

**ELECTIONS AND BOUNDARIES COMMISSION**

**REPUBLIC OF TRINIDAD AND TOBAGO**

**REPRESENTATION OF THE PEOPLE ACT**

**MANUAL OF INSTRUCTIONS**

**FOR**

**CANDIDATES AND ELECTION AGENTS**

**(REVISED: November, 1996)**

## **ABOUT THIS MANUAL**

An attempt has been made in this Manual to present the basic rules and regulations which pertain to Registration and Election. Its preparation was guided by the assumption that it will be used as a quick reference and guide only, and not as a substitute for the careful reading and study of the source material laid out in the Representation of the People Act, Chapter 2:01 and the Regulations made thereunder.

The organization of the Manual follows a chapter and paragraph sequence. There are twelve chapters and one hundred and six paragraphs. Note that paragraph in this Manual refers to each piece of content numbered from 1 through 111 following the “Qualification and Procedure for Candidates at a Glance” pages.

Marginal references to the Representation of the People Act are with respect to (i) Sections, (ii) Registration Rules, (iii) Election Rules, (iv) Schedules and (v) Forms, and are specific to the organization of the Act itself.

The Table of Contents and General Index are organized on the basis of page numbers with no reference to the paragraph or paragraph numbers outlined before.

It is the hope that candidates, their agents and others making use of the Manual will find it both useful and easy to use.

The Commission, in keeping with its commitment to continuous improvement, would welcome recommendations and suggestions to increase the utility and value of this Manual.

## **PART I**

## **QUALIFICATION AND PROCEDURE FOR NOMINATION AT A GLANCE**

### **PARLIAMENTARY ELECTIONS**

#### **QUALIFICATION:**

Constitution of T&T  
Section 47

- (1) All candidates must be of the age of eighteen years or upwards
- (2) All candidates must be citizens of the Republic of Trinidad and Tobago who have resided in Trinidad and Tobago for a period of two years immediately prior to the date of their nomination, or who are domiciled and resident in Trinidad and Tobago at that date.

#### **DISQUALIFICATION:**

- (1) No person shall be qualified to be elected as a member of the House of Representatives who -
  - (a) is a citizen of a country other than Trinidad and Tobago having become such a citizen voluntarily, or is under a declaration of allegiance to such a country;
  - (b) is an undischarged bankrupt having been adjudged or otherwise declared bankrupt under any law in force in Trinidad and Tobago;
  - (c) is mentally ill, within the meaning of the Mental Health Act;

(d) is under sentence of death imposed on him by a court or is serving a sentence or imprisonment (by whatever name called) exceeding twelve months imposed on him by a court or substituted by competent authority for some other sentence imposed on him by a court, or is under such a sentence of imprisonment the execution of which has been suspended;

(e) is disqualified for membership of the House of Representatives by any law in force in Trinidad and Tobago by reason of his holding, or acting in, any office the functions of which involve -

(i) any responsibility for, or in connection with, the conduct of any election; or

(ii) any responsibility for the compilation or revision of any electoral register;

(f) is disqualified for membership of the House of Representatives by virtue of any law in force in Trinidad and Tobago by reason of his having been convicted of any offence relating to elections; or

(g) is not qualified to be registered as an elector at a Parliamentary election under any law in force in Trinidad and Tobago.

**DISQUALIFYING OFFICES:**

Sec. 32(1) of the Act

Second Schedule  
the Act

The following are disqualifying offices and appointments, the holders of which are disqualified from membership of the House of Representatives to or a Municipal Council.

- (a) Member of the Trinidad and Tobago Defence Force
- (b) Chairman of the Cocoa (Rehabilitation) Board
- (c) Chairman of the Cocoa and Coffee Industry Board
- (d) Chairman of the Board of Film Censors
- (e) Chairman of the Water and Sewerage Authority
- (f) Chairman of the Trinidad and Tobago Electricity Commission
- (g) Chairman of the Industrial Development Corporation
- (h) Chairman of the National Housing Authority
- (i) Chairman of the Port Authority
- (j) Chairman of the Public Transport Service Corporation
- (k) Chairman of the Sugar Industry Labour Welfare Fund Committee
- (l) Member of an Agricultural Rent Board
- (m) Member of a Rent Assessment Board
- (n) Member of a Liquor Licensing Committee

- (o) Member of the Statutory Authority Service Commission
- (p) Member of the Public Utilities Commission

**Procedure for Nomination:**

- |                          |   |
|--------------------------|---|
| Election Rule 7(2)       | (1) A candidate must be nominated by at least six (6) proposers whose names appear on the list of electors. Form No. 37 or 38 is used for this purpose.   |
| Administrative procedure | (2) A nominee claiming party affiliation must produce evidence that he is the nominee of said political party and must make a declaration in respect of only one electoral district on Form No. 39 to the effect that he/she:   |
| Election Rule 8          | <ul style="list-style-type: none"> <li>(a) Is duly qualified to be elected as a member of the House of Representatives.</li> <li>(b) Is a citizen of Trinidad and Tobago.</li> <li>(c) Has been residing in Trinidad and Tobago for a period of at least 2 years prior to the date on which nominated.</li> <li>(d) Is not a discharged bankrupt in any part of the Commonwealth.</li> <li>(e) Is not certified or adjudged to be of unsound mind.</li> <li>(f) Is not under sentence of death imposed by a court in any part of the Commonwealth.</li> <li>(g) Is not under allegiance, obedience or adherence to any foreign power or State.</li> </ul> |

(h) Is not serving sentence of imprisonment exceeding 12 months imposed/suspended by a court in any part of the Commonwealth.

(i) is not disqualified for membership of the House of Representatives because of functions connected with:

(a) the conduct of elections

(b) the compilation or revision of any electoral register.

(j) Is not disqualified for membership of the House of Representatives by reason of having been convicted of any election offence.

(k) Is not disqualified for membership of the House of Representatives by reason of:

(a) holding or acting in any office of Parliament

(b) belonging to any of the armed forces of Trinidad and Tobago

(c) belonging to any police force specified in law.

- |                    |   |
|--------------------|---|
| Election Rule 8    | (3) Where a person being proposed for nomination is absent from the country on the day that the declaration is subscribed, the declaration shall be done by his agent in the Form No. 40.                     |
| Section 42(1)      | (4) At the time of the notification of his appointment to the Returning Officer, the election agent and every sub-agent must inform the Returning Officer of the location of his office and telephone number. |
| Election Rule 6(1) | (5) On the 7th day before Nomination Day, the candidate or his agent should submit to the Returning Officer for scrutiny the documents which are required to be delivered to him on Nomination Day.           |
| Rule 9(2)(3)       | (6) The candidate or his agent should determine from the Returning Officer before Nomination Day the acceptable means of payment of the Candidate's Deposit which is five hundred dollars (\$500.00).         |
|                    | (7) The candidate and/or his election agent or, where the candidate acts as his own agent, someone named by the candidate is entitled to attend the nomination proceedings.                                   |



## **PART II**

### **QUALIFICATION AND PROCEDURE FOR NOMINATION AT A GLANCE**

#### **MUNICIPAL ELECTIONS**

##### **QUALIFICATION**

Section 11(6)

Act No. 21 of 1990

- (1) A nominated candidate must:
- (a) be a citizen of Trinidad and Tobago
  - (b) qualify to be an elector under section 13 of the Representation of the People Act
  - (c) reside or be in occupation of qualifying property in the Electoral Area, i.e. property with an annual rateable value of not less than \$60.00
  - (d) be able to speak and unless incapacitated by blindness or other physical cause to read the English Language.

##### **DISQUALIFICATION**

A person is disqualified from being a Councillor if he -

- (a) is by virtue of his own act under any acknowledgement of allegiance, obedience or adherence to a foreign power or state;
- (b) has been adjudged or otherwise declared bankrupt and has not been discharged;
- (c) is a mentally ill person within the meaning of the Mental Health Act;

(d) is under sentence of death or is serving a sentence of imprisonment exceeding twelve months imposed on him by a court of competent jurisdiction in Trinidad and Tobago or substituted by 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;

(e) is disqualified for such election under the Representation of the People Act;

(f) is a member of the Senate, the House of Representatives, the Tobago House of Assembly or another Municipal Council;

(g) holds any office or place of profit, other than Mayor or Deputy Mayor in the gift or disposal of the Corporation, but a person shall not be disqualified by reason of -

(i) receiving or being entitled to receive payment by way only of travelling or subsistence allowances, or a refund of out-of-pocket expenses;

(ii) his receiving fees as a medical practitioner from the Corporation as the local authority of a sanitary district fees for the notification of cases of infectious diseases under the Public Health Ordinance or any similar written law;

(h) is debarred from exercising the practice of his profession on account of any act involving dishonesty;

(i) has within five years before the day of the election or since his election has surcharged to an amount exceeding two thousand, five hundred dollars under the Exchequer and Audit Act or under Part VI of this Act.

## **PROCEDURE FOR NOMINATION**

Election Rules 7 and 8(1)      A candidate must be nominated by six or more proposers whose names appear on the list of electors. In this regard Form No. 37 or 38 applies.

(2)      A nominated candidate is required to make a single declaration in one electoral district only to the effect that he/she:

- (a)      is duly qualified to be elected as a Councillor of the Municipal Corporation;
- (b)      is a citizen of Trinidad and Tobago;
- (c)      is qualified as an elector under section 13 of the Representation of the People Act;
- (d)      is able to read the English Language;
- (e)      is able to speak the English Language;
- (f)      is not under allegiance, obedience or adherence to a foreign power or State;
- (g)      is not a discharged bankrupt in any part of the Commonwealth;
- (h)      is not mentally ill (Chap. 28:02);
- (i)      is not under sentence of death imposed by a court in the Commonwealth.
- (j)      is not serving a sentence of imprisonment exceeding 12 months imposed/suspended by a court in the Commonwealth.

- (k) is not disqualified for election to the Municipal Corporation.
  - (l) is not holding any office other than that of Mayor or Deputy Mayor, in the gift or disposal of the Corporation.
  - (m) is not debarred from exercising the practice of his/her profession because of dishonesty.
  - (n) has not been surcharged within 5 years prior to polling day an amount in excess of \$2,500.00.
- (3) The nomination paper of the candidate must be supported by a declaration in the Form No. 41 or 42 as the case may be and the signature of the witness on Form No. 37 or 38 should be that of the said person before whom the supporting declaration is made.
- Election Rule 8 (4) The agent of a nominated candidate for election as a member of the Municipal Corporation is required to make a declaration in support of the nominee on Form No. 42.
- Section 42(1) (5) The election agent of a candidate must inform the Returning Officer of the location of his office and telephone number.
- Election Rule 6(1) (6) On the 7th day before Nomination Day, the candidate or his agent should submit to the Returning Officer for scrutiny all documents which are required to be delivered on Nomination Day.
- Election Rule 9(2)(3) (7) The candidate or his agent should determine from the Returning Officer before Nomination Day the acceptable means of payment of the Candidate's Deposit which is two hundred dollars (\$200.00).

- Election Rule 9(2)(3) (8) Only the candidate, his/her agent or, where the candidate acts as his own agent, someone named by the candidate, is entitled to attend Nomination proceedings.

## **CHAPTER I**

### **THE ELECTIONS AND BOUNDARIES COMMISSION**

#### **Its Role and Function**

1. In order to assist candidates and their agents in determining the proper channels of communication and to acquaint them with the role and functions of the Commission, it would be useful to provide some background information on the operation of the electoral system. At the apex of the system is the Elections and Boundaries Commission, constituted in accordance with Section 71(1) of the Constitution of the Republic of Trinidad and Tobago.

2. Section 71(11) of the Constitution prescribes that the registration of voters and the conduct of elections in every constituency shall be subject to the direction and supervision of the Commission.

3. The independence of the Commission in the performance of its functions under the Constitution is provided for firstly by Section 71(12) which states that:

“In the exercise of its function under this section, the Commission shall not be subject to the direction or control of any other person or authority”

and secondly by Section 136(5) to (11) relating to the salaries and conditions of service of members of the Commission and their removal from office.

4. The Commission is also responsible for making recommendations for the delimitation of constituencies, but Parliament is the final authority for determining the number and boundaries of constituencies into which the country is to be divided for the purposes of elections to the House of Representatives and Local Government Bodies. The term “Local Government Bodies” here refers to a Municipal Council and the Tobago House of Assembly.

### **Administration**

5. Subject to any general or special directions of the Commission, its administrative and operational functions are performed by officers of the Commission headed by the Chief Election Officer whose principal assistants are the Deputy Chief Election Officer and the Assistant Chief Election Officer.

### **Registration Officers**

6. Functioning under the control and direction of the Chief Election Officer and his principal assistants are the Registration Supervisors who supervise Registration Officers in the discharge of their direct responsibility to register qualified electors in the sixteen Registration Areas to which they are assigned.

