor under section 10 (1) for compiling the preliminary list of voters;

"spoiled ballot paper" means a ballot paper which, on polling day, has not been deposited in the ballot box but has been found by the presiding officer to be spoiled or improperly printed, or which has been handed by the presiding officer to a voter to cast his vote, and

- (a) has been spoiled in marking by the voter, and
- (b) has been handed back to the presiding officer and exchanged for another;

"voter" means any person who votes or is entitled to vote at an election;

"voting symbol" means the voting symbol assigned to a political party under the provisions of section 19;

"writ" means the writ for an election .

(2) Where in this Ordinance -

- (a) any notice, list or any other instrument is required to be published, then unless the contrary intention appears in any section, the publication thereof shall be made by posting the same on the door of any court house, church, chapel, schoolhouse or such other building in the Islands as in the opinion of the Governor is suitable for the purpose:

Provided that in places where there is no such building as aforesaid, such instrument may be posted in a conspicuous place; and

- (b) any paper, list or report is required to be printed under this Ordinance such paper, list or report may, instead of being so printed be represented or reproduced by means of a typewriter, roneo, cyclostyle or other similar apparatus or by any other method by which words, figures and signs may be represented or reproduced in visible form.

(3) The Governor may by proclamation published in the Gazette appoint the qualifying date.

PART II

ELECTORAL DISTRICTS AND REGISTRATION OF VOTERS

Appointment,
powers and
duties of
Supervisor of
Elections

3. The Governor shall appoint a Supervisor of Elections who shall -
- (a) exercise general direction and supervision over the administrative conduct of elections and enforce on the part of all election officers, fairness, impartiality and compliance with the provisions of this Ordinance;
 - (b) issue to election officers such instructions as may from time to time be deemed necessary to ensure effective execution of the provisions of this Ordinance; and
 - (c) execute and perform all other powers and duties which by this Ordinance are conferred and imposed upon him.

Electoral
districts

4. (1) For the purposes of the election of members of the Legislative Council and of compiling and revising the lists of persons entitled to vote at such elections, the Islands shall be divided into thirteen electoral districts as defined in the Electoral Districts (Boundaries) Ordinance 1994.

(2) Each electoral district shall be represented on the Legislative Council by one elected member.

Polling
divisions

5. (1) Each electoral district shall be a polling division.

(2) Notwithstanding the provisions of subsection (1) of this section the Supervisor of Elections with the approval of the Governor may divide any electoral district into so many polling divisions and with such boundaries and descriptions as he may by notice appoint. Every such notice shall be published.

(3) The Supervisor of Elections may in like manner from time to time vary the number, descriptions and boundaries of any polling division so appointed.

(4) In determining the boundaries of any polling division, the Supervisor of Elections shall have regard to geographical and population

considerations and such other factors as may affect the facility of communication between various places within the polling division.

Appointment of
registering
officers, etc

6. (1) The Supervisor of Elections shall from time to time appoint a registering officer for each electoral district who shall be qualified as a voter in that electoral district and who shall preferably be resident therein.

(2) A registering officer shall have such powers and be charged with such duties as hereinafter provided.

Form No. 12

(3) Every registering officer shall, before entering on his duties as such take and subscribe to an oath in the form set out in Form No. 12 in Schedule I and shall transmit such oath to the Supervisor of Elections.

Appointment
of returning
officer

7. (1) The Governor may on the recommendation of the Supervisor of Elections from time to time appoint a fit and proper person to be the returning officer for each electoral district.

Form No. 13

(2) Forthwith upon his appointment each returning officer shall take and subscribe to an oath in the form set out as Form No. 13 in Schedule I and transmit such oath to the Supervisor of Elections.

Taking of
oaths

8. (1) Every election officer and every person who is required by any of the provisions of Part II or Part III of this Ordinance to take an oath may take such oath either before the Magistrate, a Justice of the Peace, the Supervisor of Elections or before any returning officer or presiding officer or poll clerk appointed in accordance with the provisions of this Ordinance and every such Magistrate, Justice of the Peace, returning officer, presiding officer, poll clerk and the Supervisor of Elections is hereby authorised and empowered to administer any oath required by the said provisions of Part II or Part III of this Ordinance to be made or taken by any election officer or other person.

(2) Every person who is required to take an oath in pursuance of any of the provisions of Part II or Part III of this Ordinance may elect to make a solemn affirmation instead of taking such oath.

Remuneration
of officer

9. There shall be paid to the Supervisor of Elections, each registering officer, assistant registering officer, returning officer and to any other

election officer appointed under this Ordinance such remuneration for their services and such allowances in respect of travelling and other expenses incurred by them as the Governor may approve.

Compiling
list of voters

10. (1) A list of voters qualified to be registered as such under section 27 (1) of the Constitution (hereinafter in this Ordinance referred to as "the preliminary list of voters") shall be compiled for each electoral district of all persons entitled to vote at the election of a member of the Legislative Council for an electoral district -

- (a) on such day as the Governor may appoint by proclamation published in the Gazette as soon as possible after the commencement of this Ordinance ;
- (b) thereafter on such day as the Governor may appoint by proclamation published in the Gazette in no case being more than three years after the date of the return of the first writ at the last preceding general election or more than three years after the last occasion on which the revised preliminary list for that electoral district was certified by the revising officer under section 16 (2).

(2) If for any cause the registering officer fails to compile the preliminary list for his electoral district so that by reason thereof the Register of Voters (as described in section 16(3)) for that electoral district cannot be brought into force, the Register of Voters in force immediately before the new Register of Voters should have come into force shall continue in operation and be deemed to be the Register of Voters for such electoral district.

Commencement
of enumeration

11. (1) It shall be the duty of every registering officer with effect from the specified day in respect of an electoral district to proceed to compile the preliminary list for the electoral district for which he is appointed.

- (2) Every registering officer shall-
 - (a) immediately after his appointment affix on two public buildings in each polling division comprised in the electoral district, or, if there be no public buildings in any such division, on two other buildings therein, with the prior permission of the occupants, a copy of a registration notice in the form set out as Form No. 1 in Schedule I;
 - (b) within the period specified in section 12(1) use his best endeavours to ascertain the name, address and occupation of every person who

Form No 1

on the qualifying date is qualified to be registered as a voter for the election of a member of the Legislative Council in the electoral district for which he has been appointed and he may obtain the information he requires by a house to house enquiry.

The names, addresses and occupations of all voters who are included in the enumeration in the preliminary list shall be written down in the manner and form specified in section 12 with the names of the voters grouped according to the initial letters of their surnames, and with the surname, given names, address and occupation of each being fully stated;

- (c) exercise the utmost care in preparing the preliminary list for the electoral district for which he has been appointed, taking all necessary precautions to ensure that the list when completed contains the name, address and occupation of every qualified voter in the said electoral district and that it does not contain the name of any person who is not so qualified.
- (3) Any registering officer who wilfully and without reasonable excuse-
 - (a) refuses to prepare the preliminary list as provided in section 11(2)(b); or
 - (b) omits from the preliminary list the name of any person entitled to have his name entered thereon; or
 - (c) enters on the preliminary list the name of any person who is not entitled to have his name entered thereon,

shall be guilty of an offence and shall be liable on summary conviction to a fine of one thousand dollars and in addition forfeiture of the right to all or part of the payment for his services as a registering officer.

- (4) (a) The registering officer may require any householder or person owning or occupying any premises to give such information as he may require for the purposes of preparing the preliminary list.
- (b) Without prejudice to the generality of paragraph (a), the registering officer may require any householder or person

owning or occupying any premises to complete and return to him within fourteen days of its receipt by him such form as may be prescribed.

(c) Any person who without reasonable excuse fails to give any information required under paragraph (a) or to complete and return a form in accordance with paragraph (b) shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding five hundred dollars.

(5) (a) The registering officer before entering the name of any person in a preliminary list may, if he thinks it necessary, require such person to appear before him and produce his birth certificate and make and sign a declaration in the prescribed form showing the qualifications for his name to be included in the preliminary list.

(b) The registering officer may omit from a preliminary list the name of any person who fails within fourteen days to appear before him or to produce his birth certificate or to make and sign a declaration when so required under paragraph (a).

(6) Where a person qualified to be registered as a voter in an electoral district is of the opinion that he is likely to be temporarily absent from that electoral district when the preliminary list and the Register of Voters are being prepared, that person may appoint in writing in the form set out in Form No. 2 in Schedule I and in the prescribed manner another person to act as his agent for the purpose of ensuring his registration as a voter in that electoral district.

Form No. 2

(7) An agent appointed by any person pursuant to subsection (6) -

(a) may give on behalf of that person notice pursuant to section 13 that that person's name has been wrongly omitted from or wrongly stated in the preliminary list and Form No. 4 in Schedule I may be adapted for the purpose;

Form No. 4

(b) may represent that person at any proceedings before the revising officer pursuant to sections 14 and 15;

(c) may do all such other acts, matters or things as may lawfully be

done by that person to ensure inclusion of that person's name in the preliminary list and in the Register of Voters; and

- (d) shall be obliged to accept on behalf of such person any notice of objection to the inclusion of such person's name in the preliminary list pursuant to section 13(2) and accordingly any such notice shall be deemed to have been validly served on such person if it is validly served on such agent.

Preliminary
list
Form No. 3

12. (1) A registering officer shall within the space of twenty-one days from the specified day write down in alphabetical order of their surnames on the preliminary list in the form set out as Form No. 3 in Schedule I, the names of all persons ordinarily resident on the qualifying date in the electoral district for which he is appointed who are entitled to be registered as voters, and shall cause a copy of such list dated and signed by him to be published.

