

THE ELECTION REGULATIONS, 1964**ARRANGEMENT OF REGULATIONS**

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BRITISH GUIANA

REGULATIONS

MADE UNDER

THE BRITISH GUIANA (CONSTITUTION) ORDERS
1961 AND 1964

THE ELECTION REGULATIONS 1964

In exercise of the powers conferred by article 47 of the Constitution of British Guiana, as set out in Schedule I to the British Guiana (Constitution) Order 1964, and in exercise of all other powers enabling him in that behalf the Governor in his discretion has made the following regulations —

PART I. PRELIMINARY

1. These regulations may be cited as the Election Regulations, 1964.
2. (1) The provisions of the Interpretation Ordinance shall apply for the purpose of interpreting these regulations as they apply for the purpose of interpreting an Ordinance. Interpretation (Cap. 5)
- (2) In these regulations, unless the context otherwise requires —
 - “carriage” includes a mechanically propelled vehicle;
 - “certificate of employment” means a certificate issued under paragraph (4) of regulation 30;
 - “Commission” means the Elections Commission constituted by and appointed under the Registration (Elections Commission) Regulations, 1964;
 - “Constitution” means the Constitution set out in the Annex to the British Guiana (Constitution) Order in Council, 1961, as amended by the British Guiana (Constitution) Order 1964;
 - “district” means a polling district as defined by paragraph (1) of regulation 5;
 - “division” means a polling division as defined by paragraph (2) of regulation 5;
 - “duplicate identity paper” means the duplicate of an identity paper retained under paragraph (4) of regulation 19 of the Registration Regulations, 1964;
 - “election” means an election held under these regulations for the purposes of returning members to the House of Assembly;
 - “election day” means the day prescribed by the British Guiana (Date of Elections) Order 1964;
 - “election expenses declaration” means a declaration as to election expenses as required by regulation 81;
 - “election expenses return” means a return of election expenses as required by regulation 81;
 - “election officer” means —
 - (a) the Chief Election Officer;
 - (b) a returning officer;
 - (c) a deputy returning officer;

- (d) an election clerk;
 - (e) a presiding officer;
 - (f) an assistant presiding officer;
 - (g) a poll clerk;
- “elector” means a person whose name is on an official list of electors;
- “group of candidates” means the candidates named in a list of candidates;
- “identity paper” means an identity paper issued under paragraph (2) of regulation 19 of the Registration Regulations, 1964, and includes a copy of an identity paper issued under regulation 123 of these regulations;
- “official list of electors” means the official list of electors for a polling division as prescribed by paragraph (2) of regulation 29;
- “official mark” means such official mark as the Chief Election Officer shall approve for the purpose of stamping ballot papers and identity papers;
- “Part” means a part of these regulations;
- “payment” includes any pecuniary or other reward;
- “personal expenses” when used in relation to the expenses of a candidate includes his reasonable travelling expenses and the reasonable expenses of his living at hotels or elsewhere for the purposes of and in relation to the election;
- “prescribed” means prescribed by rule made under regulation 125;
- “presiding officer” means —
- (a) a presiding officer of a polling place;
 - (b) an assistant presiding officer;
- “regulation” means a regulation of these regulations;
- “returning officer” means —
- (a) a returning officer of a polling district;
 - (b) a deputy returning officer.

(3) In these regulations the expression “committee room” does not include any house or room occupied by a candidate at an election as a dwelling, by reason solely of the candidate there transacting general business with his agents in relation to the election; nor shall any room or building be deemed to be a committee room for the purposes of these regulations by reason only of the candidate or any agent of the group of candidates addressing therein electors, committee men, or others.

(4) References in these regulations to a law made under article 70 of the Constitution include references to regulations made for the purposes of that article by virtue of sub-section (4) of section 3 of the British Guiana (Constitution) Order 1964.

(5) The powers of the Governor under these regulations shall be exercised by him in his discretion.

3. (1) An election shall be conducted by secret ballot in accordance with the system of proportional representation as prescribed by these regulations.

(2) The Colony shall form one electoral area for determining the result of the election; and votes shall be cast in favour of lists of candidates published in accordance with regulation 20.

4. (1) The Commission —

Elections
Commission.