7. Each Registration Officer in a Registration Area is provided with sufficient numbers of subordinate staff whose primary function is the registration of persons as electors. An appeal against any decision they make in a registration matter lies to the Registration Officer of the Area, and further appeal against his decision lies to the Court of Appeal.

## **CHAPTER II**

### **REGISTRATION**

#### **Qualification for Registration**

8. Section 16 of the Representation of the People Act, Ch.2:01 (the Act) provides for the registration of:-

- (a) all persons who are qualified as in paragraph 10 below to be registered as electors; and
- (b) all other persons in Trinidad and Tobago of the age of fifteen and over unless they are exempted by Order of the President.

8(A) Although the Act permits the registration of persons of the age of 15 years and over, such persons do not qualify to be electors until they attain the age of 18 years. Upon attaining that age and once otherwise qualified, they are automatically transferred to the list of registered electors and become entitled to vote at elections.

Section 15 of the Act disqualifies a person from being or remaining registered as an elector if he or she is -

- (a) mentally ill, within the meaning of the Mental Health Act;
- (b) under sentence of death imposed by a court in any part of the Commonwealth;
- (c) serving a sentence of imprisonment exceeding 12 months imposed by such a court;
- (d) under sentence of death or imprisonment imposed as in (b) & (c) above the execution of which has been suspended;
- (e) disqualified for registration as an elector by virtue of any law in force in Trinidad and Tobago by reason of his having been convicted of any offence relating to elections.

9. A person's right to be registered as an elector and, accordingly, to vote at an election is determined by such person possessing the prescribed qualifications but who, in addition, is not disqualified by Section 15 of the Act from being or remaining registered as an elector.

10. In the main, the qualifications for being registered as an elector are that the person applying must -

On the qualifying date (explained at 11) be:

- (a) a citizen of Trinidad and Tobago of the age of eighteen years or upwards; or
- (b) a Commonwealth Citizen other than a citizen of Trinidad and Tobago, of the age of eighteen years or upwards who -
  - (i) has been granted residence in Trinidad and Tobago
  - (ii) has documentary proof of such residence from the Ministry of National Security and
  - (iii) has resided in Trinidad and Tobago for a period of at least one year subsequent to the conferment of that status; and

- (c) has resided in the electoral district for a period of at least two months preceding the qualifying date.

11. It is worth emphasizing that both citizens of Trinidad and Tobago and Commonwealth Citizens must be resident continuously in the electoral district for a period of two (2) months or more preceding the qualifying date, which means in this context the 9th day after the date fixed as the commencement of an electoral registration (explained at paragraphs 23 & 24) under Section 30 of the Act.

11(A) Consequently, a registered elector who has removed from one electoral district to another loses, after a period of two (2) months residence in the new electoral district, his right to remain registered as an elector in his previous electoral district. However, after he has resided continuously for a period of two (2) months in another electoral district, he becomes qualified to have his registration as a voter transferred to such district.

### **Voting in Municipal Council Elections**

12. Section 13 of the Representation of the People Act deals with the registration of electors for purposes of municipal elections. It deals with applicants who are already eighteen years old when applying for registration, as well as those who will be eighteen years old by the qualifying date. The categories of applicant who qualify and the relevant qualifications are as follows:

- (1) Citizen of Trinidad and Tobago residing in an electoral district within a municipality for a period of at least two months by the qualifying date.
- (2) Commonwealth citizen other than a citizen of Trinidad and Tobago who, on the date preceding the qualifying date, has resided in Trinidad and Tobago for a period of at least one year and has been a resident of Trinidad and Tobago within the meaning of Section 5(1) of the Immigration Act and has lived in an electoral district within a municipality for a period of at least two months by that date.
- (3) Alien, i.e. a person who is neither a citizen of Trinidad and Tobago nor of the British Commonwealth who possesses the following qualification:
  - (a) Continuous residence in Trinidad and Tobago for a period of at least five years immediately preceding the qualifying date, the last two months of which period are spent in an electoral district in a municipality; or



(b) Residence for a period of at least twelve months immediately preceding the qualifying date, within ten miles of a municipality, the ten miles to be measured along the nearest road or way by land or water; and during that period

(i) Occupation of any rateable hereditaments in the municipality assessed in the current house rate book or a portion of such rateable hereditaments (i.e. qualifying property) for which he shall have paid rent at a rate of not less than sixty dollars a year; or

(ii) Occupation as owner of qualifying property of an annual rateable value of not less than sixty dollars.

In addition to these provisions, section 13(2) of the Representation of the People Act gives persons who jointly occupy property within a municipality the right to be registered as electors for an electoral district within the municipality if the annual rateable value at which the property is rated to the house tax or the yearly rent paid by the occupiers when divided by the number of occupiers is not less than sixty dollars a year for each of the occupiers.

Such qualifying property need not be during the whole of the qualifying period the same property or in the same electoral district of the municipality but may be different properties in the same or different electoral districts. In such cases the owner or occupier must be registered in the electoral district in which he/she last owned or occupied such property during the qualifying period.

However, a person who succeeds to qualifying property by descent, marriage settlement or demise becomes entitled to the qualifications of the former owner of such property, the rating of which remained the same until a new rate is made after the date of succession to such qualifying property.

In conclusion, it should be noted that the provisions of this section also entitle citizens of Trinidad and Tobago and other Commonwealth citizens to registration as Municipal Council electors based on residence within the ten mile radius of, and ownership of qualifying property in, the municipality for the required period. This in effect means that such persons can vote in both categories of election when they are held on the same day.

## **ALIEN VOTING RE TOBAGO HOUSE OF ASSEMBLY ELECTIONS**

13. The Tobago House of Assembly Act (Act 37 of 1980) provides for the registration of persons for purposes of voting in elections to the Tobago House of Assembly, even if they are neither citizens of Trinidad and Tobago nor of the Commonwealth. Such persons must have, or will have, resided in Trinidad and Tobago for a continuous period of at least 5 years immediately preceding the qualifying date, and must have resided in the electoral district for 2 months by the said date.

The relevant section 7(2) of the Act states:

A person who is not a Commonwealth citizen is not qualified to be registered as an elector unless he has or will have resided in Trinidad and Tobago for a continuous period of at least 5 years immediately preceding the qualifying date.

It is to be noted, however, that no property qualifications are attached to this provision as is the case in Municipal Voting.

14. For the purpose of registration, Trinidad and Tobago is divided into Registration Areas. There are nineteen (19) such areas each with a name and a number. Here are the areas each preceded by its Registration Area number:

- R.A. 1 - City of Port of Spain
- R.A. 2 - City of San Fernando
- R.A. 3 - Borough of Arima
- R.A. 4 - Borough of Point Fortin
- R.A. 5 - The Regional Municipality of Diego Martin
- R.A. 6 - The Regional Municipality of San Juan
- R.A. 7 - The Regional Municipality of Tunapuna
- R.A. 8 - The Regional Municipality of PiarcO
- R.A. 9 - The Regional Municipality of Sangre Grande
- R.A.10 - The Borough of Chaguanas
- R.A.11 - The Regional Municipality of Princes Town
- R.A.12 - The Regional Municipality of Penal/Debe
- R.A.13 - The Regional Municipality of Couva
- R.A.14 - The Regional Municipality of Siparia
- R.A.15 - The Regional Municipality of Rio Claro
- R.A.16 - The Regional Municipality of Tobago
- R.A.17 - The Regional Municipality of Laventille
- R.A.18 - The Regional Municipality of Tabaquite/Talparo
- R.A.19 - The Regional Municipality of Mayaro

15. Each of these Areas is sub divided into smaller units called Registration Units or Polling Divisions with the abbreviation P.D. in popular usage. These units carry a continuous numbering beginning from the first registration area to the last. This numbering system follows a multiple-of-five sequence which was intended to accommodate the creation (wherever) of additional polling divisions by the sub-division of existing units without seriously interfering with the sequence of the numbering. For example, if due to an increase in the number of registered persons in Polling Division 0005 it becomes necessary to sub-divide that unit or P.D., the number assigned to one of the sub-divisions would be 0006, and if any further sub-division became necessary, the numbers 0007 and so on up to 0009 would be employed to identify such sub-divisions respectively.

16. The Divisions for purposes of election are (1) Electoral Districts and (2) Polling Divisions. Both the electoral district and the registration area are related because the basic unit in each case is the Polling Division. In the delimitation of constituencies for the preparation of the Commission's Boundaries Report, a number of these basic units are put together to form an Electoral District which is more popularly known as a constituency.

#### **PROCEDURES RELATING TO RECORDING AND PROCESSING OF REGISTRATION DATA**

17. A person wishing to be registered must make oral application at the Registration Office for the area in which he resides. If the application is accepted, the following documents are completed by the registering officer:-

- (1) A Registration Record Card (R.R. Card) containing the name, address, date of birth and other identifying information relating to the applicant. Both original and duplicate are then signed by the applicant and the registering officer after the former has read over, or had read to him, the information contained therein. Special arrangements are made with respect to the registration of illiterate registrants; and
- (2) A certificate as to Provisional Registration on the basis of which the registrant is photographed by the official photographer. The registrant is informed of the option to provide his own. Such photographs must be two identical prints of the size (1 1/4 x 1") or (3.2 x 2.5cm.).

18. One photograph of the registrant is placed on the original of the registration record card and the other is sent together with the registrant's duplicate registration record card to Central Electoral Office. An Identification Card is then produced by the Commission's Computer Section and, after the necessary verification, it is returned to the registration office for delivery to the registrant. It should be noted that an elector's identification card is not prepared unless a photograph is available.

19. The original of the registration record card is placed at the appropriate point in the Unit Register for the polling division based on an alphabetical sequence according to the surname. It is this registration record card to which reference is made at a polling station on Polling Day to verify the identity of the prospective voter who turns up without his identification card.

20. The information on each registration record card is keypunched into the computer to subscribe to and maintain an up-to-date master list of electors as it were. Appropriate programming can then be employed to generate such outputs as List of Electors, Identification Card Inserts, Jury Lists and such other data as the Commission may request from time to time.

**NOTE:** The information recorded on the Registration Record Card is verified through field investigations before an application for registration is accepted.

### **Annual List of Electors**

21. The Commission is required under Section 29 of the Representation of the People Act to prepare and publish each year on 1st July, or on such varied date as is fixed by Order of His Excellency the President, a list called the Annual list, containing the names of all the electors in the respective Parliamentary, Municipal Council and Tobago House of Assembly electoral districts into which Trinidad and Tobago is divided. The list is prepared on the basis of Polling Divisions and is published in alphabetical sequence according to the surname of electors. The arrangement of Registration Record Cards in the Unit Registers follows this pattern as pointed out in paragraph 19. Each Registration Office is provided with an Annual List which it makes available for public scrutiny.

22. This Annual List is deemed to be the Preliminary List of Electors for purposes of revision in the event that any type of election is called. The other lists prepared and published by the Commission are associated with the event of an election and are dealt with under the heading "Electoral Registration".

### **CHAPTER III**

#### **ELECTORAL REGISTRATION**

23. One of the major requirements for conducting an election, be it Parliamentary or Local Government, is an up-to-date list of electors for the electoral district/districts in which the election is to be held. The Elections and Boundaries Commission makes every effort to satisfy that requirement, by conducting registration in the particular districts during a period proclaimed by the President, notwithstanding the fact that permanent Registration Offices exist. It is this period of registration that is called Electoral Registration.

A period of electoral registration is specific to a particular election and has a commencement date and a date of termination. These dates are specified in Proclamations issued by the President with respect to that election. The term qualifying date is used to designate the ninth day after the date of commencement of the electoral registration. However, the registration procedure must follow the Registration Rules as set out in the Representation of the People Act and, therefore, the temporary registration offices provide a complete registration service.

24. The qualifying date is significant within the context of an electoral registration in that -

- (i) it represents the date by which prospective electors must be qualified by age and residential requirements in order to be registered for the election; and
- (ii) persons not yet 18 years of age or who have not been residing in the electoral district for the required two-month period on the date of application, but who would have attained same by the qualifying date, may be registered on the date of application.

25. It should be obvious from the foregoing that the objective of an electoral registration is to provide qualified electors with the last opportunity before an election to ascertain and, where necessary, regularize their voting status and, in so doing, to enable them to effectively subscribe to an up-to-date Revised List of Electors for the particular electoral district. Officers conducting an electoral registration are motivated by the achievement of this objective as they deliver prompt and courteous service to the public. Such service includes the registration of electors, photography, change of name, change of address and general information of the public.

## **Proclamation**

26. The Proclamation issued by the President for electoral registration specifies the election to which the Proclamation relates and states the date of its commencement and the electoral district in which it is to be conducted.

On the issue of such a Proclamation, the Commission is required to publish in the Gazette and at least one daily newspaper, the addresses of the temporary Registration Offices established for the conduct of electoral registration and the days and hours of operation.