(2) Every preliminary list shall during the hours of business in each day for a period of ten working days after the publication thereof be open to inspection of the public free of charge at such places as the Supervisor of Elections may direct in the electoral district to which such list applies.

Procedure as
to omissions
and objection

Form No 4

13. (1) Every person whose name has been omitted from or wrongly stated in the preliminary list and who claims to be entitled to have his name inserted therein or the mistake rectified as the case may be, shall within the period specified in section 12(2) give notice in writing to the registering officer of the electoral district in which he was ordinarily resident on the qualifying date in the form set out as form No. 4 in Schedule I.

Form No 5(1)
and No 5(2)

(2) Every person whose name appears in any such list may object to any other person whose name also appears therein as not being entitled to have his name therein, and shall within the period specified in section 12 (2) give notice in the forms set out as Form No. 5 (1) and Form No. 5 (2) in Schedule I to the registering officer of the electoral district in which he was ordinarily resident on the qualifying date and to the person objected to by delivering the same to him personally or by leaving the same at his usual place of abode.

(3) Within five days after the expiration of the ten days mentioned in section 12(2) each registering officer shall prepare a list of all such claims and objections and the names of persons who have made the same. Such list shall be published and shall be open to the inspection of the public free of charge during the hours of business in each day for a period of five working days after the

preparation of such list at such places as the Governor may direct in the electoral district to which such list applies.

Appointment
of revising
officer and
revision of
preliminary
list

14. (1) The Governor shall appoint a revising officer for the purpose of revising and settling the preliminary list in the manner hereinafter provided. Such revising officer may be paid such remuneration for his services and such allowances in respect of travelling and other expenses incurred by him as the Governor may approve.

(2) The place or room in which the revising officer sits for the purpose of revising the preliminary lists shall be deemed an open court.

(3) The revising officer shall sit on such day as may be appointed by him being within twenty-one days after the expiry of the period of five days allowed for the public inspection of the list of claims and objections referred to in section 13(3); and six days notice in the Form set out as form No. 6 in Schedule I of the revision of such lists and of the place at which such revision shall take place shall be published.

Form No. 6

Procedure
for revising
preliminary
list

15. (1) The registering officer shall produce to the revising officer on the day fixed under section 14(3) the list of claims and objections received by him and the revising officer shall thereupon consider such list and shall insert in the preliminary list the name of every person who is proved to his satisfaction to be entitled to have his name inserted therein, rectify any mistake in such preliminary list of which he is satisfied, and strike out of the said list the name of every person who, upon the application of the objector, is proved to the satisfaction of the revising officer to be disentitled to have his name retained in the said list.

(2) If the objector appears neither in person, nor by counsel, nor by some voter duly authorised by him in that behalf, the objection shall be overruled and the name of the person objected to shall be retained in the preliminary list unless the revising officer is satisfied that the person is not entitled to have his name retained in the said list.

CH.4

(3) A revising officer sitting to revise the preliminary lists under this Ordinance shall have power to adjourn the same to such time and as often as may be necessary and shall have the same powers for the keeping of order in his court as are given to a Magistrate under the Magistrates Ordinance.

(4) The revising officer sitting as aforesaid shall determine all claims or objections, and shall write his initials against any name struck out of the preliminary list or inserted therein and against any mistake or omission corrected, and shall sign his name to every page of each preliminary list when the same is finally settled.

(5) If the revising officer is of the opinion that the claim or objection of any person is without foundation or is frivolous, he may order such person to pay the actual costs of the enquiry including the costs of witnesses, and such costs shall be recoverable by an action before any court of competent jurisdiction.

(6) Any person aggrieved by a decision of the revising officer may appeal in like manner as an appeal from the Magistrate under the provisions of the Magistrates Ordinance.

Revised
preliminary
list to be
certified
and deemed

16. (1) On completion of the revision of the preliminary list for each electoral district the revising officer shall number the names on the list consecutively and shall after signing such lists cause them to be printed and bound separately in respect of each electoral district.

Register of Voters

(2) The revising officer shall certify such bound lists and shall thereupon transmit one copy thereof to the returning officer for the electoral district to which it relates and one copy to the Supervisor of Elections.

(3) The copy of the lists transmitted to the Supervisor of Elections shall be the Register of Voters for that electoral district, shall come into force on such date as the Governor may by proclamation appoint and shall remain in force until the next Register of Voters is compiled and come into force in accordance with the provisions of this Ordinance.

(4) If as the result of an appeal from a decision of the revising officer the insertion of any name in the Register of Voters or the deletion of any name therefrom shall be necessary, such insertion or deletion shall be made by the Supervisor of Elections who shall number any name inserted with the same number as the preceeding name in the Register of Voters followed by a letter or letters.

PART III

ARRANGEMENTS FOR ELECTIONS

Issue of writs
for holding
elections

17. (1) For the purpose of every general election of members of the Legislative Council and for the purpose of the election of members to supply vacancies caused by death, resignation, or otherwise, the Governor shall issue writs under the Public Seal, addressed to the returning officers of the respective electoral districts for which members are to be returned. Such writs shall be forwarded to the Supervisor of Elections for transmission to the several returning officers.

Form No. 7

(2) Every such writ shall be in the form set out as Form No. 7 in Schedule I, and shall specify the day (being not less than five working days from the date of the receipt of the writ), and place of nomination of candidates, the day on which, if necessary, the poll shall be taken, being not less than fourteen days after the day of such nomination, and the day on or before which such writ shall be returnable to the Governor.

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

Notice of
place and time
of nomination
Form No. 8

18. (1) On receiving such writ, every returning officer shall publish a notice in the form set out as Form No. 8 in Schedule I of the day and place fixed for the nomination of candidates.

(2) Such notice shall be published at least seven clear days before the day fixed for such nomination.

Form No. 9

(3) Nomination papers shall be provided by the returning officer and shall be in the form set out as Form No. 9 in Schedule I.

(4) On the day and at the place so fixed for the nomination of candidates every returning officer shall attend between the hours of ten o'clock in the forenoon and one o'clock in the afternoon and between the hours of two o'clock and four o'clock in the afternoon and receive the nomination of any duly qualified candidate for the seat to be filled.

(5) Each candidate for election shall be nominated on one nomination paper by at least two registered voters of the electoral district for which such candidate seeks election and his consent to the nomination shall be given in writing on such nomination paper and attested by one witness:

Provided that no candidate shall be deemed not to have been validly nominated by reason only of the fact that subsequent to nomination day any person by whom his nomination paper was signed is struck off the Register of Voters for the relevant electoral district.

Form No. 10

(6) If at four o'clock in the afternoon in an electoral district on the day fixed for nomination of candidates only one candidate has been nominated for the seat to be filled the returning officer shall declare the nominated candidate elected and shall immediately thereafter certify by endorsement on the writ the return of such candidate in the form set out as Form No. 10 in Schedule I and shall return the writ so endorsed to the Supervisor of Elections for transmission to the Governor within the time specified for that purpose therein.

(7) Any candidate duly nominated may, not less than three clear days before the day fixed for taking the poll, withdraw from his candidature by giving notice to that effect, signed by him, to the returning officer, and any votes cast for the candidate who has so withdrawn shall be null and void :

Provided that no candidate may withdraw if on such withdrawal there is not at least one other duly nominated candidate in the electoral district for which he is to be returned.

(8) Subject to subsection (9) when a candidate has withdrawn after the ballots are printed the returning officer shall advise, by letter, fax or telegram, each presiding officer of his constituency of such withdrawal, and, when time permits, shall distribute to each presiding officer a printed notice of the withdrawal. On polling day each presiding officer shall post up a copy of the printed notice of withdrawal in a conspicuous place in his polling station. If time does not permit for the printing and the distribution of such notice, the presiding officer, upon being advised by a letter, fax or telegram by the returning officer of the withdrawal of any candidate, shall himself prepare by hand a notice to that effect and post it up in a conspicuous place in his polling station. In either case the presiding officer shall, when delivering a ballot to each voter, inform such voter of the withdrawal of the candidate.

(9) If, after withdrawal, there remains only one candidate, the returning officer shall return as duly elected the candidate so remaining without waiting for the day fixed for holding the poll.

Voting
symbols

Form
Schedule II

19. (1) On or before the day fixed for nomination of candidates under the provisions of section 18, the secretary or other officer of a political party may certify and file with the Supervisor of Elections a notice of request to use a particular voting symbol, which notice shall be in form prescribed in Schedule II .

(2) Within forty-eight hours after the close of nominations the Supervisor of Elections may allot a voting symbol to each candidate in such election:

Provided that the same symbol shall be allotted to each candidate of the same political party.

(3) The allocation of voting symbols to each candidate shall be at the discretion of the Supervisor of Elections, but in exercising such discretion due cognizance shall be taken of the duly notified desire of a political party to use a political symbol.

Deposit

20. (1) A candidate for election, or someone on his behalf, shall deposit with the returning officer, on or before the day of his nomination, the sum of two hundred dollars and, if he fails to do so, the nomination of such candidate shall not have effect.

(2) The full amount of every deposit made under subsection (1) shall forthwith after its receipt be transmitted by the returning officer to the Treasurer of the Islands.

(3) If after the deposit is made the candidature is withdrawn in accordance with the provisions of section 18(7) the deposit shall be returned by the Treasury of the Islands to the person by whom it was made; and if the candidate dies after the deposit is made and before the taking of the poll the deposit, if made by him, shall be returned to his legal personal representative, or, if not made by him shall be returned to the person by whom it was made.