- (a) shall exercise general direction and supervision over the administrative conduct of the election;
- (b) shall issue such instructions and take such action as appear to them necessary or expedient to ensure impartiality, fairness and compliance with these regulations on the part of election officers and other persons exercising powers or performing duties connected with or relating to the administrative conduct of the election;
- (c) may, with the consent of the Governor, confer powers and impose duties on any public officer or on any authority of the Government for the purpose of the discharge of their functions;
- (d) shall or may exercise such other powers and discharge such other duties as they are required or empowered to exercise under these regulations.

(2) Where under these regulations any act is required to be done not later than a prescribed number of days before election day, the Commission shall have power, if they think it necessary or desirable so to do, to extend the time allowed by reducing the number of days so specified; and the following provisions shall have effect in relation to that power, that is to say :—

- (a) the power may be exercised either generally or specially;
- (b) the power may be exercised so as to make valid anything already done after the expiration of the time allowed;
- (c) the Commission shall, as soon as practicable after any exercise of the power, publish in the Gazette a notification thereof, which shall include a brief statement of the reasons for, and the effect of, that exercise.

(3) The Commission may regulate their own procedure and at any meeting of the Commission a quorum shall be constituted if two members are present; and, if a quorum is present, the Commission shall not be disqualified for the transaction of business by reason of any vacancy among its members, and any proceeding of the Commission shall be valid notwithstanding that some person who was not entitled so to do took part therein :

Provided that any decision of the Commission shall require the concurrence of at least two members thereof.

(4) In the exercise of their functions under these regulations the Commission shall be subject to the general orders and directions of the Governor but shall not be subject to the direction or control of any other authority.

5. (1) Every registration district as constituted by the Registration Regulations, 1964, shall be a polling district for the purposes of these regulations.

Constitution
of polling
districts,
divisions
and places.

(2) Every polling division as constituted by the Registration Regulations, 1964, shall be a polling division for the purposes of these regulations.

(3) There shall be for each division such polling places as the returning officer of the district in which the division is situate, subject to the approval of the Chief Election Officer, may appoint; and each polling place shall bear such numerical or other designation as may be approved by the Chief Election Officer.

Election officers and staff.

6. There shall be —

(a) a Chief Election Officer;

~~(b) for each district a returning officer and an election clerk;~~

(c) for each polling place a presiding officer and a poll clerk;

(d) such deputy returning officers, assistant presiding officers and other staff as may be necessary or desirable for the implementation of these regulations.

Performance of duties by election officers.

7. All election officers shall, in the exercise of the powers and discretions vested in them and of the duties required to be discharged by them, be responsible to the Commission.

Oaths

8. (1) Every election officer shall, before performing any of his functions under these regulations, take and subscribe an oath in the form prescribed for his office before a Justice of the Peace or an election officer.

(2) Every Justice of the Peace and every election officer is authorised and empowered to administer any oath required by or under these regulations:

Provided that no election officer shall administer an oath until he has himself taken the oath prescribed in pursuance of paragraph (1) of this regulation.

(3) Forthwith upon taking the oath prescribed in pursuance of paragraph (1) of this regulation, the returning officer of every district shall establish an office in his district and cause an advertisement to be inserted in a newspaper circulating in the district specifying the place at which he has established his office.

PART II. LISTS OF CANDIDATES.

Notice of date for submission of lists.

9. The Commission shall, by notice published in the Gazette, appoint the day, being a day not later than the 39th day before election day, on which lists of candidates may be submitted to the Chief Election Officer; and there shall be included in the notice particulars of the hours between which and the place at which the Chief Election Officer will attend to receive the lists.

Chief Election Officer to receive lists.

10. The Chief Election Officer shall attend in accordance with the notice given under regulation 9 to receive the lists of candidates; and no list shall be received at any other time or place.

11. (1) A list of candidates may be submitted by not less than two hundred and not more than two hundred and twenty persons registered as qualified persons under the Registration Regulations, 1964 and shall be handed together with one copy thereof to the Chief Election Officer by the representative or the deputy representative of the list or by two of the persons named as candidates on the list at the time and place appointed; and the Chief Election Officer shall forthwith cause the copy of the list to be posted in a conspicuous place outside the office. Requirements
of lists.

(2) A list of candidates shall be in the form prescribed; and the submission shall bear the signature of each person submitting the same together with his name, the serial number of his identity paper and the numbers of the district and of the division in which he is registered under the Registration Regulations, 1964:

Provided that if any such person is unable to sign his name, his mark, made against his name written by some other person, shall be deemed to be his signature for the purposes of this paragraph but not for the purposes of regulation 12.