## **Temporary Registration Offices**

27. The temporary Registration Offices must be located within the electoral district in which elections are to be held, and the Registration Officer is required to:

- (a) establish offices for the conduct of electoral registration in each of the electoral districts in which elections are to be held, and publish in the Trinidad and Tobago Gazette and in at least one daily newspaper the location of these offices and their hours of business;
- (b) post a copy of the Preliminary List for each polling division within the electoral district, in two places in each such polling division. As indicated in paragraph 22 ante, at this time the Annual List becomes known as the Preliminary List of Electors, and is the basic list employed for the conduct of the electoral registration;
- (c) ensure that adequate training in the necessary registration rules and procedures is provided for the Temporary Assistant Registration Officers to be attached to the temporary offices, and to provide them with maps of the electoral district, copies of the Preliminary Lists and other relevant documents and material required for the performance of their functions; and
- (d) inform Political Parties in advance of the offices to be established and the number or scrutineers which they may recommend for appointment and the conditions to which such appointment is subject. These conditions are stated in the next paragraph.

## **Scrutineers**

28. The Representation of the People Act entitles scrutineers (representing political parties having a member or members as candidates for a Parliamentary election) to be present at any registration carried out during an electoral registration by a Temporary Assistant Registration Officer to whom they are assigned. Scrutineers are identified by a letter of appointment from the Elections and Boundaries Commission.

The Act goes further to set out guidelines to which scrutineers (in their functions) are expected to adhere:

- a. A scrutineer shall not interfere with a Temporary Assistant Registration Officer in the performance of his duties.
- b. If scrutineer/scrutineers are absent, registrations will continue normally.
- c. Any objections which may be made by scrutineers as to the registration of any person must be done by completing the prescribed form (Form No. 15) and submitting it to the Registration Officer.
- d. Scrutineers may inspect blank or completed registration documents carried by the Temporary Assistant Registration Officer, with the exception of the answers to any questions contained in the List of Twenty Questions (Form No. 12). Scrutineers are not to be present when such answers are being given.

Temporary Assistant Registration Officers are advised to keep a record of attendance for the scrutineers assigned to them. The allowances for a scrutineer will be calculated on a daily basis for actual attendance only, and payments are made on condition that the party subsequently nominates a candidate for the electoral district in which the scrutineer functioned.

29. Candidates and their Agents are advised to obtain both a written description of their electoral districts and the maps related thereto. This is necessary to enable them to become familiar with the boundaries of the electoral district and those of the polling divisions contained within such districts, as it is within that area that they will obviously conduct their election canvass. The descriptions of the electoral districts are contained in the relevant Elections and Boundaries Commission Order made by His Excellency the President obtainable from the Government Printer. The relevant maps and lists, however, can be purchased from the Stores Section at the Central Electoral Office of the Elections and Boundaries Commission.

### **Preliminary List**

30. On the issue of the Proclamation referred to in paragraph 26, the list of electors published immediately preceding the date of the commencement (paragraph 21) - or such other list of electors as the President may declare to be the list for that electoral district - shall, in respect of the electors of each electoral district, be the Preliminary List of electors for the district.

32.

A person who wishes to be registered in an electoral district or who has registered but whose name does not appear on the Preliminary List posted in respect of his polling division, has a 9-day period in which to make an application for registration or for inclusion on the list of electors.

Electors are invited to use the Commission's Hot Line Service by calling either 627-1516 or 625-8994 from 9.00 a.m. to 3.00 p.m. for information about their registration status.

31. Any elector for an electoral district, or a scrutineer assigned to work with the Temporary Assistant Registration Officer for such electoral district has the right to object to the registration of a person whose name appears on the Preliminary List of Electors, or to the registration of a person as an elector in such electoral district. Any such objection must be made to the Registration officer. A form is provided for so doing. An application for the registration of a person as an elector may also be made to the Registration Officer, if the Assistant Registration Officer has disallowed the registration. The Registration Officer may allow or disallow the application. An appeal lies to the Court of Appeal against the decision of the Registration Officer.

### **Revised List**

32. The Revised List, which emerges from the period of electoral registration, must be published not later than 14 days before Polling Day and must remain so posted for at least seven days. It must be noted that there can be no objection to a name on a Revised List if it appeared originally on the Preliminary List and there was no objection thereto. However, an objection may be made to the registration of a person whose name appears for the first time on the Revised List. Such objection must be made not later than 10 days before polling day.

33. The Revised List may be either a completely new list or the Preliminary List with a list of the names added thereto and a list of those deleted therefrom. Any Revised List relating to a particular polling division must be posted in two places within the polling division to which it relates. These two places must be the same locations at which the Preliminary List was posted when electoral registration was commenced.



### **Supplemental List**

34. The Supplemental List contains only the names of duly registered electors which were inadvertently omitted from the Revised List or which were inadvertently included thereon. The names of persons to be added and the names of persons to be deleted must be clearly indicated in separate columns on the Supplemental List.

35. Any Supplemental List relating to a particular polling division must be posted in the same places as were the Preliminary List, not later than ten days before Polling Day and must remain so posted for at least five days. It should be noted that any objection to the inclusion of a name on the Supplemental List must be made not later than six days before Polling Day. Should an objection to the registration of an elector whose name appears on the Supplemental List be upheld, such name must be taken off the list not later than three days before Polling Day.

## **CHAPTER IV**

### **PREPARATION FOR AND CONDUCT OF ELECTIONS**

36. Whereas registration is an essential part of the preparatory work for the holding of elections, the Proclamation for electoral registration does not necessarily herald the commencement of arrangements for the poll simultaneously. Thus, this chapter deals specifically with the various areas involved in preparing for the poll.

#### **Appointment of Returning Officers**

37. In order to facilitate the conduct of elections, Returning Officers are appointed by the Commission for each Electoral District. Consequent upon their appointment, Returning Officers are issued with Writs of Elections signed by the President, directing them to hold elections in the respective Electoral Districts to which they have been appointed.

#### **Election Notice**

38. Within 2 days after issue of a Writ of Election or within 2 days after he has been notified thereof by the Chief Election Officer, whichever may be the sooner, neither of which must be less than 12 clear days before Nomination Day, the Returning Officer is required by law to publish an Election Notice in the form prescribed as Form No. 35 of the Prescribed Forms Rules. This Notice is to be published in the Trinidad and Tobago Gazette and at least one daily newspaper.

This is the first official public Notice of the Election. Each such Notice specifies inter alia:

- (1) the electoral district in which the poll is to be taken;
- (2) the date on and the hours during the preliminary examination of nomination papers will be conducted;
- (3) the date and hour set for the nomination of candidates;
- (4) the date on which a poll will be taken in the event that there is more than one candidate nominated and the hours of the poll;
- (5) the date on which the Returning Officer will conduct the final count, if this is required; and
- (6) the address of the office of the Returning Officer.

In addition to the Notice being published as mentioned earlier, the Returning Officer is required to post a copy at his office and at other public places in the electoral district.

### **Nomination Forms**

39. On publication of this Notice, the first act of the candidate or his agent will be to obtain from the office of the Returning Officer, the documents required for the nomination of a candidate.

39(A) Two forms, one a statutory declaration and the other a nomination paper, must be completed in duplicate. The declaration must be completed by the candidate or his duly authorised agent attesting to his qualification for election as a member of the House of Representatives, Municipal Council or Tobago House of Assembly as the case may be. The nomination paper must be prepared by or on behalf of six or more persons acting as proposers to the nomination of the candidate. It must be signed by each of the proposers and then by the candidate or his duly authorised agent indicating his consent to the nomination. (See Procedure for Nomination at a Glance on pages 1 and 9 regarding Declaration to be made and signature of witness).

The proposers (nominees) must be registered electors whose names appear on the current List of Electors for that electoral district. It will be noted that there is a requirement that the registration number (same as ID Card No. or File Number) must be inserted against the names of each proposer, and care should be taken to ascertain that this is correctly entered since absence of this information may result in a candidate's paper being declared invalid by the Returning Officer.

### **Appointment of Election Agent**

40. Reference has been made in previous chapters to a candidate or his election agent. In view of the responsibilities, both statutory and otherwise, of an election agent, something needs to be said about his/her functions. The election agent of a candidate, if the latter is not his/her own agent is, as the name applies, a person vested with the legal authority to perform all the acts required to be performed by a candidate; and in matters involving expenditure on behalf of the candidate's election campaign, he/she is the person who is required by law to make disbursements beyond a total of \$500.00. However, this will be dealt with in greater detail under the heading **Election Expenses**.

A candidate has up to five clear days before Polling Day to appoint an election agent. To do so, he must notify the Returning Officer in writing of the name and address of the person so appointed. This may be done immediately after the publication of the election notice by the Returning Officer. The candidate may, of course, inform the Returning Officer that he is his own election agent. If a candidate does not appoint an election agent by the 5th day before Polling Day he will be assumed to be his own Election Agent and public notice of this will be given by the Returning Officer. Whatever the situation, however, the Returning Officer is required to give public notice forthwith of the name of the candidate's election agent and his address.

Additionally, an election agent may also appoint sub-agents equal to the number of polling divisions contained within the electoral district. This may be done not later than three clear days before Polling Day. A sub-agent is appointed for a particular polling division, and can, therefore, function only in that unit. Public notice of the appointment must also be given by the Returning Officer.

Every election agent and sub-agent should have an office to which all claims, notices, writs, summonses and documents may be sent, and the address of such office shall be declared at the same time as the appointment of the election agent or sub-agent to the Returning Officer.

The appointment of an election agent or sub-agent may be revoked. If this does happen or the appointee dies, whether before, during or after the election, another person shall be appointed forthwith and the Returning Officer informed.

41. The law provides that in the event that candidate is absent from the country, the consent to his nomination, the statutory declaration of his qualification and the appointment of an election agent may be made by a person acting as his duly authorised agent and on the Returning Officer being satisfied as to the 'bona fides' of such person, all action by such persons will be accepted as if they had been performed by the candidate personally.

### **Preliminary Examination of Nomination Papers**

42. In order to avoid problems which could arise from the candidates' papers not being in order on Nomination Day, provision is made for the preliminary examination of nomination papers on the seventh day before Nomination Day between the hours of 9.00 a.m. and 12.00 noon. If they are found to be valid, nomination day for the candidate becomes a mere formality. There is another reason, however, for the preliminary examination of nomination papers. It stems from the provision which gives a candidate the right of appeal to a Judge in Chambers against the rejection of his nomination papers by the Returning Officer. The decision on his appeal must be delivered by the Judge not later than two days preceding Nomination Day. This period provides the candidate with an opportunity to correct any deficiency in his paper in sufficient time to permit his nomination on the day appointed, in the event that the Judge sustains the rejection of the Returning Officer. Candidates and their agents are, therefore, strongly advised, in their own interest, to avail themselves of the facility provided for the preliminary examination of nomination papers. To avoid inconveniences, candidates should make enquiries as to the form in which deposit money will be accepted by the Returning Officer.

43. At this preliminary examination of nomination papers, only the candidate and/or his election agent is entitled to be present; but if a candidate is his own election agent, he may name one other person who would be entitled to attend in place of the agent. The right to attend these proceedings also confers the right to inspect and to object to the validity of any nomination paper presented at these proceedings. If the papers are found to be in order (valid), the Returning Officer will endorse both copies to that effect and return one to the person presenting them. If they are found to be invalid, the Returning officer shall make an endorsement to that effect giving reasons for his decision. This must be done by 4.00 p.m. on the day designated for the preliminary examination of nomination papers.

43(A) The Returning officer is entitled to hold the nomination papers invalid only on one of the following grounds:-

- (i) that the particulars of the candidate or the person signing the nomination paper or statutory declaration are not in accordance with the requirements of the law; or
- (ii) that the nomination paper or statutory declaration is not signed as required.

43(B) Where the Returning Officer certifies that the nomination paper of the candidate is invalid, an appeal against such decision to a Judge in Chambers may be made not later than the day following, that is, the sixth day before nomination day, by filing with the Registrar of the Supreme Court and serving on the Returning Officer a Notice in Form 36 of the Schedule of the Prescribed Forms Rules deemed to be made under Section 161 of the Representation of the People Act.

### **Nomination Day**

44. The Returning Officer shall, on Nomination Day, accept as valid any nomination paper or statutory declaration which was certified at the time of the preliminary examination of nomination papers as being valid or which was subsequently so certified by a Judge or the Registrar of the Supreme Court. The hours of business for the filing of nomination papers with the Returning Officer are:-

9.00 a.m. - 12.00 noon; and  
1.00 p.m. - 3.00 p.m.

The Returning Officer must use this opportunity to notify candidates of the date fixed for the issue of ballot papers to special electors and of the Polling Station designated for the intermixing of such ballots.

### **Candidate's Deposit**

45. A candidate shall not be deemed to be nominated unless the prescribed deposit is made to the Returning Officer at the time of nomination. The deposit in the case of a Parliamentary Election is \$500.00 and in the case of a Local Government Election it is \$200.00. The deposit may be made either by the deposit of any legal tender or by means of a banker's draft which, however, the Returning Officer may refuse to accept if he does not know that the drawer carries on business in Trinidad and Tobago.