When deposit
forfeited or
returned

21. (1) If a candidate who has made such deposit is not elected and the number of votes polled by him does not exceed one eighth of the total number of votes polled, the amount deposited shall be forfeited to the Crown; in any other case the deposit shall be returned by the Treasurer of the Islands as soon as practicable after the result of the election is declared, to the candidate, his legal personal representative, or the person by whom the deposit was made, as the case may be.

(2) For the purposes of this section the number of votes polled shall be deemed to be the number of the ballot papers (other than rejected ballot papers) counted.

Contested
elections,
publication
of date and
place, etc.

22. (1) If in an electoral district there shall be more than one candidate duly nominated a poll shall be taken, and in such case the returning officer shall adjourn the election to the day specified in the writ, and the poll shall be taken on such day in the manner hereinafter provided.

Form No. 11

(2) The returning officer shall, as soon as practicable after adjourning the election, publish a notice in the form set out as Form No. 11 in Schedule I specifying the day and time on which and the locations of the polling stations in the electoral district at which the poll will be taken and of the names of the candidates nominated for election and of the place where and the date and time when the number of votes given to the several candidates for such electoral district will be counted.

Polling
stations

23. (1) On the day named in the notice published under the provisions of section 22(2) for the taking of the poll the returning officer shall cause to be opened in the electoral district to which he is appointed such number of polling stations as the Supervisor of Elections shall determine.

(2) The returning officer shall provide each polling station with such number of compartments as he may consider necessary to enable voters to record their votes screened from observation.

(3) Unless the writ otherwise directs polling stations shall be opened at seven o'clock in the forenoon and shall be closed at seven o'clock in the afternoon.

Presiding
officers

24. (1) The Supervisor of Elections shall, subject to the approval of the Governor, appoint a presiding officer to attend at each polling station to receive the votes. The Supervisor of Elections may himself if he thinks fit, preside at any polling station.

(2) No person shall be appointed as a presiding officer who has been employed by or on behalf of a candidate in or about the election or who is or has been within the preceding three years -

(a) an elected or appointed member of the Legislative Council; or

(b) the holder of any office in any political party.

Form No 14

(3) Forthwith upon his appointment every presiding officer shall take and subscribe an oath in the form set out as Form No. 14 in Schedule I and shall transmit such oath to the Supervisor of Elections.

Poll
clerks

25. (1) The Supervisor of Elections shall, subject to the approval of the Governor, appoint a poll clerk for every polling station in an electoral district.

(2) No person shall be appointed as a poll clerk who has been employed by or on behalf of a candidate in or about the election or who is or has been within the preceding three years -

(a) an elected or appointed member of the Legislative Council; or

(b) the holder of any office in any political party.

Form No 15

(3) Forthwith upon his appointment every poll clerk or person appointed to act as a poll clerk shall take and subscribe an oath in the form set out as Form No. 15 in Schedule I and shall transmit such oath to the Supervisor of Elections.

(4) If any presiding officer dies or becomes incapable of performing his duties during the taking of the poll, the poll clerk shall forthwith assume the office of presiding officer and shall appoint some other person to act as poll clerk.

(5) If any poll clerk dies or becomes incapable of performing his duties during the taking of the poll the presiding officer shall forthwith appoint some other person to act as poll clerk.

(6) Every appointment made under subsection (4) or (5) shall be immediately reported to the Supervisor of Elections by the person making the appointment.

Ballot boxes

26. (1) The Supervisor of Elections shall supply to each returning officer a number of ballot boxes equal to the number of polling stations in his electoral district.

(2) Every ballot box shall be made of some durable material, with one lock and key and a slit or narrow opening in the top and so constructed that the ballot papers may be introduced therein but cannot be withdrawn therefrom unless the box is unlocked.

Supplies of
election
material

27. (1) The returning officer shall provide each presiding officer with a ballot box and such number of ballot papers as in the opinion of the returning officer may be necessary.

(2) The returning officer shall provide each polling station with -

(a) a statement showing the number of ballot boxes provided with their serial numbers;

(b) the necessary materials to enable voters to mark the ballot papers;

(c) the necessary materials for putting the official mark on the ballot papers;

(d) at least two copies which he shall certify, of the Register of Voters hereinafter called "the official list of voters" relating to the electoral district to which he is appointed;

(e) at least five copies of the directions for the guidance of voters in the form set out as Form No. 16 in Schedule I;

(f) a blank poll book;

(g) the several forms of oaths to be administered to voters or other persons;

(h) such other things as may be necessary for conducting the election in the manner provided by this Ordinance.

Form No. 16

Polling and
counting agent

28. (1) Each candidate may, before the commencement of the poll, appoint a polling agent to attend to a polling station and one counting agent to attend at the counting of votes.

(2) An agent may be appointed on behalf of more than one candidate.

(3) Every appointment of an agent shall be in writing and shall state the name and address of the person appointed and shall be given, duly signed by the candidate, to the presiding officer or the returning officer as the case may be, not less than three clear days before the taking of the poll.

(4) The Governor, acting in his discretion, may declare an agent so appointed not to be a suitable person to exercise the responsibilities of a candidate's agent whereupon the said appointment shall become null and void. Any candidate whose appointment of an agent has become null and void in accordance with the provisions of this subsection shall be entitled to appoint a new agent in accordance with the provisions of this section.

Taking of
poll and
the ballot

29. (1) The poll shall be taken in each electoral district by secret ballot in accordance with the provisions of sections 33, 34, 35, 36, 37 and 38.

Form No. 18

(2) The ballot of each voter shall be a printed paper in the form set out as Form No. 18 in Schedule I (in this Ordinance called a ballot paper) in which the names, descriptions, residences and voting symbols (if any) of the candidates alphabetically arranged in the order of their surnames and numbered accordingly shall be printed exactly as they are set out in the nomination paper. Each ballot paper shall have a number printed on the back and shall have attached to it a counterfoil with the same number printed on the face and there shall be a line of perforations between the ballot paper and the counterfoil.

Inspection
of polling
station

30. Each presiding officer shall, on or before the day fixed for taking the poll, visit the polling station and see that it is provided with proper conveniences as aforesaid for taking the poll.

Where voter
shall vote

31. (1) No person shall be entitled to vote in any polling division unless his name appears on the official list of voters for the electoral district in which the polling division is situated.

(2) Every person whose name appears upon the official list of voters for an electoral district shall be entitled to vote in that electoral district notwithstanding that he is not resident in that electoral district upon polling day:

Provided, however, that no person shall vote in more than one electoral district or at more than one polling station in the same electoral district or more than once in the same electoral district on the same day.

(3) Any person contravening any of the provisions of the preceding subsections shall be guilty of an offence and shall be liable on summary conviction to a fine of two thousand dollars or imprisonment for six months or both.

Restriction
of voting

32. No person shall vote for the election of more than one candidate.

Proceedings
at poll

33. (1) At the hour fixed for opening the poll the presiding officer and the poll clerk shall, in the presence of such of the candidates, their agents, and voters as are present, open the ballot box and ascertain that there are no ballot papers or other papers therein, after which the box shall be locked, and the presiding officer shall keep the key thereof; the box shall be placed on a table in full view of all present and shall be maintained there until the close of the poll.

(2) Immediately after the ballot box is so locked, the presiding officer shall call on the voters to vote.

(3) Subject to the exercise of his powers under section 34(1), the presiding officer shall secure the admittance of every voter to the polling station and shall see that they are not impeded or molested at or about the polling station.

(4) Every voter, upon entering the polling station, shall declare his name, address and occupation. The poll clerk shall then ascertain if the name of the voter appears on the official list of voters used at the polling station. When it has been ascertained that the applicant voter is qualified to vote at the polling station, his name, address and occupation shall be entered in the poll book to be kept by the poll clerk in the form set out as Form No. 17 in Schedule I, a number corresponding to the consecutive number allotted to the voter on the official list of voters being prefixed to the voter's name in the appropriate column of the poll book, and the voter shall be immediately allowed to vote, unless an election officer or agent of a candidate present at the polling station desires that he be first sworn.

Form No. 17

(5) The poll clerk shall -

(a) make such entries in the poll book opposite the name of each voter as the presiding officer pursuant to the provisions of this Ordinance directs; and

- (b) enter in the poll book opposite the name of each voter as soon as the voter's ballot paper has been deposited in the ballot box, the word "voted"; and
- (c) enter in the poll book "sworn" or "affirmed" opposite the name of each voter to whom any oath or affirmation has been administered, indicating the nature of the oath or affirmation; and
- (d) enter in the poll book the word "Refused to be sworn" or "Refused to affirm" or "Refused to answer" opposite the name of each voter who has refused to take an oath or to affirm, when he has been legally required so to do, or has refused to answer questions which he has been legally required to answer.

Persons who
are to be
admitted
within
polling
stations

34. (1) The presiding officer shall keep order at his polling station and shall regulate the number of voters to be admitted at a time, and shall exclude all other persons except the person permitted to remain in the polling station by section 39.

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

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

General mode
of taking
ballot
Form No. 18

35. (1) Each voter shall receive from the presiding officer a ballot paper on which such officer has previously put his initials so placed as indicated in the form set out as Form No. 18 in the First Schedule that when the ballot paper is folded the said initials can be seen without opening it, and on the counterfoil of which he has placed a number corresponding to the consecutive number on the official list of voters and entered in the poll book.