### **Candidates Nominated for more than one Electoral District**

46. If a candidate is nominated for more than one electoral district, every such nomination paper shall be deemed to be void by the Returning Officer and the deposit forfeited. Such a situation can only arise if the candidate is a party to the dual nomination, since both the nomination papers must have been signed by him.

#### **Assignment of Symbols and order of names on Ballot Paper**

47. Following the close of nomination proceedings, the Returning Officer forwards to the Government Printer, through the Chief Election Officer, a list of the names of candidates nominated in alphabetical order according to surnames, together with the address, occupation and symbol of each candidate. This information will appear on the ballot paper in the same form as it appears on the nomination paper presented by the candidate or his agent. Care must, therefore, be taken to ensure that the particulars entered are correct, as there will be no further opportunity to make any correction.

47(A) With respect to the assignment of symbols, independent candidates will be assigned one of the symbols numbered (1) to (15) in the list of symbols appearing on page 177 of the Representation of the People Act, Chapter 2:01 which had not been previously assigned. The candidate of a party will be assigned the symbol of the party subject to the following requirements for such assignment being satisfied:

- (i) the candidate must indicate in writing that he is a candidate of the party for the electoral district;
- (ii) the statement must be authenticated by the Secretary or other authorised representative on behalf of the party in writing.

47(B) The application for assignment of a party symbol must be made by the party, not later than three days after publication of the Election Notice. Such application is made to the Elections and Boundaries Commission, and the symbol assigned becomes the symbol of the party for that and all subsequent elections, unless and until application is made for the assignment of another symbol.

If the party has not applied for, or has not been assigned a symbol, then the Commission may assign, at its discretion, to such party one of the symbols numbered (16) to (30) on page 177 of the Act and such symbol shall be assigned to all candidates of the party for that election.

47(C) In the case of independent candidates, the symbol should be assigned in the order in which the nomination papers of candidates are accepted, i.e., symbol No. 1 to the first

candidate numbered and so on. If there is a competing claim for a symbol, however, the Returning Officer may assign to an independent candidate any of the symbols reserved for independent candidates on request of the candidate for such a symbol.

48. A symbol other than those reserved for political parties may be assigned to a party by the Commission on application being made for such assignment. The request must be accompanied by a line drawing of the symbol which must allow for reproduction on election documents. The design and form must not, in the opinion of the Commission, offend religious susceptibilities of any section of the society or be a reproduction of the National Flag or that of any other country. Further, it must not bear likeness to a symbol previously assigned to another party.

### **Electoral Vehicles**

(Not applicable to Municipal Council Elections).

49. Under the Representation of the People Act, Chapter 2:01, duly nominated candidates or their election agents may, during the period commencing on nomination day and ending on the fifth day next before polling day, by notice given in writing to the Police Officer designated by the Commissioner of Police, require the registration of the prescribed number of electoral vehicles specified for the constituency in which the candidate is standing for election.

49(A) The Third Schedule to the Representation of the People Act, (p.81) prescribes the number of electoral vehicles which may be registered for each electoral district. The notice given to the Police should state:-

- (i) the name of the candidate;
- (ii) the electoral district for which he is a candidate;
- (iii) the total number of vehicles which are desired to be registered as electoral vehicles, this not being more than the prescribed number;
- (iv) the name and address of the driver of each vehicle and the number of his driving permit; and
- (v) the name and address of the owner of each of the vehicles and the type, make and registration number.

50. Three electoral vehicle placards for each vehicle will be provided by the appropriate Police Officer, and they are to be placed one on either side and the other at the

back of the registered electoral vehicle in an upright position so that the writing can be easily read. Drivers of the registered electoral vehicles will also be given cards suitably endorsed by the Police.

51. It is important to note that except under the arrangements described in paragraphs 49 and 50, a person shall not, with a view to supporting or opposing a candidate as against any other, either let, lend, employ, hire, borrow or use any motor vehicle or any animal-drawn vehicle or any animal for the purpose of conveying electors to or from the poll, as he will be guilty of an illegal practice. This provision, however, does not prevent an elector or several electors at their joint cost from hiring, employing or using any motor vehicle, any animal-drawn vehicle or any animal for the purpose of being conveyed to or from the poll. Persons may also employ or use such vehicles for the purpose of conveying themselves and any member of their household to and from the poll.

### **Notice of Taking a Poll**

52. Immediately following nomination day, the Returning Officer shall, in the event that an election is contested, that is, if there are more candidates standing nominated than there are seats to be filled, prepare and publish, in at least one daily newspaper, the Notice of Taking a Poll.

This publication supplies information regarding the polling stations to be established for use by electors in that electoral district on polling day, the name, address and occupation of the candidates standing nominated, and the reproduced symbol assigned to each such candidate. This information is of importance to candidates and their agents to assist them in deciding on the number of polling agents to be appointed, and transportation arrangements for their electoral vehicles on polling day. It will also be of assistance to them if they are preparing voter cards. The Returning Officer is required to provide each candidate with a copy of the Notice of Taking a Poll, as soon as it is received. If there appears to be any delay in printing, however, the Returning Officer may supply a candidate with the information in typewritten form signed by him.

### **Polling and Special Polling Agents**

53. In a previous chapter, (para.40 ante) reference was made to the appointment of an election agent and sub-agents. Provision is also made for the appointment of Polling Agents and Special Polling Agents by candidates at various stages of the election proceedings to look after their interest.

A candidate is entitled to appoint:-



- (a) one polling agent to attend at each polling station; and
- (b) one Special Polling Agent to be present at the following events -
  - (i) the issue of ballot papers relating to special voters;
  - (ii) the determination by the Returning Officer of the result of the poll; and
  - (iii) checks by the Chief Election Officer.

**NOTE:**

- (i) Experience has shown that consultation between candidate and election agent over the appointment of polling agents would prevent several agents being appointed for the same polling station, and candidates should be guided accordingly. In any event, when an agent is a paid agent, he must be appointed by the election agent.
- (ii) The Commission plans to invite political parties and independent candidates to nominate persons who will receive training in polling station procedures. The intent is that such persons will do the training of polling agents for their respective parties and independent candidates.

54. It must be pointed out to each polling agent that before he/she can be allowed to function at a station, he/she must present to the Presiding Officer, both the letter of appointment (Form 49) and the Declaration of Secrecy (form 51) to which he/she has subscribed. These forms will be obtainable from the office of the Returning Officer. It should be noted that the Presiding Officer is not competent to take the Declaration.

**Withdrawal or Death of Candidate**

55. A candidate may withdraw from his candidature up to five clear days before polling day by delivering a declaration in writing to that effect to the Returning officer. The declaration must be attested to by the signature of at least two of the persons by whom he was nominated. Any votes cast for such candidate shall be null and void.

55(A) In case of the death of a candidate after nomination day and before the close of the poll on polling day, the Returning Officer shall countermand notice of the poll, and all

proceedings with reference to the election shall be commenced afresh as if the Writ had been received on the day on which the Returning Officer obtained proof of the death of the candidate. No fresh nomination shall, however, be necessary in the case of a person shown in the Notice of Taking a Poll as standing nominated.

55(B) In the event of death of a candidate, the Returning Officer shall fix a new date for the nomination of candidates, which shall not be more than fourteen (14) days after the date on which proof was given to him of the demise of the candidate, and a new date for the taking of the poll which shall not be less than seven (7) days after the date set for nomination.

### **Refund of Deposit**

56. There is no provision for the refund of the deposit of a candidate who withdraws his candidature. However, in the case of the death of a candidate before the close of the poll on polling day, his legal personal representative is entitled to a refund of the deposit. In all other circumstances, a candidate, other than the candidate who is elected, must poll not less than 1/8 of the total number of votes polled by all the candidates in the electoral district to be eligible for a refund of the deposit. A candidate or agent will be assured as to whether the former is or is not entitled to a refund, from the summary of the Recapitulation Sheet containing the official results of the poll sent to him by the Returning Officer.

## **CHAPTER V**

### **TAKING OF THE POLL**

#### **Polling Station**

57. The following Amendment regarding the establishment of polling stations is included in THE ELECTION (AMENDMENT) RULES 1986:

“19. (1) Subject to sub-rule (1a), the Returning Officer shall establish such number of polling stations in such locations as the Chief Election Officer shall determine, whether within or without the boundaries of his electoral district, each polling station being in premises of convenient access, with an outside entrance for the admission of electors, and, where possible, an exit through which electors may leave after they have voted.

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(1a) Before the Returning Officer establishes a polling station outside of the boundaries of his electoral district, he shall first obtain the approval

of the Chief Election Officer who may grant such approval if he is satisfied that the building which houses the proposed polling station is conveniently located within a reasonable distance of the boundaries of his electoral district”.

58. Polling Day is the culmination of all the preparatory work done both by candidates and their agents and the Elections and Boundaries Commission. The polling station must be opened by 6.00 a.m. and preparatory activities must commence early. It is necessary for polling agents to bear in mind that they should be at the polling station to which they have been assigned before 6.00 a.m. to witness the preliminary proceedings, and, in particular, the examination and locking of the ballot box prior to the opening of the poll.

58(A) The purpose of this examination is to ensure that the box is empty at the time the poll is open at 6.00 a.m. The same applies to the poll card box. If agents are present at the proceedings before the opening of the poll, they will be invited to append their signatures as witnesses to the Presiding Officer's Certificate in the Polling Station Diary to the effect that the ballot box when locked, immediately prior to the opening of the poll, was empty. This is a statement of fact, and agents should have no difficulty in attesting to this fact, since they will be permitted to satisfy themselves of this by a visual examination. There is no obligation on the part of the polling station agent to sign as witness to the fact. However, it should be noted that the agent's failure to do so does not invalidate the proceedings.

If there is no candidate or agent present, the Presiding Officer shall, at the latest possible time, call upon two electors to witness the examination and locking of the ballot box. The Presiding Officer will NOT entertain questions regarding this phase of the day's activities from late arriving agents or candidates, and arrangements to convince him to do otherwise would be futile and could be considered as creating a disturbance and dealt with accordingly.

### **Polling Station Staff**

59. In addition to the Presiding Officer, the following other persons will make up the polling station staff:-

One Deputy Presiding Officer;  
Two or more Poll Clerks; and  
One or more Information Officers

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Note also that member(s) of the Elections and Boundaries Commission or members of the Commission's staff may visit polling stations during the course of the polling day.

IT SHOULD BE MADE CLEAR THAT POLLING STATION OFFICERS ARE DIRECTED NOT TO TAKE INSTRUCTIONS FROM ANYONE EXCEPT E&BC OFFICERS. THE COOPERATION OF CANDIDATES AND THEIR AGENTS IS ACCORDINGLY EXPECTED.

### **Ballot Box**

60. Before describing the voting procedure, some idea of the construction of the ballot box and the safeguards which it is intended to provide seems relevant.

Election Rule 20 made under the Representation of the People Act, Chapter 2:01, deals with this as follows:-

- “20. (1) Ballot Boxes shall be constructed of a durable material and designed to accommodate not less than 800 ballots;
- (2) Each ballot box shall be designed with a slot at the top for the insertion of the ballot and such slot shall be wide enough to permit insertion of ballots but not their withdrawal. The slot is to be equipped with a locking device operable from the inside of the box so that when it is locked from the inside it cannot be opened unless the box is unlocked by means of the outside lock which is to be located at the upper front of the box;
- (3) Ballot Boxes shall be numbered consecutively beginning with the number “1” preceded by the initials “E. & B.C.” (Elections & Boundaries Commission);
- (4) Each ballot box in use at an election shall bear the name of the electoral district in which it is being used and the polling station number”.

After the examination of the box is completed, the Presiding Officer must lock the box by means of the outside lock leaving the slot at the top open for the reception of ballots. The box is to be kept locked until the close of the poll.

### **Hours of the Poll and Demarcation of Limits Of Polling Station**

61. The hours prescribed for the poll are from 6.00 a.m. to 6.00 p.m. In so far as the opening of the poll is concerned, it would be clearly a contravention of the law if an elector were to be permitted to vote before 6.00 a.m. However, it is imperative that the position with respect to the close of the polls be clearly stated, to avoid any controversy.

61(A) Presiding Officers are issued with instructions which require them, before the commencement of the poll, to establish the limits of the polling station. This will be shown to the Police Officer on duty at the polling station and made known to agents. Anyone who is not within the area at 6.00m p.m. will not be permitted to vote, except where such persons are in queue or are assembled outside the area of the polling station waiting to enter the area of the polling station. In such circumstances, all persons in the line at 6.00 p.m. would be permitted to vote, notwithstanding the fact that this may result in their vote being cast after 6.00 p.m. Since this is easily determinable if there is a clear understanding of the arrangement, and a genuine desire to ensure adherence to the law, there need be no difficulty in this area. In this as in other matters, however, the decision of the Presiding Officer will be final, subject to recourse in another quarter.