(2) The presiding officer shall instruct the voter how to make his mark, and shall properly fold the voter's ballot paper, directing him to return it, when marked, folded as shown, but without enquiring or seeing for whom the voter intends to vote, except when the voter is unable to vote in the manner prescribed by this Ordinance on account of illiteracy, blindness or other physical incapacity.

(3) The voter on receiving the ballot paper shall forthwith enter one of the polling compartments in the polling station and there secretly mark his ballot paper by marking with a black lead pencil and not otherwise a cross within the space opposite the name of the candidate for whom he intends to vote, and he shall then fold the ballot paper as directed so that the initials and the numbers on the counterfoil can be seen without opening it, and hand the paper to the presiding officer who shall, without unfolding it, ascertain by examination of the initials and numbers appearing thereon that it is the same paper as that delivered to the voter and, if the same, he shall in full view of the voter and of all others present remove the counterfoil and deposit the ballot in the ballot box.

(4) A voter who has inadvertently so dealt with the ballot paper delivered to him that it cannot conveniently be used shall restore it to the presiding officer who shall cancel it by writing the word "Spoiled" across the face of the same. The presiding officer shall then deliver another ballot paper to the voter.

(5) Every voter shall vote without undue delay and shall leave the polling station as soon as his ballot paper has been put into the ballot box.

(6) If at the closing of the poll there are any voters inside the polling station or, having presented themselves at the polling station, outside in accordance with the presiding officer's decision to regulate the number of voters admitted under section 34(1) who are qualified to vote and have not been able to do so since their arrival at the polling station, the poll shall be kept open a sufficient time to enable them to vote, but no one not actually present within the polling station or, having presented themselves at the polling station, being outside in accordance with the presiding officers instructions as aforesaid at the hour of closing shall be allowed to vote.

Questions
which may
be put to
a voter

36. (1) The presiding officer may, and shall if requested by a candidate or his agent, put to the voter the following questions -

- (a) "Are you the same person whose name appears as A.B. on the official list of voters now in force for the polling division?";
- (b) "Have you already voted at this election either here or elsewhere?".

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

(3) If any person knowingly makes a false answer to any such question he shall be guilty of an offence and liable, on summary conviction, to a fine of one thousand dollars or imprisonment for six months or both.

Mode of
taking ballot
in special
cases

Form No. 19

37. (1) Subject to all other provisions of this Ordinance as to proof of qualifications as a voter, and as to the administration of oaths, if a person representing himself to be a particular voter applies for a ballot paper after another person has voted as such person, he shall be entitled to receive a ballot paper and to vote after taking the oath of identity in the form set out as Form No. 19 in Schedule I and otherwise establishing his identity to the satisfaction of the presiding officer.

(2) In such case, the presiding officer shall put on the ballot paper his initials together with a number corresponding to the number allotted to the voter on the official list of voters and entered in the poll book opposite the name of such voter, and the poll clerk shall enter in the poll book -

- (a) the name of such voter;
- (b) a note of his having voted on a second ballot paper issued under the same name;
- (c) the fact of the oath of identity having been required and taken, and the fact of any other oaths being so required and taken; and
- (d) any objections made on behalf of any candidate, and of which candidate.

Form No. 20

(3) The presiding officer, on the application of any voter who is incapacitated from any physical cause, other than blindness or by reason of illiteracy, from voting in the manner prescribed by this Ordinance shall require the voter making such application to make oath in the form set out as Form No. 20 in Schedule I, of his incapacity to vote without assistance, and shall thereafter assist such voter by marking his ballot paper in the manner directed by such voter in the presence of the poll clerk and of the sworn agents of the candidates and of no other person, and shall place such ballot paper in the ballot box:

Provided that, where there is more than one candidate of the same political party contesting for the seat in the electoral district concerned, the presiding officer shall be entitled, in his absolute discretion, to limit the number of agents witnessing the marking of the ballot paper to one agent for the said political party.

Form No. 21

(4) The presiding officer shall either deal with a blind voter and a voter who is unable to mark his ballot paper by reason of illiteracy in the same manner as with an otherwise incapacitated voter, or, at the request of any blind voter or a voter who is unable to mark his ballot paper by reason of illiteracy and who has taken the oath in the form set out as form No. 21 in Schedule I and is accompanied by a friend who is a voter in the electoral district, shall permit such friend to accompany the blind or illiterate voter, as the case may be, into the voting compartment and mark the voter's ballot paper for him. No person shall at any election be allowed to act as such friend to more than one voter.

Form No. 22

him,

(5) Any friend who in accordance with the provisions of subsection (4) of this section is permitted to mark the ballot paper of a blind voter or a voter who is unable to mark his ballot paper by reason of illiteracy shall first be required to take an oath in the form set out as Form No 22 in Schedule I that he will keep secret the names of the candidates for whom the ballot of such voter is marked by and that he has not already acted as the friend of any other voter for the purpose of marking his ballot paper at the election.

(6) Whenever any voter has had his ballot paper marked as provided in subsection (3) or (4) the poll clerk shall enter in the poll book opposite the voters's name in addition to any other requisite entry, the reason why such ballot paper was so marked.

Who may vote

Form No. 23

38. (1) Where there is contained in the official list of voters a name, address and occupation which correspond so closely with the name, address and occupation of a person by whom a ballot paper is demanded as to suggest that the entry in such list of voters was intended to refer to him, such person shall, upon taking the oath in the form set out as Form No 23 in Schedule I and complying in all other respects with the provisions of this Ordinance be entitled to receive a ballot paper and to vote. In any such case the name, address and occupation shall be correctly entered in the poll book and the fact that the oath has been taken shall be entered in the proper column of the poll book.

Form No. 24

(2) A voter, if required by the presiding officer, the poll clerk, one of the candidates or an agent of a candidate, or by a voter present, shall before receiving his ballot paper take an oath in the form set out as Form No. 24 in Schedule I and if he refuse to take such oath, erasing lines shall be drawn through his name on the official list of voters and in the poll book, if such name has been entered in the said book, and the words "Refused to be sworn" shall be written thereafter.

Who may
be present

39. (1) In addition to the presiding officer and the poll clerk, the Supervisor of Elections, the returning officer of the electoral district, the candidates, one agent for each candidate in each polling station, and the police officers on duty, no other person shall be permitted to remain in the polling station during the time the poll remains open:

Provided that no candidate and his agent shall be in the same polling station at the same time.

Form No. 25

(2) The agent of each candidate, on being admitted to the polling station, shall take an oath in the form set out as Form No. 25 in Schedule I to keep secret the name of the candidate for whom any of the voters has marked his ballot paper in his presence.

(3) Agents of candidates may, with the permission of the presiding officer, absent themselves from and return to the polling station at any time before one hour prior to the close of the poll.

Proceedings
after poll

40. (1) Forthwith upon the close of the poll the presiding officer shall in the following order -

- (a)** seal the ballot boxes;
- (b)** count the number of voters whose names appear in the poll book as having voted and make an entry thereof on the line immediately below the name of the voter who voted last, thus "The number of voters who voted at this election in this polling station is....."
(stating the number), and sign his name thereto;
- (c)** count the spoiled ballot papers, if any, place them in the special envelope supplied for the purpose and indicate thereon the number of such spoiled ballot papers and seal it;
- (d)** count the unused ballot papers, place them with all the stubs of all used ballot papers in the special envelope supplied for that purpose and indicate thereon the number of such unused ballot papers; and
- (e)** 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 voters whose names appear in the poll book as having voted, in order to ascertain that all ballot papers are accounted for.

Form No. 26

(2) The ballot boxes, poll book, envelopes containing the spoiled or unused ballot papers, official lists of voters and other documents used at the poll shall be transmitted to the place notified for the counting of the votes or delivered to the returning officer. The returning officer may specially appoint one or more persons for the purpose of collecting the ballot boxes and papers aforesaid from a given number of polling stations, and such person or persons shall, on delivering the ballot boxes and papers to the returning officer, take the oath in the form set out as Form No. 26 in Schedule I.

(3) The presiding officer shall, with the ballot boxes and papers aforesaid, transmit or deliver to the returning officer, in the envelope provided for that purpose, the keys of such ballot boxes.

The count

41. (1) Each returning officer, upon receipt by him of each of the ballot boxes, shall take every precaution for its safe keeping and for preventing any person other than himself from having access thereto, sealing it under his own seal so that it cannot be opened without the seal being broken but without effacing or covering any other seals thereto affixed.

(2) After all the ballot boxes have been received they shall be opened by the returning officer for the count of votes in the presence of such of the candidates or their agents as are present, and of at least two voters if none of the candidates is present or represented, and the returning officer shall -

- (a) record and count the number of votes given to each candidate (allowing the candidates or their agents, or in the absence of the candidates and their agents, two voters present, full opportunity to see such votes but not the official number on the back of the ballot paper) and a poll clerk and not less than two witnesses shall be supplied with tally sheets upon which they may keep their own scores as each vote is called out by the returning officer;
- (b) reject all ballot papers -
 - (i) which have not been marked for any candidate;
 - (ii) on which votes have been given for more than one candidate ;
 - (iii) upon which there is any writing or mark by which the voter could be identified, but no ballot paper shall be rejected on account of any writing, number or mark placed thereon by any presiding officer.

(3) If in the course of counting the votes any ballot paper is found with the counterfoil still attached thereto, the returning officer shall (carefully concealing the numbers thereon from all persons present and without examining them himself) remove such counterfoil. He shall not reject the ballot paper merely by reason of the failure of the presiding officer to remove the counterfoil.