### **Persons Authorised to be at Polling Station**

62. The preliminary proceedings having been completed, the Presiding Officer will declare the polls open. The maintenance of the secrecy of voting is of great importance, and candidates and their election agents and polling agents are to assist in ensuring that this principle is not violated.

Apart from the electors admitted into the polling station to cast their votes, all other persons who are entitled to visit the station are required under the law to make a Declaration of Secrecy (Form 51). Such persons would include:

- (i) the candidates and their election agents;
- (ii) the Polling Agents appointed to attend at the polling station;
- (iii) the companions of physically incapacitated electors;
- (iv) the Chief Election Officer, the Deputy Chief Election Officer, the Assistant Chief Election Officer, a Registration Supervisor, the Returning Officer and his Election Clerk/s, the Deputy Presiding Officer and the Poll Clerks;
- (v) the police officers on duty.

The Declaration of Secrecy must be presented, on demand, to the Presiding Officer of a polling station before entry is allowed.

### **Note**

A candidate or his Election Agent may function as a Polling Agent, but if a Polling Agent is present, a candidate or his Election Agent cannot be in the polling station with the Polling Agent for more than 10 consecutive minutes.

### **Eligibility to Vote**

63. The ideal situation is one in which the elector has his identification card, his name appears on the Revised List of Electors, and his registration record card appears in the unit register. The law provides, however, that if an elector's name appears on the Revised List of Electors and he does not have or cannot produce his Identification Card at the time, he must be permitted to vote after his photograph in the Unit Register is referred to for verification of his identity and he has taken the required affirmation (Form No. 53) for an elector without Identification Card.

### **NOTE:**

**No person is entitled to vote at a polling station for any polling division in an electoral district unless:**

- (a) his name appears on the revised list of electors for that polling division; or**
- (b) his registration record card appears in the unit register of electors for that polling division.**

**The mere possession of an Identification Card does not entitle a person to vote at any polling station.**

**A qualified elector must be duly registered in order to enjoy the entitlement to vote.**

64. The Deputy Presiding Officer signifies his intention to allow the elector to vote by placing his initials on the poll card of the elector, recording the consecutive number assigned to the voter and the voter's number on the Revised List on the stub of the ballot paper to be issued to him, through the use of the Guidance Ballot instructing the voter as to the manner in which the ballot is to be marked and how it should be folded when marked, detaching the ballot paper from the stub in the book of ballot papers, placing his initials and the polling station number in the space provided on the back of the ballot paper and delivering same to the voter. The elector will then be given an "X" stamp or other instrument with which to mark his ballot and be directed to the voting booth.

64(A) If an elector has entered the voting booth and, before he has recorded his vote, he asks for further instructions, the Presiding Officer must give such instructions in the presence of the polling agents who are present at the station. Under no circumstances must any one present at the polling station seek to persuade the elector to vote for or against any party or candidate. Any such action will constitute an election offence.

### **Spoiled Ballot**

65. An elector is entitled to receive a second ballot paper if he has inadvertently dealt with the first one given him in such manner that it cannot be used. He must return the first ballot paper to the Deputy Presiding Officer who shall:-

- (a) deface it in such a way as to render it a spoiled ballot;
- (b) deliver another ballot paper to the elector
- (c) place the spoiled ballot in the envelope provided for the purpose;  
and
- (d) cause a record to be made in the Polling Station Diary.

### **Casting of Ballot**

66. When the elector leaves the voting booth and proceeds to the Ballot Box Poll Clerk, he is to display the folded ballot to the official who must then satisfy himself that the ballot is the one issued to the voter. This will be done by checking the space provided for the Deputy Presiding Officer's initials and the polling station number at the back of the ballot. If he is satisfied after this examination, the elector will then be required to immerse his finger in the electoral ink before placing the ballot into the ballot box.

66(A) In marking the ballot, the voter may make more than one ("X") provided that all are contained within the horizontal lines containing the information on one candidate.

Note that notwithstanding the number of X's recorded, only one vote will be counted for the candidate. The voter may also use some other marking instrument for recording his vote so long as it cannot be regarded as identifying the elector.

66(B) It must be clearly understood that an elector who has entered the voting booth is required to vote without delay and that, except with the approval of the Presiding Officer, the voter may not remain in the enclosure for a period longer than one minute.

### **Exceptions to Normal Requirements and Procedures for Voting**

67. The Representation of the People Act makes provision for the following exceptions to the normal requirements which are to be satisfied for an elector to be able to vote and the procedure for voting:

#### **(1) Personated Elector**

If a particular elector presents himself to vote at an election after another person has voted as such person, he shall be entitled to vote after taking the Affirmation of Identity in the form set out as Form No. 61 and otherwise establishing his identity to the satisfaction of the Presiding Officer. The Presiding Officer in such a case is required to enter on the Poll Card a note:

- (i) that the elector was allowed to vote after another person had voted as such elector;
- (ii) that the Affirmation of Identity was taken by such elector; and
- (iii) of any objections made by or on behalf of any of the candidates and, if so, which candidate(s).

#### **(2) Suspect Ballot**

The Presiding Officer may refuse to allow an elector to place his ballot into the ballot box if he has reasonable cause, and after examining the ballot by touch, to believe that there is some foreign element folded in the ballot. In such a case, the Presiding Officer will inform the elector, in the presence of the polling agents, that if he wishes to vote, his ballot will be placed in an envelope provided for suspect ballots until the close of the poll. If the elector does not consent to this, then the ballot paper and the poll card issued to him will be destroyed and an appropriate note made in the polling station diary. In such an event, the elector will not be allowed to vote at that election.

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If the elector agrees, the suspect ballot will be placed by the Presiding Officer in the envelope provided for such ballots, and if it is found to be intact



after the close of the poll, it will be included among the other ballots to be counted. The ballot will not be opened to reveal for whom the elector has voted before being put among the other ballots to be counted. In that way, the confidentiality of the vote will not be infringed.

(3) Voting by Incapacitated Persons

The attention of polling agents is to be drawn to the provisions in the law for the casting of votes by incapacitated persons. It is to be emphasized that the Presiding Officer of the polling station is the only person authorised to record on his behalf, the vote of an elector incapacitated by blindness. He must, however, do this in the presence of the elector, the Deputy Presiding Officer, the Poll Clerks and all polling agents who may be present at the station. The role of the companion of the blind elector involves assisting the elector to the polling station and back and does NOT include assistance with the actual voting.

The procedure laid down for persons who are otherwise incapacitated allows such persons to be assisted by a companion. The ballot in this case is marked in the privacy of the voting booth. The companion should be:-

- (i) a person who is entitled to vote at the election; or
- (ii) the father, mother, brother, sister, husband, wife, son or daughter of the incapacitated elector who has attained the age of 18 years.

In either case, the companion must not have previously assisted more than one physically incapacitated person to vote at the election.

In any event, the companion must make a declaration in Form No. 60. The incapacitated person must take an affirmation in Form No. 59.

(4) Oaths, Declarations and Affirmations and Questions Applicable to Electors

A candidate or a polling agent may request that the Presiding Officer put one or both of the following questions to an elector with respect to his identity or qualification:

- (i) are you the same person whose name appears as A, B, in the register of electors for this polling station?

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- (ii) have you already voted here or elsewhere at this election?

and on such request being made, the Presiding Officer shall put the question or questions to the elector.

The elector shall not be permitted to vote unless he answers the first question in the affirmative and the second in the negative. If an elector refuses to make an affirmation or to make a declaration, or to answer any of the statutory questions put to him by the Presiding Officer as provided for in the Act, the elector will not, under any circumstances, be permitted to vote, and after leaving the polling station, he will not be re-admitted. When once the elector has complied with this request, no further interrogation must be pursued.

68. Election Agents and Candidates should advise the polling agents of their right to question the qualification of a prospective voter if in doubt, even when such person appears to satisfy all the requirements for voting, i.e., name on list, identification card and even his card in the binder. In such cases the agent is entitled to request the Presiding Officer to have the elector make the Affirmation of Qualification (Form No. 55) before being allowed to vote. An elector who has removed from his place of residence as recorded on the list of electors and has ceased to be qualified to remain registered at such residence would, therefore, be unable to truthfully take the Affirmation of Qualification and would, consequently, not be qualified to vote at the election.

### **Polling Station Diary**

69. The Presiding Officer is required to keep and maintain a record of the important events occurring at his polling station, beginning with the opening of the poll and ending with a statement of the results of the poll. Specifically, he is required to record the following:-

- (a) the hour at which the poll was opened and whether the candidates or their polling agents were present;
- (b) the name of a married woman whose maiden name appears on the revised list of electors and whose registration record card in such name is in the unit register, and who presents her identification card bearing her maiden name who has been permitted to vote, after having taken such oath as to her identity as may be required;

- (c) the name of any elector who is not permitted to vote because of his refusal to take an oath or to comply with any lawful direction of

the Presiding Officer provided for in the Representation of the People Act or the Rules made thereunder and which is required to be complied with before the elector casts his vote;

- (d) any objection made by a candidate or his agent;
- (e) any incidence of suspect ballot, and the manner in which the matter was resolved;
- (f) a certificate as to the number of persons who voted at the polling station signed by him and other polling station officials;
- (g) destroyed ballots and spoiled ballots;
- (h) a statement of the result of the poll;
- (i) the circumstances surrounding any destroyed ballots;
- (j) a certificate to the effect that the ballot box and poll card box were examined prior to the opening of the poll and found to be empty;
- (k) particulars in respect of a person who presents himself to vote after another person has voted as such person;
- (l) whether voting ceased at 6.00 p.m. and if not, the reason why it did not cease;
- (m) if special ballot boxes were brought to his station (under Rule 88), a statement regarding this fact and -
  - (i) the number of ballot boxes so brought;
  - (ii) the time of arrival of such ballot boxes;
  - (iii) the number of special envelopes received; and
  - (iv) any other events which, to the Presiding Officer may seem to be of importance.
- (n) a certificate of the close of the poll.

## **CHAPTER VI**

## **SPECIAL VOTING**

### **Eligibility, Application to Vote as Special Elector and Issue of Ballot Paper**

70. The provisions relating to Special Voting are contained in Election Rules 59-96 of the Representation of the People Act.

71. Provision is made for certain categories of persons to be treated as special electors. These are electors whose employment or other circumstances make it desirable for them to cast their vote before polling day, or to be extended the facility of not attending at regular polling stations in order to cast their vote.

A person is eligible to be treated as a special elector if he is:-

- (a) a member of the Elections and Boundaries Commission, the Chief Election Officer, the Deputy Chief Election Officer, the Assistant Chief Election Officer; or
- (b) a member of the Police Service, or the Special Reserve Police Force established under the Special Reserve Police Act or of the Estate Police established under the Supplemental Police Act; or
- (c) a member of the Trinidad and Tobago Defence Force; or
- (d) the Returning Officer of an electoral district other than that in which he is registered for the purposes of the election; or
- (e) a Presiding Officer, a Deputy Presiding Officer or a Poll Clerk; or
- (f) a polling agent; or
- (g) a candidate or the husband or wife of a candidate for an electoral district other than that in which he is registered for the purposes of the election; or
- (h) an election agent or sub-agent who is registered for the purpose of the election in an electoral district other than that of his candidate;
- (i) unable or likely to be unable to go in person to the polling station at which he is entitled to vote unless he travels between Trinidad and Tobago;
- (j) unable or likely to be unable to go in person to the polling station at which he is entitled to vote by reason of being -

- (i) a patient in a public hospital, or in a private hospital approved by the Commission, or an inmate in a public institution; or
- (ii) a prisoner within the meaning of that expression in Section 2 of the Prisons Act;
- (iii) a member of the flight crew of an aircraft;
- (iv) a person engaged in offshore petroleum operations.

72. The application may be made by the elector between the date of publication of an election notice and nomination day, and the elector must enter in the space provided, the name and address of the Registration Office at which he would pick up his ballot paper if his application is approved. The registered person who is accepted as a special elector is not entitled to vote except in accordance with the provisions relating to special voting. The Returning Officer shall give at least two days notice to candidates and their agents of the date of issue of ballot papers to such electors. No person other than the Chief Election Officer, the Deputy Chief Election Officer, the Assistant Chief Election Officer, a Registration Supervisor, a Returning Officer and his election clerk, the candidates for the electoral district and their election agents, Special Polling Agents and two electors for the electoral district selected by the Returning Officer may be present at the proceedings on the issue of ballot papers to special electors. Such of the above as may be present, would be required to make a declaration of secrecy in Form No. 66 of the Prescribed Forms Rules made under the Representation of the People Act.

73. The Returning Officer, in consultation with the Chief Election Officer will make the necessary arrangements for the despatch of the ballot papers to Special Electors. Each special elector will be sent the following enclosed in an envelope addressed to him:-

- (a) ballot paper;
- (b) ballot paper envelope;
- (c) covering envelope with the declaration of identity printed thereon;
- (d) directions for the guidance of special electors;
- (e) notice advising against the ballot paper being marked away from the special polling station;
- (f) information on the location of the special polling station.