(4) If in the course of counting the votes the returning officer discovers that the presiding officer has omitted to affix his initials to any ballot paper as provided by section 35(1), he shall in the presence of the poll clerk and such of the candidates or their counting agents as are present or in the absence of the candidates and their agents in the presence of the two voters, affix his initials to such ballot paper and shall count such ballot paper as if it had been initialled by the presiding officer in the first place, provided that he is satisfied that the ballot paper is one that has been supplied by the presiding officer, and also that every ballot paper supplied to such presiding officer has been accounted for as provided by subsection (1)(e) of section 40.

(5) The returning officer shall keep a record of the special form printed in the poll book of every objection made by any candidate or his counting agent or any voter present, to any ballot paper found in a ballot box, and shall decide every question arising out of the objection. The decision of the returning officer shall be final, subject to reversal on petition questioning the election return; and every such objection shall be numbered, and a corresponding number placed on the back of the ballot paper and initialled by the returning officer.

(6) All the ballot papers not rejected by the returning officer shall be counted and a list shall be kept of the number of votes given to each candidate and of the number of rejected ballot papers. All ballot papers which have been counted shall be put into an envelope and all rejected ballot papers shall be put in a separate envelope and all such envelopes shall be sealed by the returning officer and by such agents as may desire to seal them or sign their names thereon in addition.

(7) Any of the candidates, if not satisfied with the accuracy of the count, may on completion thereof immediately demand a recount which shall thereupon be carried out in the same manner as the original count:

Provided that no candidate may demand such a recount more than once at any election.

(8) The candidate who on completion of the count is found to have the largest number of votes shall then be declared by the returning officer to be elected as the member for the electoral district.

(9) Whenever there is an equality of votes between two or more candidates, the returning officer shall declare that there has been an equality of votes between such candidates and that none of the candidates having such equality of votes has been elected and shall, as soon as possible thereafter, hold a special by-election in that electoral district and at such special by-election the provisions of this Ordinance shall apply *mutatis mutandis* except that only the persons having received such equality of votes shall be eligible to be candidates and such candidates shall not be required to be nominated in accordance with the provisions of section 18 nor to pay any further deposit.

Maintenance
of order at
polling station

42. (1) Subject to the provisions of subsection (2) of this section, during the hours when the poll is open upon polling day, no persons shall assemble or congregate within one hundred yards of any building in which is situate any polling station.

(2) This section shall not apply -

(a) to any voters who are waiting to poll their votes at such polling station and who obey any instructions which may be given by the presiding officer or poll clerk or any police officer for the purpose of forming a queue with the other voters also waiting; or

(b) to any person who may under the provisions of this Ordinance lawfully enter or remain in such polling station.

(3) Every person who contravenes any of the provisions of this section shall be guilty of an offence and liable on summary conviction to a fine of one thousand dollars or to imprisonment for six months or to both such fine and imprisonment.

Influencing
of voters to
vote for
any candidate

43. (1) During the hours that the poll is open upon polling day no person shall upon any public road or in any public place seek to influence any voter to vote for any candidate or to ascertain for what candidate any voter intends to vote or has voted.

(2) Every person who contravenes any of the provisions of subsection (1) of this section shall be guilty of an offence and liable on summary conviction to a fine of two thousand dollars or to imprisonment for six months or to both such fine and imprisonment.

Election
return

44. (1) The returning officer within the time specified for the return of any writ shall forward to the Supervisor of Elections -

Form No. 27

- (a) the writ with his return in the form set out as Form No. 27 in Schedule I endorsed thereon with the name of the candidate declared to be elected in accordance with section 41(8);
- (b) a report of his proceedings showing the number of votes cast for each candidate at each polling station, and making such observations as the returning officer may think proper as to the state of the election papers as received from the presiding officer;
- (c) the number of persons to whom, it appears from the counterfoils, ballot papers have been supplied in the electoral district;
- (d) the reserve supply of undistributed blank ballot papers;
- (e) the poll book used at each polling station, a packet containing the counterfoils and unused ballot papers, a packet containing the ballot papers cast for the several candidates, a packet containing the spoiled ballot papers, a packet containing the rejected ballot papers and a packet containing the official lists of voters used at the polling stations, and the written appointments of candidates' agents; and
- (f) all other documents used for the election.

(2) The Supervisor of Elections shall, on receiving the return of any member elected to serve in the Legislative Council cause it to be entered, in the order in which such return is received by him, in a book to be kept by him for such purposes and thereupon immediately cause a notice to be published in the *Gazette* of the name of the candidate so elected and in the order in which it was received.

(3) The Supervisor of Elections shall on receiving the return of any member elected to serve in the Legislative Council transmit the writ with the return endorsed thereon to the Governor within the time specified in such writ. The Governor shall within seven days of receipt of the said writ return the same to the Supervisor of Elections for safe custody in accordance with the provisions of section 45.

(4) The Supervisor of Elections shall immediately after each general election cause to be printed a report giving, by polling divisions, the number of votes polled for each candidate, the number of rejected ballot papers, the number of names on the official list of voters together with any other information that he may deem fit to include; and shall also at the end of each year, cause to be printed a similar report on the by-elections held during the year.

(5) If any returning officer wilfully delays, neglects or refuses duly to return any person who ought to be returned to serve in the Legislative Council for any electoral district, and if it has been determined on the hearing of an election petition respecting the election for such electoral district that such person was entitled to have been returned, the returning officer who has so wilfully delayed, neglected or refused duly to make such return of his election shall forfeit to the person aggrieved the sum of five hundred dollars and costs in addition to all damages sustained.

Custody of
election
documents

45. (1) The Supervisor of Elections shall keep the election documents referred to in section 44(1) in safe custody and shall allow no person to have access to them:

Provided that, if an election petition has been presented questioning the validity of any election or return, the Supervisor of Elections shall, on the order of a Judge of the Supreme Court, deliver to the proper officer of that court the documents relating to the election that is in dispute:

Provided also that after the expiration of twelve months from the day of any election it shall be lawful for the Supervisor of Elections to cause the said documents used at such election to be burnt.

(2) No such election documents in the custody of the Supervisor of Elections shall be inspected or produced except on the order of a Judge of the Supreme Court; and an order under this section may be made by the Judge upon his being satisfied by evidence on oath that the inspection or production of such election documents is required for the purpose of instituting or maintaining a prosecution for an offence in relation to an election or for the purpose of a petition which has been filed questioning an election or return.

(3) Any such order for the inspection or production of election documents may be made subject to such conditions as to persons, time, place and mode of inspection or production as the Judge deems expedient.

Custody of
ballot boxes

46. Forthwith upon making the return of the writ in accordance with the provisions of section 44 , the returning officer shall cause the ballot boxes used at such election, with their locks and keys and the screens and other appliances used in the polling station to be transmitted or delivered to the Supervisor of Elections.

PART IV

ELECTION PETITIONS

Petitions
against
elections

47. A petition complaining of the undue election or undue return of a member of the Legislative Council (in this Ordinance called an election petition) may be presented to the Supreme Court by any one or more of the following persons, that is to say -

- (a) a person who voted or had a right to vote at the election to which the petition relates;
- (b) a person claiming to have had a right to be returned at such election;
- (c) a person alleging himself to have been a candidate at such election.

Presentation
of election
petition and
security for
costs

48. The following provisions shall apply with respect to the presentation of an election petition -

- (a) the petition shall be presented within seven days after the return made by the returning officer of the member to whose election the petition relates , unless it questions the return or election upon an allegation of corrupt practices and specifically alleges a payment of money or other reward to have been made by any member, or on his account, or with his privity, since the time of such return, in pursuance of or in furtherance of such corrupt practices, in which case the petition may be presented at any time within fourteen days after the date of the petitioner having become aware of the making of such payment;
- (b) at the time of presentation of the petition , or within three days afterwards, security for the payment of all costs, charges and expenses that may become payable by the petitioner -
 - (i) to any person summoned as a witness on his behalf; or

- (ii) to the member whose election or return is complained of, or to any other person named as a respondent in the petition,

shall be given by or on behalf of the petitioner;

- (c) the security shall be to an amount of one thousand dollars and shall be given by recognizance to be entered into by such sureties not exceeding four in number as the Registrar of the Supreme Court may approve, or by deposit of money in the Supreme Court, or partly in one way and partly in the other.

Avoidance of election of candidate certified guilty of corrupt or illegal practice

49. If a candidate who has been elected is certified by the Judge who tried the election petition questioning the return or election of such candidate to have been personally guilty or guilty by his agents of any corrupt or illegal practice his election shall be void.

Avoidance of election for general corruption, etc.

50. Where on an election petition it is shown that corrupt or illegal practices or illegal payments or employments committed in reference to the election for the purpose of promoting or procuring the election of any person thereat have so extensively prevailed that they may be reasonably supposed to have affected the result, the Judge shall certify that the election of that person, if he has been elected, shall be void and he shall be incapable of being elected to fill the vacancy or any of the vacancies for which the election was held.

Trial of election petitions

51. (1) Every election petition shall be tried in the same manner as an action in the Supreme Court by the Judge sitting alone.

(2) At the conclusion of the trial the Judge shall determine whether the member of the Legislative Council whose return of election is complained of or any, and what, other person was duly returned and elected, or whether the election was void, and shall certify such determination to the Governor, and, upon his certificate being given, such determination shall be final; and the return shall be confirmed or altered, or a writ for a new election issued, as the case may require, in accordance with such determination.

Powers of Judge

52. At the trial of an election petition the Judge shall, subject to the provisions of this Ordinance , have the same powers, jurisdiction and authority, and witnesses shall be subpoenaed and sworn in the same manner, as nearly as circumstances admit, as in the trial of a civil action in the Supreme Court, and such witnesses shall be subject to the same penalties for perjury.