74. The Candidates or Election Agents should indicate on the application of an elector falling in categories (f) or (h) in paragraph 71, that the applicant has been appointed by him as a Polling Agent or Sub-Agent or, in the case of the spouse of a Candidate, the Candidate must authenticate the applicant's claim. It must be emphasized that the names of persons accepted as Special Electors will be excised from the Revised List of Electors to be used at the ordinary Polling Station on Polling Day and their registration record cards removed from unit registers and, in consequence, such electors will not be able to vote at regular polling stations on election day.

75. Election Agents or Candidates will be advised, by notice from the Returning Officer, of the date set for the issue of ballot papers to the persons who have been accepted as Special Electors. The Candidate, Election Agent and his Special Polling Agents may be present at the issue of such ballot papers. They, together with the other persons entitled to be present at the proceedings, must subscribe to the Declaration of Secrecy (Form No. 66) of the Prescribed Forms Rules.

76. Additionally, the Returning Officer is required to provide each candidate with a list of Special Electors containing the names of all electors whose applications have been accepted. In addition to the name of the elector, the list will contain his address, registration number, the address in Trinidad and Tobago to which the ballot is to be sent and the consecutive number on the list of Special Electors assigned to the name of each elector on the list of Special Electors.

#### **Special Polling Stations established by the Returning Officer**

77. A special elector may vote at a special polling station established by the Returning Officer for the electoral district in which he is registered to vote, or at a special polling station established by the Commission for certain classes of special electors. Such polling stations established by the Commission shall be opened for use by the category or special electors specified without restriction as regards the electoral district to which they belong.

#### **Special Polling Stations established by the Commission**

78. The voting at special polling stations established by the Commission shall be supervised by Special Presiding Officers appointed by the Commission, and at least two days notice must be given of the establishment of such polling stations in the Trinidad and Tobago Gazette and at least one daily newspaper. The notice shall also prescribe:-

- (i) the class of special elector who may vote in the polling station; and
- (ii) the location of the station and the hours during which such station will remain open.

No such special polling station may be opened later than two (2) days before Polling Day.

### **Procedure on Special Voting**

79. The following arrangements for voting at such polling stations will apply:-

The Special Presiding Officer shall, after the elector has identified himself -

- (a) request the special elector to supply his name, address and occupation, and where the polling station is established under Election Rule 76 (i.e. by the Commission), the electoral district for which he is a special elector, the covering envelope and, if available, his identification card;
- (b) check the list of special electors for that electoral district supplied to him by the Chief Election Officer to establish whether there is an entry corresponding to the information given;
- (c) where the check required by paragraph (b) establishes the information given, request him to display -
  - (i) the ballot paper in his possession so as to ensure that it has not yet been marked for any candidate, and, if unmarked, that it bears an initial in the area reserved for signature of the Returning Officer; and
  - (ii) the covering envelope bearing the address of the Returning Officer for his electoral district with the declaration of identity;

- (d) request him to complete and sign the declaration of identity on the outside of the covering envelope and compare the signature placed thereon with that on the identification card if presented;
- (e) provide the special voter with the “X” stamp or any other writing instrument for him to mark the ballot for the candidate of his choice and then direct him to the area provided for voters to mark their ballot in secrecy and instruct him in the form in which it is to be folded when being returned;
- (f) after the special elector has marked his ballot paper and displayed the folded ballot, the Special Presiding Officer shall -
  - (i) ensure that the folded ballot bears the initials of the Returning Officer in the space provided;
  - (ii) request him to place it first in the envelope provided for the ballot and provide him with some substance to enable him to seal such envelope;
  - (iii) advise him to place the sealed envelope into the covering envelope and seal it; and
  - (iv) cause the special elector to insert the covering envelope into the special ballot box.

80. Every Special Presiding Officer shall keep a record at a special polling station in which he shall enter the name, address and identification card number, if available, of a special elector and whether or not such special elector has voted at the special polling station, and shall cause every such entry to be signed by the respective special elector who has voted at the special polling station and to whom it relates.

81. A special polling station established by the Commission shall be closed at the hour specified in the notice published by the Chief Election Officer, for the casting of special votes at that special polling station. After that hour, no further ballots shall be inserted into the ballot box.



### **Voting by Physically Incapacitated Special Elector**

82.(1) If the Special Presiding Officer is of the opinion that a special elector is physically incapacitated by blindness or otherwise, to the extent that he is unable to record his vote on the ballot paper or to insert the ballot paper into the ballot box without the assistance of another person, the Special Presiding Officer shall allow such physically incapacitated special elector to vote with the assistance of a companion who is of the age of eighteen years and over in the presence of the Special Presiding Officer.

(2) The companion of the physically incapacitated special elector must, however, take the declaration of secrecy as set out in Form No. 51 of the Prescribed Forms Rules. Anything done by the companion of a physically incapacitated special elector must be done in the presence of both the Special Presiding Officer and special elector. If the special elector is unable to sign the declaration of identity, such declaration shall be signed for and on his behalf by a companion who is of the age of eighteen years and over.

### **Special Polling Station Diary**

83. Special polling station diaries will, for administrative convenience, be used at special polling stations. Consequently, special presiding officers and witnesses will be required to attest to the opening and closing of polling stations, as well as to the sealing and removal of seals from special ballot boxes. This will be done on a daily basis by appending their signatures to a statement to this effect made on Form A-31 in the special polling station diary by the special presiding officer.

It must be pointed out that, whereas only one electoral district will be dealt with at the office of the Returning Officer during Parliamentary Elections, more than one electoral district might be assigned to a Returning Officer during Local Government Elections, in which case there will be separate special ballot boxes and special polling station diaries for each electoral district.

### **Procedure after the close of the Special Poll**

84. The Returning Officer shall -

- (a) close the special polling station established under Rule 73 at 3.00 p.m. on polling day and shall forthwith seal the slot of the special ballot box with his seal, in the presence of the candidates or their agents who may, if they so desire, affix their signature to such seal.

- (b) The Returning Officer or a Messenger appointed by him (Form 70A, Affirmation of Messenger) for that purpose shall, under police escort, take the special ballot box sealed in accordance with Rule 87 to a polling station within the electoral district previously designated by the Chief Election Officer for the purpose, and shall before the hour of 6.00 p.m. on the same day deliver the said special ballot box to the Presiding Officer of that polling station.

85. The Presiding Officer who takes delivery of a special ballot box under Rule 88 shall:

- (a) upon receipt examine the seals of the Returning Officer on the said box and shall allow any candidate or his agent who may be present to examine them; and
- (b) if he is satisfied that the seals of the Returning Officer have not been broken, give the Returning Officer or the Messenger appointed by the Returning Officer for delivering the special ballot box, a receipt to the effect that he received the special ballot box and that it was properly sealed.

In addition to the special ballot box, the Returning Officer shall deliver or cause to be delivered to the Presiding Officer the following:

- (a) two copies of the list of special electors prepared in accordance with Rule 63(4);
- (b) the register of special electors compiled in accordance with Rule 64 ; and
- (c) the key for the special ballot box.

86. Immediately after the Presiding Officer has announced the closing of the poll in accordance with Rule 57, he shall, after allowing the persons present to inspect the seals on the special ballot box, break the seals, unlock the ballot box, empty it of its contents, show it open and empty to the persons present, and then relock the box.

87. The Presiding Officer shall, in the presence of such persons as are authorised to be present, proceed to examine and count the ballot papers recovered from the special ballot box. The count must be conducted in the following manner:-

- (1) The Presiding Officer shall first separately open each covering envelope contained therein.

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

(3) Where such envelope does contain a ballot paper, the Presiding Officer shall satisfy himself that -

- (a) the declaration of identity printed on the covering envelope has been duly signed;
- (b) the signature on the declaration of identity corresponds with the signature on the registration record card of such elector in the register of special electors;
- (c) the initials appearing on the ballot paper are the initials of the Returning Officer.

Provided however, that:-

Where the declaration of identity has been signed for and on behalf of a special elector in accordance with the provisions of Election Rule 83, the Presiding Officer shall not be required to comply with the requirements of (b) above.

(4) If the Presiding Officer is not satisfied as in paragraph (3) he shall -

- (a) mark on the covering envelope the word “rejected”, if his dissatisfaction is in respect of sub-paragraphs (a) and (b) of paragraph (3);
- (b) mark the ballot paper “rejected” if his dissatisfaction is in respect of sub-paragraph (c) of paragraph (3);
- (c) show the declaration and the registration record card to the persons authorised by the Presiding Officer to be present;

- (d) place the covering envelope in the receptacle for votes rejected;
  - (e) add the words “rejection objected to” and the letter “Q” to the covering envelope if an objection is made by a candidate or an election agent or any polling agent to his decision.
- (5) If the Presiding Officer is satisfied as in paragraph (3) he shall -
  - (a) place the covering envelope on which the declaration of identity is printed in a separate receptacle (hereinafter referred to as “the receptacle for covering envelopes”);
  - (b) replace the ballot paper in the special ballot box;
  - (c) mark the letter “V” opposite the name of the elector on two copies of the list of special electors.
- (6) On opening a covering envelope, if a ballot paper therein is unfolded, the Presiding Officer shall immediately fold same taking all proper precautions for preventing any persons from seeing the face of the ballot paper.
- (7) (a) The Presiding Officer shall record in the polling station diary the fact that special ballot boxes were brought to his station, the number of ballot boxes so brought, the time of arrival of such ballot boxes the number of special envelopes and events relating to the special voting as may to the Presiding Officer seem to be of importance. This must also be done in the Special Polling Station Diary by completing Part B of Form A-116.
  - (b) The Presiding Officer shall sign the record referred to in Sub-Rule (1) and cause the Deputy Presiding Officer, the Poll Clerks and such of the candidates or their agents as are present to append their signatures thereto.
- (8) (a) The Presiding Officer shall, in full view of the candidates or their agents, as may be present, re-open the special ballot box and take out the ballots therein.

- (b) Without allowing any person to see for whom such ballot papers have been marked, the Presiding Officer shall then place all such ballot papers in the ballot box which contains the ballots cast at his polling station on polling day and shall make and sign a note upon the statement of poll of the number of ballot papers so placed by him in the ballot box used at his polling station.

## **CHAPTER VII**

### **PROCEDURE AFTER THE CLOSE OF THE POLL**

#### **The Close of the Poll**

88. The Presiding Officer shall, immediately after the last elector has voted after 6.00 p.m. -

- (i) announce the close of the poll;
- (ii) record in the polling station diary the hour at which the poll was closed and the number of persons who voted as recorded on the stub of the last ballot paper issued;
- (iii) sign the record in the polling station diary and cause the Deputy Presiding Officer, the Poll Clerks and such of the agents as may wish to append their signatures thereto.

#### **NOTE**

If special ballot boxes were brought to his station, he must refer to and follow the procedure outlined under SPECIAL VOTING in Chapter VI of these instructions.

89. The procedure to be followed by the Presiding Officer after the close of the poll is explicitly set out in Election Rule 97 made under the Representation of the People Act, Chapter 2:01, the 17 sub-rules of which provide as follows in relation to the count and subsequent action to be taken by the Presiding Officer:

97(1) Immediately after the Presiding Officer has complied with the requirements of Rule 57 he shall -

- (a) count the number of spoiled ballots, if any, and place them in the proper envelope supplied for that purpose, and indicate thereon the number of the ballot papers and seal the envelope;

- (b) count the unused ballot papers undetached from the book of ballot papers, place them with the stub of all used ballot papers in the special envelope supplied for that purpose and indicate thereon the number of unused ballot papers;
- (c) check the number of ballot papers supplied by the Returning Officer against the number of spoiled ballot papers, if any, the number of unused ballot papers and the number of destroyed ballot papers as recorded in the polling station diary and the number of voters at the polling station as reflected on the stub of the last ballot issued at that polling station, in order to ascertain that all ballot papers are accounted for;
- (d) record the number of ballots and ballot papers on the Statement of the Poll set out as Form No. 69 in the Prescribed Forms Rules;
- (e) open the ballot box and empty its contents upon a table;
- (f) take the suspect ballots, if any, from the special envelope provided for such ballots and without opening them, place them among the other ballots which were contained in the ballot box without opening the suspect ballots to reveal for whom the voters have voted;
- (g) distribute tally sheets to the Deputy Presiding officer, the Poll Clerks and the candidates or their polling agents present;
- (h) count the number of votes given to each candidate on his tally sheet, giving full opportunity for those present to examine each ballot.

97(2) In counting the votes, the Presiding Officer shall reject all ballots -

- (a) that are on ballot papers that have not been supplied by the Deputy Presiding Officer;
- (b) that have not been marked for any candidate or have not been stamped or marked in the manner prescribed;

- (c) on which votes have been given for more than one (1) candidate;
- (d) where it cannot be established for whom the elector has voted;
- (e) upon which there is any writing or mark by which the elector can be identified.

97(3) No ballot shall be rejected by reason only that:-

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

97(4) Where in the course of counting the ballots, it is discovered that the Deputy Presiding Officer had omitted to affix his initials to the back of the ballot at the time it was issued, the Deputy Presiding Officer shall, in the presence of the Presiding Officer, the Poll Clerks and the candidates or their agents, affix his initials to the ballot and the Presiding Officer shall count the ballot if he is satisfied that:-

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

A Presiding Officer will not reject a ballot in which more than one “X” mark is recorded if they are all contained within the horizontal lines containing information on one candidate. **Such a ballot will, however, and notwithstanding the number of “X” marks count as one vote.**

97(5) In counting the ballots, the Presiding Officer shall, wherever his decision on a ballot is questioned, record the fact by writing the letter “Q” at the back of the ballot and appending his initials.

97(6) The decision of the Presiding Officer as to the validity or otherwise of a ballot shall be final, subject to review.

In the counting of votes, the vote shall be recorded for the candidate in whose compartment the “X” intersects, notwithstanding the fact that parts of the “X” may be contained within the compartment of another candidate.

97(7) The Presiding Officer shall place the ballots cast for each candidate in a separate envelope whether or not any such ballot is a questioned ballot.

97(8) All rejected ballots shall be put into a separate envelope.

97(9) All the envelopes referred to in subrules (7) and (8) shall be endorsed as to indicate their contents and shall be sealed by the Presiding Officer. The number of questioned ballots and the total number of ballots contained in each envelope shall be indicated on the outside of the envelope.

97(10) The Presiding Officer, the Deputy Presiding Officer and the Poll Clerks shall affix their seals and the Presiding Officer shall invite such of the candidates or their agents as are present to do likewise.

97(11) The Presiding officer shall open the poll card box, count the poll cards and place them in the envelope provided for the purpose. He shall indicate the number of poll cards on the outside of the envelope and in the appropriate place on the Statement of the Poll. He shall place the envelope in the poll card box which he shall then lock and seal.

97(12) After the completion of the count, the Presiding Officer shall complete the Statement of the Poll, in the form set out as Form No. 69 in the Prescribed Forms Rules, contained in the polling station diary and prepare and certify a sufficient number of separate copies for distribution as follows:-

- (a) to the Returning Officer;
- (b) to the Deputy Presiding Officer;
- (c) to such of the candidates or their agents as are present; and
- (d) the Chief Election Officer.



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

Sealing, Despatch and Delivery of Ballot Box

97(13) The Presiding Officer shall then place the sealed envelopes with the counted ballots, the envelopes with the spoiled ballots, the polling station diary and such other election documents as may be decided upon by the Commission into the ballot box.

He shall then lock the slot at the top of the ballot box by means of the locking device provided, lock the ballot box by means of the outside lock and affix his seal, and the Deputy Presiding Officer, the Poll Clerks and such of the candidates or their agents as may be present shall be invited to affix their seals.

97(14) In delivering or despatching the ballot box, poll card box and other election material, the Presiding Officer shall keep outside the box in separate envelopes:

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

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

97(15) The Presiding Officer shall, in such manner as the Commission may direct, transmit or deliver to the Returning Officer the ballot box and the poll card box together with the keys thereof in the envelope provided for that purpose.

97(16) The Presiding Officer shall also transmit to the Returning Officer, the register of electors and the file of answers to questions locked in the carrying case, and the keys thereof enclosed in the envelope provided for that purpose.

97(17) The Returning Officer may specially appoint one or more persons for the purpose of collecting the ballot boxes and the poll card boxes and the carrying cases from a given number of polling stations; and such person or persons shall, before delivering the poll card boxes and carrying cases to the Returning Officer, make an affirmation in the form set out as Form No. 70 in the Prescribed Forms Rules.

90. Questioned Ballots

The attention of polling agents is particularly invited to the provisions which confer on an agent the right to question the decision of a Presiding Officer with respect to acceptance or rejection of a ballot and the obligation of the Presiding Officer to record the fact by marking a “Q” at the back of the ballot. This record is of importance, as, in the event of a request made to the Returning Officer for a limited count, that count would be restricted to the ballots marked “Q” and those which had been rejected.

91. Announcement of Results

The Returning Officer, on receipt of the Statement of the Poll from the Presiding Officers of all the polling stations in his electoral district, shall announce the total votes recorded for each candidate in the said statements.

92. Final Count

A final determination of the number of votes by the Returning Officer shall be conducted only if there is a request for such count by one or more of the candidates. This provision is intended to dispense with the need for a count when all the candidates accept the preliminary results given by the Presiding Officer or when it is felt that a check is unlikely to reverse the result of the count or to significantly change the results recorded.

93. If a candidate wishes to have a final count conducted by the Returning Officer, the request must be made by 12.00 noon on the day following the poll. The request must indicate whether it is for a limited or general count, whether a count of poll cards is also to be conducted and the polling stations in respect of which the count is requested. If the request is for a limited count, it will be confined only to questioned and rejected ballots at the polling stations specified in the request.

94. All counts shall be conducted on the date and at the time specified in the election notice, and no further notice need be given by the Returning Officer to the candidates. Candidates and their Election Agents must, therefore, be present or represented at the office of the Returning Officer at the time specified in the election notice on the day following the election to witness the recount in the event that such event takes place.

95. The procedure for such a count is contained at Rule 101(5) to (15) of the Representation of the People Act which is reproduced below:-

- (5) Where in a limited count, the Returning Officer agrees with the decision of the Presiding Officer as regards any questioned ballot or rejected ballot, he shall write the word "confirmed" at the back of the ballot and where he disagrees with the decision of the Presiding Officer he shall write the word "varied" at the back of the ballot.
- (6) Where a general count is conducted, the Returning Officer shall review all ballots including rejected ballots, counted by the Presiding Officer at the polling stations specified in the request for the count and where he disagrees with the decision of the Presiding Officer as regards any ballot, he shall write the word "varied" at the back of the ballot.
- (7) Where a candidate or his agent disagrees with the Returning Officer as regards any ballot, the Returning Officer shall write the letter "Q" followed by his initials on the back of the ballot.
- (8) All ballots marked in any way by the Returning Officer in a final count shall be marked with his initials.
- (9) A final count shall be conducted by the Returning Officer whether or not a request therefore is made in every case where from the count conducted by the Presiding Officer and set out in his Statement of the Poll there results an equality of votes between or among the candidates obtaining the most votes.
- (10) All markings on a ballot by a Returning Officer shall be made on the back of the ballot in ink different in colour from that used by the Presiding Officer.
- (11) Where a limited or general count causes any change in the result of the ballot, whether in respect of the amount of votes obtained by a candidate or in respect of which a candidate obtains the most votes, the Returning Officer shall, on the basis of that count, make a declaration in accordance with Sub-Rule (1) as to the candidate elected.

- (12) At the conclusion of a final count, the Returning Officer shall place the ballots counted by him in the appropriate envelopes, having regard to his decision on such ballots and shall seal the envelopes. The candidates or their agents present at the count shall sign the envelopes as witnesses.
- (13) Where a final count results in an equality of votes between or among the candidates obtaining the most votes, the Chief Election Officer or an officer designated by him for the purpose, shall conduct a recount not later than four (4) days after the closing of the poll.
- (14) Where the recount results in one candidate obtaining the most votes, the Chief Election Officer shall so certify to the Returning Officer who shall make a declaration in accordance with paragraph (1) as to the candidate elected.
- (15) Where the recount results in an equality of votes between or among the candidates obtaining the most votes, the Chief Election Officer shall so certify to the Returning Officer who shall declare the election void and a new election shall, as soon as possible, be held in accordance with these Rules.

#### Equality of Votes

96. Where the count conducted by the Presiding Officers as set out in their Statements of the Poll results in an equality of votes between or among the candidates obtaining the most votes, a final count shall be conducted by the Returning Officer. Similarly, if the final count conducted by the Returning Officer results in an equality of votes, the Chief Election Officer or an officer designated by him must conduct a recount, not later than four (4) days after the close of the poll and shall certify the results to the Returning Officer who shall make his declaration in accordance with the certificate.

97. If the recount confirms the equality of votes, the Returning Officer shall then, on the basis of the certified statement, declare the election void and a new election shall be held as soon as possible.

#### Check of the Result of the Poll by the Chief Election Officer

98. A candidate or his agent may, within four (4) days of the declaration of the poll apply in writing to the Chief Election Officer for a check of the result. The application must be accompanied by a deposit of \$100.00 as security for the cost of the check.

99. In the circumstances, the Chief Election officer must give at least two (2) days notice to the Returning Officer and the candidates in the election, and specify the time and place at which such check will be conducted. A check under this rule shall be conducted by the Chief Election officer or the person designated by him to conduct such check, and shall be limited to a count of questioned ballots only. The result of such check shall be certified to the Returning Officer, and if it differs from the original result, he must amend his declaration to conform with the results certified to him.

#### Declaration of the Result of the Poll

100. After the Returning Officer has determined the candidate who has obtained the most votes or who has been so deemed by a check by the Chief Election Officer and so certified, the Returning Officer shall prepare and forward to each candidate in the electoral district a return in Form No. 72.

### **CHAPTER VIII** **GUIDELINES TO BE OBSERVED BY PRESIDING OFFICERS,** **RETURNING OFFICERS AND OTHER OFFICERS** **DESIGNATED TO CONDUCT CHECKS ON BALLOTS**

101. In determining whether a ballot is to be accepted or rejected, the person checking such ballot is required in so far as it is applicable, to reject all ballots -

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

However, no ballot shall be rejected by reason only that -

- (a) it has on it any number or mark placed thereon by the Presiding Officer; or

- (b) it has been marked with some instrument other than that provided at that election for electors to record their votes, so long as the mark does not constitute identification of the voter.

## **CHAPTER IX**

### **GENERAL**

#### **Presence of Candidate at Polling Station where he is represented by a Polling Agent**

102. While it may be physically impossible for candidates or their election agents to attend at every polling station, they may both wish to visit some of the polling stations. In such a case, neither the candidate nor his election agent may remain in a polling station along with the polling agent for more than ten consecutive minutes and the three of them will not be permitted to be in the polling station at the same time.

Polling agents should at all times remember that the Presiding Officer is the person appointed by the Commission to control all operations at the polling station and they should not in any way hinder him in the performance of his duties.

#### **Absence of Polling Agent from Polling Station**

103. A polling agent may, with the permission of the Presiding Officer, absent himself from the polling station during any period of the day except the hour immediately prior to the closing of the poll when, if he does leave, he will not be permitted to re-enter the polling station.

#### **Adjournment of Poll in case of Riot or other Disturbances**

104. The Presiding Officer is empowered to suspend the poll if proceedings at his polling station are interrupted by riot or open violence. He must, in such circumstances, immediately inform the Returning Officer of the electoral district of the suspension of the poll and if voting is not resumed by 6.00 p.m., the poll will be deemed to have been adjourned to the following day. The hours of the poll on that day to which it has been adjourned shall be between 6.00 a.m. and 6.00 p.m.

#### **Results of the Poll**

105. A candidate and his election agent could, if adequate arrangements are made by them, be aware of the results of the poll even earlier than the Returning Officer simply because the Returning Officer must wait to base his preliminary count on the statements of the poll received from the various polling stations.

Since the candidate and his agent may be present or be represented by an agent at all the centres where the count is being conducted and in the latter case, the polling agent is entitled to a copy of the Statement of the Poll at the polling station in which he functioned, then it is possible for the candidate to be aware of the results before the Returning Officer.

#### Final Declaration of Results

106. If there is no request for a recount, then the Returning Officer will, immediately following the declaration, send to each candidate a summary of the Recapitulation Sheet showing the total of all votes cast and counted for each candidate together with the rejected votes with a statement at the end, certifying to the public that the candidate (named) having received the most votes has been duly elected.

### **CHAPTER X** **ELECTION OFFENCES**

107. Candidates and their election agents are advised to study carefully the sections of the Representation of the People Act relating to election offences, so that they would not find themselves in breach of the law. They should pay particular attention to those sections, the breach of which can result in the invalidation of the election of a candidate.

A list of some of these offences with short notes on each is appended:

(1) Appointment of Polling and Special Polling Agents

If such agent is paid, the appointment must be made by the candidate's election agent, unless a candidate is his own election agent.

(2) Public Meetings

It is an offence to act or to incite others to act in a disorderly manner at a lawful public meeting held in an electoral district between the date of the publication of the notice of election and polling day.

A person is guilty of a corrupt practice if found guilty of this offence.

(3) Use of Premises licensed for sale of Intoxicated Liquor  
as a Committee Room

The relevant section of the Representation of the People Act is reproduced below:-

73(1) Any person who hires or uses any premises to which this election applies or any part of the premises for a Committee Room for the purpose of promoting or procuring the election of a candidate, or lets any premises to which this section applies or any part of the premises knowing that it was intended to use them or that part as a committee room is guilty of an illegal hiring.