PART V

ELECTION OFFENCES

**Intoxicating
liquor not to
be sold or
given on
polling day
No. 13 of 1975**

53. (1) No intoxicating liquor shall be sold, offered for sale, or given away at any premises situate in any electoral district in which an election is being held, to which a licence issued under the Licensing Ordinance, 1975 , applies, at any time between the opening and the closing of the poll on polling day.

(2) Any person who contravenes the provisions of this section shall be guilty of an offence and liable on summary conviction to a fine of one thousand dollars or to imprisonment for six months or both.

**Employers to
allow employees
time**

54. (1) Every employer shall, on polling day, allow to every voter in his employ a reasonable period for voting, and no employer shall make any deduction from the pay or other remuneration of any such voter or impose upon or exact from him any penalty by reason of his absence during such period.

(2) Any employer who, directly or indirectly refuses, or by intimidation, undue influence, or in any other way, interferes with the granting to any voter in his employ of such period for voting, as is in this section provided, shall be guilty of an offence and liable on summary conviction to a fine of one thousand dollars or to imprisonment for six months or both.

**Offences by
election
officers**

55. Every election officer who -

(a) makes, in any record, return or other document which he is required to keep or make under this Ordinance, any entry which he knows or has reasonable cause to believe to be false, or does not believe to be true; or

(b) permits any person whom he knows or has reasonable cause to believe not to be a blind person, an illiterate person or an

incapacitated person to vote in the manner provided for blind persons, illiterate persons or incapacitated persons, as the case may be; or

- (c) refuses to permit any person whom he knows or has reasonable cause to believe to be a blind person, an illiterate person or an incapacitated person to vote in the manner provided for blind persons, illiterate persons or incapacitated persons, as the case may be; or
- (d) wilfully prevents any person from voting at the polling station at which he knows or has reasonable cause to believe such person is entitled to vote; or
- (e) wilfully rejects or refuses to count any ballot paper which he knows or has reasonable cause to believe is validly cast for any candidate in accordance with the provisions of this Ordinance; or
- (f) wilfully counts any ballot paper as being cast for any candidate, which he knows or has reasonable cause to believe was not validly cast for such candidate,

shall be guilty of any offence against this section and liable on summary conviction to a fine of five thousand dollars or to imprisonment for twelve months or both.

**Loudspeakers
prohibited on
polling day**

56. (1) No person shall furnish or supply any loudspeaker to any person with intent that it shall be carried or used on motor cars, trucks, or other vehicles, as political propaganda, on polling day, and no person shall, with any such intent, carry or use, on motor cars, trucks or other vehicles any such loudspeaker, on polling day.

(2) Any person who contravenes any of the provisions of this section shall be guilty of an offence and liable on summary conviction to a fine of one thousand dollars or to imprisonment for six months or both.

**Definition
of bribery**

57. (1) The following persons shall be deemed guilty of bribery within the meaning of this Ordinance-

- (a) every person who, directly or indirectly by himself or by any other person on his behalf, gives, lends, or agrees to give or lend, or offers, promises, or promises to procure or to endeavour to procure any money or valuable consideration to or for any voter, or to or for any person on behalf of any voter, or to or for any other person in order to induce any voter to vote or refrain from voting, or corruptly does any such act as aforesaid on account of any voter having voted or refrained from voting at any election;
- (b) every person who, directly or indirectly, by himself or by any other person on his behalf, gives or procures, or agrees to give or to procure, or offers, promises, or promises to procure or to endeavour to procure any office, place or employment to or for any voter, or to or for any other person in order to induce such voter to vote or refrain from voting, or corruptly does any such act as aforesaid on account of any voter having voted or refrained from voting at any election;
- (c) every person who, directly or indirectly, by himself or by any other person on his behalf, makes any such gift, loan, offer, promise, procurement, or agreement as aforesaid to or for any person, in order to induce such person to procure, or endeavour to procure, the return of any person as an elected member of the Legislative Council, or the vote of any voter at any election;
- (d) every person who, upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procures or engages, promises or endeavors to procure the return of any person as an elected member of the Legislative Council or the vote of any voter at any election;
- (e) every person who advances, or pays or causes to be paid, any money to or to the use of any other person with the intent that such money, or any part thereof, shall be expended in bribery at any election, or knowingly pays or causes to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any such election;

- (f) every voter who, before or during any election, directly or indirectly, by himself or by any other person on his behalf, receives, agrees or contracts for any money, gift, loan or valuable consideration, office, place or employment for himself or for any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting, at any election ;
- (g) every person who after any election, directly or indirectly, by himself or by any other person on his behalf, receives any money or valuable consideration on account of any person having voted or refrained from voting, or having induced any person to vote or refrain from voting at any such election.

(2) The foregoing provisions of this section shall not extend or be construed to extend to any money paid or agreed to be paid for or on account of any lawful expenses incurred in good faith at or concerning an election.

- (3) For the purpose of this section "lawful expenses" include -
 - (a) the payment of the agents, clerks, canvassers and messengers of candidates;
 - (b) payments made for the purpose of hiring vehicles for the conveyance of voters to or from a polling station;
 - (c) payments made for the use of any premises for a public meeting in furtherance of the candidature of any person or for the use of any committee room or office for the purpose of promoting or procuring the election of a candidate;
 - (d) payments made in respect of postage, stationery, printing, advertising, the distribution of advertising material and the use of any public address system.

Definition of treating

58. The following persons shall be deemed guilty of treating within the meaning of this Ordinance -

- (a) every person who corruptly, by himself or by any other person, either before, during or after an election, directly or indirectly, gives or provides or pays, wholly or in part, the expenses of giving or providing any food, drink, entertainment, or provision

to or for any person for the purpose of corruptly influencing that person or any other person, to vote or to refrain from voting at such election, or on account of such person or any other person having voted or refrained from voting at such election ;

- (b) every voter who corruptly accepts or takes any such food, drink, entertainment or provision.

Definition of
undue influence

59. Every person who, directly or indirectly by himself or by any other person or on his behalf, makes use of or threatens to make use of any force, violence, or restraint, or inflicts, or threatens to inflict, by himself or by any other person, any temporal or spiritual injury, damage, harm or loss upon or against any person, in order to induce or compel such person to vote or refrain from voting or on account of such person having voted or refrained from voting at any election, or who by abduction, duress or any fraudulent contrivance, impedes or prevents the free exercise of the franchise of any voter, or thereby compels, induces or prevails upon any voter, either to give or refrain from giving his vote at any election, shall be guilty of undue influence within the meaning of this Ordinance.

Penalty for
bribery,
treating
or undue
influence

60. (1) Every person who is guilty of bribery, treating or undue influence under the provisions of this Ordinance shall on summary conviction be liable to a fine of five thousand dollars or to imprisonment for twelve months or to both.

(2) For the avoidance of doubt, the expression "to vote or refrain from voting" and derivatives thereof in sections 56, 57, 58 and 59 includes voting or refraining from voting for a particular candidate or particular candidates or for candidates of a particular party or particular parties.

Definition
of personation

61. (1) Every person who at an election applies for a ballot paper in the name of another person, whether that name be the name of a person living or dead, or of a fictitious person, or who, having voted once at any election applies at the same election for a ballot paper in his own name, shall be guilty of personation within the meaning of this Ordinance.

(2) Every person who is guilty of personation or of aiding, abetting, counselling or procuring the commission of the offence of personation shall be liable on summary conviction to a fine of five thousand dollars or to imprisonment for twelve months or to both.

Disqualification
for bribery, etc.

62. Every person who is convicted of bribery, treating, undue influence or personation, or of aiding, abetting, counselling or procuring the commission of the offence of personation shall (in addition to any other punishment) -

- (a) be incapable during a period of seven years from the date of conviction of being registered as a voter or voting at any election;
- (b) be incapable during the said period of seven years of being elected a member of the Legislative Council or, if elected before his conviction, of retaining his seat as such member:

Provided that in the event of any appeal the incapacity shall continue until the appeal is determined and thereafter, unless the conviction is quashed, remain in force for a period of seven years from the determination of the appeal unless the Court hearing the appeal shall direct that the period of seven years shall run from the date of conviction.

Penalty for
certain
illegal practice
at elections

63. (1) Every person who -

- (a) votes, or induces or procures any person to vote, at any election, knowing that he or such other person is prohibited by this Ordinance, or by any law in force in the Islands, from voting at such election;
- (b) before or during an election knowingly publishes a false statement of the withdrawal of a candidate at such election for the purpose of promoting or procuring the election of another candidate;
- (c) between the date of the publication by the returning officer of a notice in accordance with the provisions of section 18(1) and the day after polling at the election, whether in a general election or in a by-election, acts in a disorderly manner, with intent to prevent the transaction of the business of a public meeting called for the purpose of promoting the election of a candidate as a member to serve in the Legislative Council,

shall be guilty of an illegal practice and shall, on summary conviction, be liable to a fine of two thousand dollars and be incapable, during a period of five years from the date of conviction, of being registered as a voter or of voting at any election.

(2) Every person who, between the date of the publication by the returning officer of a notice in accordance with the provisions of section 18(1) and the day after polling at the election, whether in a general election or in a by-election, incites, combines with or conspires with others to act in a disorderly manner with intent to prevent the transaction of the business of a public meeting called for the purpose of promoting the election of a candidate as a member to serve in the Legislative Council, shall be guilty of an illegal practice and shall on summary conviction be liable to a fine of five thousand dollars or to imprisonment for one year or to both such fine and imprisonment, and be incapable during a period of five years from the date of conviction, of being registered as a voter or of voting at any election.

Offences in
in respect of
ballot papers

64. (1) Every person who -
- (a) forges or counterfeits, or fraudulently defaces or destroys, any ballot paper; or
 - (b) without due authority supplies a ballot paper to any person; or
 - (c) fraudulently puts into any ballot box any paper other than the ballot paper which he is authorised by this Ordinance to put in; or
 - (d) fraudulently takes out of the polling station any ballot paper; or
 - (e) without due authority destroys, takes, opens, or otherwise interferes with any ballot box or packet or ballot papers then in use for the purposes of any election; or
 - (f) not being duly registered as a voter, votes at an election,

shall be guilty of an offence and liable on summary conviction if he is an election officer, to a fine of five thousand dollars or to imprisonment for twelve months or to both and, if he is not an election officer, to a fine of two thousand and five hundred dollars or to imprisonment for six months or to both.

(2) In any information or prosecution for an offence in relation to the ballot boxes, ballot papers, and other things in use at an election, the property in such ballot boxes, ballot papers, or things may be stated to be in the custody of the returning officer at such election.

Secrecy of
voting

65. (1) Every election officer and every agent appointed under the provisions of section 28 in attendance at a polling station shall maintain and aid in maintaining the secrecy of the voting in such station, and shall not communicate, except for some purpose authorised by law, to any person any information as to the name or number on the official list of voters of any voter who has or has not applied for a ballot paper or voted at that polling station, and no person shall interfere with or attempt to interfere with a voter when marking his vote or otherwise attempt to obtain in the polling station any information as to the candidates for whom any voter in such station is about to vote or has voted.

(2) Every election officer and every such agent in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting and shall not attempt to communicate any information obtained at such counting as to the candidates for whom any vote is given in any particular ballot paper.

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

(4) Every person who acts in contravention of any of the provisions of this section shall be guilty of an offence and liable on summary conviction to imprisonment for six months or to a fine of one thousand dollars or both.

PART VI

MISCELLANEOUS PROVISIONS

No obligation
on voter to
disclose vote

66. No voter who has voted at an election shall, in any legal proceedings to question the election or return, be required to state for whom he voted.

Conclusiveness
of Register
of Voters

67. At any election a person shall not be entitled to vote unless his name is on the Register of Voters for any electoral district for being in force by virtue of this Ordinance, and every person whose name is on such Register shall, subject to the provisions of this Ordinance, be entitled to demand and receive a ballot paper and to vote:

Provided that nothing in this section shall entitle any person to vote who is prohibited from voting by any law in force in the Islands, or relieve such person from any penalties to which he may be liable for voting.

Expenses of elections

68. All expenses properly incurred by, and all remuneration and travelling allowances payable to officers under this Ordinance, shall be defrayed out of the general revenue of the Islands.

Computation of time

69. (1) In reckoning time for the purposes of this Ordinance, Saturday and Sunday shall be included (except where the words "working days" are used) but Christmas Day, Good Friday and any public holiday shall be excluded.

(2) Where anything required by this Ordinance to be done on any day falls to be done on Saturday or Sunday or on any day excluded by subsection (1) that thing may be done on the next day, not being one of such excluded days.

CH. 1

(3) Section 8 of the Interpretation Ordinance shall not apply for the purpose of reckoning time under this Ordinance.

Repeals

70. The following laws are repealed -

- (a) The Voters Registration and Election Regulations, 1987;
- (b) The Voters Registration and Election (Deputy Returning Officers) Regulations 1987 ;
- (c) The Registration of Electors Qualifying Date Ordinance 1991.

No 1 of 1991

Regulations

71. The Governor may make regulations generally for giving effect to the provisions of this Ordinance, and without prejudice to such general power, may make regulations -

- (a) prescribing anything that may be prescribed;
- (b) adding to, rescinding, varying or amending any Form;

Transitional

72. Notwithstanding section 70, any person appointed to the office of Supervisor of Elections, Registering Officer, Returning Officer, Revising Officer, Presiding Officer or other office established by or under the Voters Registration and Election Regulations 1987 shall, on and after the commencement of this Ordinance, continue to hold or act in that office as if he had been appointed to hold or act in it in accordance with or under the provisions of this Ordinance.

SCHEDULE I

FORM NO. 1

Section 11(2)(a)

Registration Notice

TAKE NOTICE that -

- (a) the enumeration of all persons qualified as voters in (the polling division of) the electoral district will begin on the day of 19 and will be completed on day of 19..... .
- (b) the registering officer for the (..... polling division in the said) electoral district is
- (c) every person not disqualified on any of the grounds set out in paragraph (d) of this Notice is qualified to be registered as a voter in the said electoral district if he or she -
 - (a) has attained the age of eighteen years; and
 - (b) is residence in the Islands and has been so resident for not less than twelve months, in the aggregate, out of the two years immediately preceding the qualifying date; and
 - (c) falls into one of the following categories, that is to say -
 - (i) was born in the Islands; or
 - (ii) was born outside the Islands of a father or mother either of whom was born in the Islands; or
 - (iii) has, under the law in force in the Islands regulating immigration, the status of "Belonger".
- (d) no person shall be entitled to be registered as a voter in the said electoral district who -

- (i) has been sentenced by a court of law in any country to death, or is serving a sentence of imprisonment for a term exceeding twelve months imposed on him by such a court or substituted by the competent authority for some other sentence imposed on him by such a court, or is under such a sentence of imprisonment the execution of which has been suspended; or
 - (ii) is a person certified to be insane or otherwise adjudged to be of unsound mind under any law in force in the Islands; or
 - (iii) is disqualified for registration as a voter by any law in force in the Islands relating to offences connected with elections;
- (e) the preliminary list of qualified persons for the above electoral district will be posted up in the said district for a period of ten working days beginning on the day of..... 19

Registering Officer

Date

FORM 2
Form of Appointment of Agent

Section 11(6)

I , (name)of (address).....
say this -

1. I am qualified to be registered as a voter in the electoral district of (give name of district)
2. I expect to be absent from the said electoral district during the following period of time (give dates of absence)

In accordance with section 11 (6) of the Voters Registration and Election Regulations Ordinance 1994 I appoint -

(Give name of agent).....of (address)..... to act as agent for the purpose of ensuring my registration as a voter in the said electoral district.

Signed :.....

Dated :.....

FORM NO. 3

Section 12(1)

Preliminary List of Voters

ELECTORAL DISTRICT

Consecutive No.	Location of Residence	Name of Voter (Family name first)	Occupation	Remarks

Notice of Claim

To the registering officer of electoral district.

TAKE NOTICE that I

of.....

(Place of residence)

.....

(Occupation)

am qualified for inclusion in the preliminary list of voters for the electoral district and that my name, address and occupation have been (omitted from) (wrongly stated in) such list and that I hereby claim that such list be amended (by the insertion of my name, address and occupation therein) (by the correction of the particulars therein relating to my name, address and occupation), as follows. (Strike out bracketed words not applicable).

Dated this day of..... 19

Signature of Claimant

(1) Notice of Objection

To the registering officer of electoral district.

TAKE NOTICE that I
(Name of objector)

of.....
(Place of residence)

.....
(Occupation)

am qualified for inclusion in the preliminary list of voters for the
electoral district and am so included:

And that I object to the inclusion therein of on the
ground that such person is disqualified for inclusion therein by reason of
.....

Dated this day of 19

Signature of Objector

(2) Notice to Person Objected to

TO (name of person objected to)of (address)

I of being a person
whose name is included in the preliminary list of voters for the
electoral district hereby give you notice that I object to your name being retained on the list of
voters for the electoral district above mentioned on the grounds
that and that you will be required to prove your qualification at the
time of the revision of the said list.

Dated this day of 19.....

Signature of Objector

FORM NO. 6

Section 14(3)

Revision Notice

TAKE NOTICE that the preliminary lists of voters for the
electoral district will be revised by me the undersigned on the day of
..... 19 at at
o'clock.

Dated this day of 19

Revising Officer

FORM NO. 7

Section 17(2)

Writ of Election

Elizabeth the Second, by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and of Her other Realms and Territories, Queen, Head of the Commonwealth, Defender of the Faith.

To the returning officer of electoral district.

WHEREAS by section 17 (1) of the Voters Registration and Election Regulations Ordinance 1994 it is provided that for the purpose of every general election of members of the Legislative Council and for the purpose of the election of members to supply vacancies caused by death, resignation or otherwise, the Governor shall issue writs of election under the Public Seal to the returning officers of the respective electoral districts for which members are to be returned:

*(AND WHEREAS I think it expedient that writs should be issued for the election of members to serve in the Legislative Council:)

(AND WHEREAS the seat of the elected member for the electoral district has become vacant in consequence of)

NOW, THEREFORE, I Governor of the Turks and Caicos Islands do hereby require that you proceed to the nomination of candidates on the day of 19 at and thereafter, if necessary, you do on the day of 19 between the hours of o'clock in the forenoon and o'clock in the afternoon, cause election to be made according to law of a member to serve in the Legislative Council of the Islands for the said electoral district and that you do cause the name of such member when so elected to be certified to me not later than the day of 19

GIVEN under my hand and Public Seal of the Islands this day of 19

Governor

*Strike out bracketed words not applicable.