(2) Subject to Sub-Section (3), this section applies to any premises:-

- (a) that are licensed for the sale of any intoxicating liquor for consumption on or off the premises or on which refreshment of any kind (whether food or drink) is ordinarily sold for consumption on the premises; or
- (b) where any intoxicating liquor is supplied to members of a club, society or association, other than a permanent political club.

(3) This section does not apply to the hiring, using, letting or permitting the use of any part of premises that is ordinarily let for the purposes of chambers or offices, or the holding of public meetings, or of arbitrations, if that part has a separate entrance and no direct communication with any part of the premises on which any intoxicating liquor or refreshment is sold or supplied as mentioned above.



(4) Printed Matter

Section 76 of the Representation of the People Act prescribes that :-

- (1) A person shall not:
- (a) print or publish, or cause to be printed or published any bill, placard or poster having reference to an election or any printed document distributed for the purpose of promoting or procuring the election of a candidate; or
  - (b) post or cause to be posted, any such bill, placard or poster as above mentioned; or
  - (c) distribute or cause to be distributed any printed document for that purpose -

unless the bill, placard, poster or document bears upon the fact thereof, the name and address of the printer and publisher.

- (2) For the purposes of this section, any process for multiplying copies of a document, other than copying it by hand, shall be deemed to be printing, and the expression “printer” shall be construed accordingly.
- (3) A candidate or election agent acting in contravention of this section is guilty of an illegal practice, and any other person so acting is liable, on summary conviction, to a fine or one thousand, five hundred dollars.

(5) False Statement as to Candidate

It is an offence to make or publish any false statement of fact in relation to the personal character or conduct of a candidate for the purpose of affecting the return of that candidate at the election.

Specific reference is made to the falsification of a statement of a withdrawal of a candidate for the purpose of promoting or procuring the election of another candidate. It is also an offence to corruptly induce or procure another person to withdraw his candidature in consideration of any payment or promise of payment. A person so induced is also guilty of an illegal payment.

(6) Operation of Election Vehicle on Polling Day

A registered electoral vehicle must not operate on polling day outside the boundaries of the electoral district for which it is registered, except it is using the most direct route for transporting electors to the polling station.

(7) False Objection to Registration of Electors

Candidates and election agents should invite the attention of scrutineers to the following provisions relating to the above:

Any person who makes objection to the registration of a person as an elector upon grounds that he knows or has reasonable cause to believe to be false is guilty of an offence.

(8) Use of loudspeaker, banner, buntings and flags

The law forbids the use of public address apparatus, banners etc., either worn, carried or displayed on any motor or other vehicle as political propaganda within an electoral district on polling day.

This does not extend to furnishing, supplying, carrying, wearing or using of any banner bearing only the name of any candidate or party or only such name preceded by the words "Vote for".

The law also provides that no person shall furnish or supply to or for any person, with intent that it be worn or used by any person within an electoral district on polling day as a badge to distinguish the wearer as the supporter of any candidate or political party and no person shall use or wear as such a badge, any flag, ribbon, label, symbol or like favour or any article of clothing within an electoral district on polling day.

(9) Time-Off for Voting

Every employer must allow every elector in his employ the prescribed period of two (2) hours off from work for voting on polling day without any deduction from the pay or other remuneration of any such elector. The two hours must not include the normal midday meal hour. This applies to employees whose working hours include all or part of the hours of the poll.

(10) Congregating near Polling Stations

During the hours of the poll, no person other than an elector who is waiting to vote or a person who lawfully enters and remains at a polling station must assemble or congregate within 100 yards of a polling station.

(11) Influencing Elector to vote for a Candidate

During the hours of the poll, no person shall in any polling station or upon any road or in any public place, within a 100 yards of a polling station, seek to influence any elector to vote or to refrain from voting for any candidate or political party or to ascertain for whom an elector intends to vote or has voted.

Agents of candidates must take note of the above offences so as to ensure that in their over-enthusiasm, they do not find themselves in breach of the law.

(12) Election Expenses in excess of Maximum

A candidate or election agent who knowingly makes any payment or incurs any expense in contravention of the provisions relating to the limitation of election expenses is guilty of an illegal practice.

(13) Treating, Undue Influence, Personation

- (1) a person guilty of a corrupt practice who is guilty of treating.
- (2) a person is guilty of treating who corruptly, by himself or by any other person on his behalf, either before, during, or after an election, directly or indirectly gives, provides, or pays wholly or in part, the expense of giving or providing, any food, drink, entertainment or provision to or for any person -
  - (a) for the purpose of corruptly influencing that person or any other person to vote or refrain from voting at such election; or
  - (b) on account of that person or any other person having voted or refrained from voting or being about to vote or refrain from voting at such election.
- (3) Every elector who corruptly accepts or takes any such food, drink, entertainment or provision is also guilty of treating.

(14) Undue Influence

- (1) A person is guilty of a corrupt practice who is guilty of undue influence.

- (2) A person is guilty of undue influence who -
- (a) directly or indirectly, by himself or by any other person on his behalf, makes use of or threatens to make use of any force, violence or restraint, 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 that person to vote or refrain from voting at any election, or on account of that person having voted or refrained from voting at any election;
  - (b) by abduction, duress or any fraudulent device or contrivance, impedes or prevents the free exercise of the franchise of an elector or thereby compels, induces or prevails upon an elector either to vote or to refrain from voting at any election; or
  - (c) by duress, induces a public officer to prevail upon an elector to vote in a particular way at any election.

(15) Personation

- (1) A person is guilty of a corrupt practice if he commits, or aids, abets, counsels or procures the commission of the offence of personation.
- (2) A person is guilty of personation at an election if he
  - (a) votes as some other person whether that other person is living or dead or is a fictitious person;

- (b) votes for a person whom he knows or has reasonable grounds for supposing to be dead or to be a fictitious person; or
- (c) votes when there is upon any of his fingers any mark of electoral ink.

**CHAPTER XI**  
**ELECTION EXPENSES**

(Not applicable to Municipal Elections)

108. (1) The relevant sections relating to election expenses are contained in Sections 44-60 of the Act.

As stated earlier, the election agents or candidates must arrange for the financial management of the election campaign.

The law places the following limits on election expenses:-

- (a) in respect of a Parliamentary Election \$5,000.00
- (b) in respect of a Municipal Council and the Tobago House of Assembly Elections \$2,500.00

but these amounts do not include the candidate's personal expenses (which must not exceed \$500.00 in aggregate) nor do they apply to deposits made at the time of nomination.

(2) Every payment made by an election agent in respect of the conduct or management of an election in the sum of ten dollars (\$10.00) and upwards must be vouched for by a bill stating the particulars and by a receipt. Payments made for the holding of public meetings or organizing public displays and the issuing of advertisements, circulars or publications are to be authorised by him. Sums provided for the purpose of meeting election expenses whether in the nature of gifts, loans or advances or deposits are to be paid to the candidate or his election agent. A statement giving details of his personal expenses must be sent by the candidate to the election agent.

(3)(a) Where an electoral vehicle has been employed by or on behalf of a candidate, there shall be included in the return as an expense the sum actually paid for the hire of the vehicle or the sum of forty dollars, whichever is the greater.

- (b) where an electoral vehicle is provided free of charge to a candidate, this shall be imputed as an election expense of \$40.00 for such vehicle and charged to the candidate's election expenses.

Candidates and their agents are advised to exercise caution in incurring expenditure with respect to the election even before nomination day, since certain of these may be classified as expenditure related to their candidature and, therefore, chargeable to Election Expenses.

- (4) Within forty-two (42) days after the day on which the results of the election are declared, the election agent of every candidate at the election is required to submit to the Chief Election Officer a true return in the form given as Form No. 4.

The return must show details of all payments made by the election agent supported by bills and receipts. Included also must be:-

- (a) the amount of personal expenses paid by the candidate;
- (b) a statement of all disputed claims;
- (c) a statement of all unpaid claims;
- (d) a statement of all money and the equivalent of money received by the election agent from any source for the purpose of meeting election expenses, with a statement showing the name of every person or source from whom or which they have been received.

The returns must be accompanied by declarations in Form No. 5 made by both the candidate and the election agent. The return must be published by the Chief Election Officer within ten (10) days of its receipt in at least one newspaper in summary form. The returns with accompanying documents and declarations must be available for inspection at the office of the Chief Election Officer. **It is to be noted that failure to submit such return, if relief is not given by the High Court, constitutes an illegal practice.**

109. For ease of reference, the more important Sections of the Representation of the People Act relating to Election Expenses are reproduced below:-

- (1) "Within forty-two days after the day on which the result of the election is declared, the election agent of every candidate at the election shall transmit to the Chief Election officer a true return in the form set out as Form No. 4 in the Prescribed Forms Rules, containing, as respects that candidate, a statement of all payments made by the election agent together with all the bills and receipts.

- (2) The return shall deal under a separate heading or sub-heading with any expenses included in the return:-
- (a) with respect to which a return is required to be made under section 47(3); or
  - (b) which are on account of the remuneration or expenses of speakers at public meetings.
- (3) The return shall also contain with respect to that candidate:-
- (a) a statement of the amount of personal expenses, if any, paid by the candidate;
  - (b) a statement of all disputed claims of which the election agent is aware;
  - (c) a statement of all the unpaid claims, if any, of which the election agent is aware, in respect of which application has been or is about to be made to the High Court;
  - (d) a statement of all money, securities and equivalent of money received by the election agent from the candidate or any other person for the purposes of election expenses incurred or to be incurred, with a statement of the name of every person from whom they may have been received.
- (4) Where the candidate is his own election agent, a statement of all money, securities and equivalent of money paid by the candidate shall be substituted in the return as to election expenses for the statement of money, securities and equivalent of money received by the election agent from the candidate.
- (5) Where after the date at which the return as to election expenses is transmitted, leave is given by the High Court under Section 49(3) for any claims to be paid, the candidate or his election agent shall, within seven days after the payment thereof, transmit to the Chief Election Officer a return of the sums paid in pursuance of the order of leave, accompanied by a copy of the order of the High Court giving the leave; and in default he shall be deemed to have failed to comply with the requirements of this section without such authorised excuse as is mentioned in section 56.



- (1) The return transmitted under section 52(1) shall be accompanied by a declaration made by the election agent before a Justice in the form set out as Form No. 5 in the Prescribed Forms Rules.
- (2) At the same time that the election agent transmits the said return, or within seven days afterwards, the candidate shall transmit or cause to be transmitted to the Chief Election Officer a declaration made by him before a Justice in the form set out as Form No. 5 in the Prescribed Forms Rules.
- (3) Where the candidate is out of Trinidad and Tobago when the return is so transmitted, the declaration required by this subsection may be made by him within fourteen (14) days after his return to Trinidad and Tobago, and in that case shall be forthwith transmitted to the Chief Election Officer but the delay hereby authorised in making the declaration does not exonerate the election agent from complying with this Act as to the return and declaration as to election expenses.
- (4) Where the candidate is his own election agent, the declaration by an election agent as to election expenses need not be made and the declaration by the candidate as to election expenses shall be modified as specified in the said Form No. 5 in the Prescribed Forms Rules.

Notwithstanding anything contained in sections 52 and 53, no return or declaration as to election expenses shall be required in the case of a person -

- (a) who is a candidate at an election but is so only because he has been declared by others to be a candidate;
- (b) who has not consented to the declaration or taken any part as a candidate in the election.

**CHAPTER XII**  
**RIGHT TO QUESTION ELECTION OF MEMBER**

110. Reference has been made in previous chapters to the finality of the decision of the election officer from the level of the presiding officer to that of the Chief Election Officer. This finality of decision is confined to those situations in which the officer is the officer in whom is vested the responsibility for the conduct of these proceedings. It is not to be construed as in any way denying a candidate access to the Courts through a representation petition.

The procedure to be followed in such circumstances is set out at Section 107 of the Representation of the People Act and is reproduced hereunder:

111(1) A representation petition may be presented by any one or more of the following persons -

- (a) in respect of an appointment to the Senate, by any person who on the date of the appointment of the person to whom the petition relates, was entitled to vote as an elector at a Parliamentary Election;
- (b) in respect of an election or return to the House of Representatives or to a Municipal Council or to the Tobago House of Assembly by
  - (i) a person who had a right to vote at the election; or
  - (ii) a person validly nominated as a candidate at the election.
- (2) The person whose appointment, election or return is complained of is hereinafter referred to as the respondent; but if the petition complains of the conduct of a Returning Officer or election clerk, the returning officer or election clerk shall for the purposes of this Part be deemed to be a respondent.
- (3) The petition shall be in the prescribed form, state the prescribed matters and be signed by the petitioner, or all the petitioners if more than one.
- (4) The petition shall be presented by delivering it to the Registrar.

- (5) The Registrar shall send a copy of the petition -
- (a) in the case of a petition questioning the appointment of a person to the Senate, to the Attorney General; and
  - (b) to such other persons as may be prescribed;
- and shall cause the petition to be published in the prescribed manner.
- (6) The petition shall be served in such manner as may be prescribed.

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