FORM NO. 8

Section 18(1)

Notice of Nomination

The Governor having issued his Writ of Election for the Election of a member of the Legislative Council for electoral district the returning officer for the said electoral district will on the day of 19 now next ensuing between the hours of ten o'clock in the forenoon and one o'clock in the afternoon between the hours of two o'clock and four o'clock in the afternoon at proceed to the nomination of a member for theelectoral district.

Dated this day of 19

Returning Officer for the
Electoral District.

FORM NO. 9

Section 18(3)

Nomination Paper

We, the undersigned voters for the electoral district do hereby nominate the following person as a proper person to serve as a member of the electoral district and we certify that to the best of our belief he is qualified for election as a member of the Legislative Council.

Surname	Other Name	Address	Occupation

Signatures

I nominated in the foregoing nomination paper hereby consent to such nomination as candidate for election as a member of the Legislative Council for the electoral district.

Witness my hand this day of 19.....

Signature of Candidate

Signed by the said nominee in the presence of:

Signature of Witness

FORM NO. 10

Section 18(6)

Return of Uncontested Election

I hereby certify that the member elected for electoral district in pursuance of the within Writ is (insert name address and occupation of member elected as stated on the nomination paper)
.....
no other candidates having been nominated.

Dated at this day of 19.....

Returning Officer

FORM NO. 11

Section 22(2)

Notification of Election

TAKE NOTICE that a poll will be taken for election of a member for the electoral district to serve in the Legislative Council.

The poll will be opened on the day of 19..... at the hour of in the forenoon and kept open till the hour of in the afternoon in the following polling stations established in the said electoral district, that is to say:

Location of Polling Stations:

.....
.....
.....
.....

The Candidates in the above electoral district are as follows:

Candidates:

.....
.....
.....

The number of votes given to the several candidates will be counted on the day of 19 at o'clock in the noon at at which all persons are hereby required to take notice and govern themselves accordingly.

Dated this day of 19

Returning Officer for the
Electoral District .

FORM NO. 12

Section 6(3)

Oath of Registering Officer

I, do swear that I will faithfully perform all the duties of registering officer of the electoral district in accordance with the provision of the Voters Registration and Election Regulations Ordinance 1994, to the best of my ability.

Registering Officer

Sworn before me

Date

FORM NO.13

Section 7(2)

Oath of Returning Officer

I, having been appointed returning officer for the electoral district do swear that I will faithfully perform all the duties of such returning officer in accordance with the provisions of the Voters Registration and Election Regulations Ordinance 1994, to the best of my ability.

Returning Officer

Sworn before me

Date

FORM NO. 14

Section 24(3)

Oath of Presiding Officer

I, the undersigned, appointed Presiding Officer for the Polling Station at in the electoral district swear that I will act faithfully in my said capacity of Presiding Officer, according to law, without partiality, fear, favour or affection, and that I will keep secret the names of the candidates for whom any of the voters in the above-mentioned Polling Station marks his ballot paper in my presence at this election.

SO HELP ME GOD!

Presiding Officer

Sworn before me at this day of 19

FORM NO. 15

Section 25(3)

Oath of Poll Clerk

I, the undersigned, appointed as Poll Clerk for the Polling Station at in the electoral district swear that I will act faithfully in my said capacity of Poll Clerk and also in that of Presiding Officer if required to act as such, according to law, without partiality, fear, favour or affection, and that I will keep secret the names of the candidates for whom any of the voters in the above-mentioned Polling Station marks his ballot paper in my presence at this election.

SO HELP ME GOD!

Poll Clerk

Sworn before me at this day of 19

Directions for the Guidance of Voters

1. Each voter may vote only at one polling station. Each voter may vote for one candidate .
- 2 The voters will go into one of the compartments and, with the pencil provided in the compartment, place a cross on the right hand side, opposite the name of each candidate for whom he votes, thus X.

For example: Supposing John Jones, George Smith, Peter Brown and Mark Green are the candidates for election and the voter wishes to vote for John Jones , he must place a cross opposite Jones' name as follows-

JONES, John Shopkeeper Bottle Creek	X
SMITH, George Carpenter Kew	
BROWN, Peter Fisherman Sandy Point	
GREEN, Mark Mason Major Hill	

3. The voter shall then fold his ballot paper so that the initials of the presiding officer and the numbers on the counterfoil can be seen and the counterfoil detached without opening the ballot paper; he shall then return the ballot paper so folded to the presiding officer who shall in full view of those present including the voter remove the counterfoil and place the ballot paper in the ballot box. The voter shall then forthwith quit the polling station.

4. If the voter inadvertently spoils a ballot paper, he can return it to the presiding officer who will, if satisfied of such inadvertence, give him another paper.
5. If the voter places any mark on the paper by which he may afterwards be identified or if he votes for more than one candidate then his ballot paper will be void and will not be counted.
6. If the voter takes a ballot paper out of the polling station or deposits in the ballot box any other paper than the one given him by the presiding officer, he shall be guilty of an offence and liable on summary conviction to be fined or imprisoned or to both punishments.

Poll Book

Consecutive number given each voter as he applies for ballot.	Particulars of Voter.						Particulars of persons applying for Ballot papers after another person has voted as such person.			Objections if any made on behalf of any candidate.	Remarks.	
	Name of voter.	Occupation.	Postal Address.	Consecutive number of voter on list of voters.	Form number of oaths if any voter is required to swear.	(a) Record that oath sworn or refused.	(b) Record that voter had voted.	Name.	Consecutive number of voter on list of voters.			Record that oath sworn.

- (a) If sworn insert "sworn", and number of the Oath; if refused insert "refused to be sworn".
- (b) When Ballot put into Ballot Box insert "voted".

FORM NO. 18

Sections 29(2) and 35

Ballot Paper

GENERAL ELECTION

No. 6700 Electoral District

Consecutive number given voter in Poll Book

Counterfoil
.....
Ballot Paper

Polling Day Space for initial
of P.O.

_____ Do not fold beyond this line_____

Voting Symbol	JAMES, John P. Shopkeeper, Bottle Creek	
Voting Symbol	ROBINSON, Peter F. Carpenter, Kew	
Voting Symbol	SMITH, George R. Mechanic, Grand Turk	
Voting Symbol	GREEN, Mark Mason, Major Hill	

FORM NO. 19

Section 37(1)

**Oath of Identity of a Voter receiving a Ballot Paper after
another has Voted in his Name.**

You swear that you are
(Name as on official list of voters)

of
(Address as on official list of voters)

whose name is entered on the official list of voters now shown you.

SO HELP YOU GOD!



FORM NO. 20

Section 37(3)

Oath of Incapacitated Voter

You swear that you are incapable of voting without assistance by reason of physical incapacity.

SO HELP YOU GOD!

FORM NO. 21

Section 37(4)

Oath of Blind or Illiterate Voter

You of swear that you are incapable of voting without assistance by reason of your (inability to see) (illiteracy).

SO HELP ME GOD!

FORM NO. 22

Section 37(5)

Oath of Friend of Blind or Illiterate Voter

1. You swear that you will keep secret the names of the candidates for whom you mark the ballot paper of the blind/illiterate voter on whose behalf you act.
2. That you have not already acted as a friend of a blind or illiterate voter for the purpose of marking his ballot paper at this election.

SO HELP ME GOD!

FORM NO. 23

Section 38(1)

**Oath that the Voter is the Person Intended to be referred
to in the official List of Voters**

You swear that you are entitled to vote at this election of a member to serve in the Legislative Council and are not disqualified from voting thereat and that you verily believe that you are the person intended to be referred to by the entry in the Official List of Voters used at the Polling Station of the name whose occupation is given as and whose address is given as

SO HELP ME GOD!

FORM NO. 24

Section 38(2)

Oath of Qualifications

You swear -

1. That you have attained the full age of eighteen years.
2. That you have resided in the Islands for twelve months out of twenty-four immediately prior to the date of your registration as a voter and were so resident on that date.
3. (a) That you were born in the Islands; or
(b) That you have a parent who was born in the Islands; or
(c) That you have the status of "Belonger" under the law in force in the Islands regulating immigration.
4. That you are not within any of the classes of persons who lack qualifications or are disqualified by reason of crime or mental incapacity.
5. That you are not disqualified under the provisions of the Voters Registration and Election Regulations Ordinance 1994.

SO HELP ME GOD!

FORM NO. 25

Section 39(2)

Oath of Agent of a Candidate

I, the undersigned agent for one of the candidates at the election of a member of the Legislative Council held on this day in the electoral district do swear that I will keep secret the names of the candidates for whom any voter voting at this polling station marks his ballot paper in my presence at this election.

SO HELP ME GOD!

Signature

Sworn before me at this day of 19

FORM NO. 26

Section 40(2)

Oath of Messenger sent to collect Ballot Boxes

I, messenger appointed by Returning Officer for electoral district do swear that the several boxes to the number of which were used at the Polling station at 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.

SO HELP ME GOD!

Signature

Sworn before me at this day of 19

FORM NO. 27

Section 44(1)(a)

Return after Poll has been taken

I hereby certify that the member elected for the electoral district in pursuance of the within Writ as having received the majority of votes lawfully given is

.....Name ,address and occupation as stated in Nomination Paper

Returning Officer

SCHEDULE II

Section 19 (1)

Notification of Voting Symbol by a Political Party

To : The Supervisor of Elections -

We, the undersigned persons hereby give notice that we are members of the party called and that we desire to use the voting symbol*

_____ and that we are contesting the election immediately forthcoming in the relevant electoral district appearing opposite our names.

Name of Candidate	Address	Occupation	No. of Electoral district	Signature
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				

I certify that the above statement is true and correct.

Date Secretary to Party

*Give full description of voting symbol.