(3) A list of candidates shall set out the names, numbered serially and one below the other in the order of priority for which their election is sought, of not more than fifty-three persons who are qualified to be elected to the House of Assembly and who have consented to the inclusion of their names in the list as candidates for election, together with the address and occupation of each such person.

(4) Each list of candidates shall be accompanied by a statutory declaration, in the form prescribed, by each person named therein as a candidate of his qualifications and consent, made before a Justice of the Peace or a Commissioner of Oaths.

(5) Each list of candidates shall bear a title selected by the persons by whom it is submitted.

(6) No person shall be a candidate on more than one list of candidates and no person shall be a signatory to more than one list.

(7) For the avoidance of doubt it is declared that a person may be a signatory to a list of candidates notwithstanding that he is named therein as a candidate.

12. The persons submitting a list of candidates may nominate one of their number as representative of the list and another as deputy representative and — Representa-
tives of lists.

(a) where neither a representative nor a deputy representative is so nominated, the persons whose signatures appear first and second in the submission shall be deemed to have been nominated as representative and deputy representative respectively;

(b) where a representative is not so nominated, the person nominated as deputy representative shall be deemed to have been nominated as representative and the person (other than the person nominated as deputy representative) whose signature appears first in the submission shall be deemed to have been nominated as deputy representative; and

- (c) where a deputy representative is not so nominated, the person (other than the person nominated as representative) whose signature appears first in the submission shall be deemed to have been nominated as deputy representative.

Supple-
mentary
lists.

13. (1) The persons submitting a list of candidates may, if they think fit, submit to the Chief Election Officer a supplementary list; and if, on the allocation of seats under regulation 69 the number of names on the list of candidates is less than the number of seats allocated to the list, or if, on the occurrence of a vacancy in the House of Assembly, there is no name on the list of candidates of a person to fill the vacancy in accordance with regulation 73, the name or names, at the commencement of the supplementary list shall be transferred (in the order in which they appear in the supplementary list) to the bottom of the list of candidates and shall be deemed to be included therein.

(2) The provisions of these regulations shall, except where the context otherwise requires, apply in relation to a supplementary list as if it formed part of the list of candidates.

Examination
of lists.

14. On receipt of the lists of candidates the Chief Election Officer shall examine them for the purpose of ascertaining whether they have been submitted in accordance with the provisions of regulation 11; and shall, after examination, deliver them to the Commission together with his report thereon.

Defective
lists.

15. (1) If it appears to the Commission that a list of candidates is defective, that is to say, that the list or its submission does not comply in all respects with the requirements of paragraphs (1), (2), (3), (4) and (5) of regulation 11 or bears a misleading title, the Chief Election Officer shall, not later than the 36th day before election day, so inform the representative and the deputy representative of the list, specifying the defects:

Provided that if the list does not bear a title the Commission may, if it seems to them just and proper to do so, instead of treating the list as defective, allocate a title thereto.

(2) If the name of any person appears as a candidate on two or more lists of candidates the Chief Election Officer shall —

- (a) not later than the 36th day before election day inform the representatives and deputy representatives of the lists concerned;
- (b) delete the name of that person from any list on which the Commission are satisfied he did not consent to the inclusion of his name;
- (c) delete his name from each list on which it appears if the Commission are satisfied that he consented to the inclusion of his name on more than one list.

(3) If the name of any person appears as a signatory to the submission of more than one list, his signature shall be inoperative on any list other than the one first delivered to the Chief Election Officer and the Chief Election Officer shall delete his name from each

other list, and if by reason of such deletion it appears to the Commission that any list is defective in that there remain less than two hundred signatories thereto, such list shall be treated as defective.

16. The representative and deputy representative of a list of candidates, or either of them, may, not later than the 34th day before election day, submit to the Chief Election Officer corrections of any defects in the list (whether or not those defects are defects which have been notified under regulation 15); and the Chief Election Officer shall forward the corrections to the Commission together with his report thereon. ^{Corrections to lists.}

17. (1) The representative and deputy representative of a list of candidates, or either of them, may, not later than the 39th day before election day, make application in writing addressed to the Chief Election Officer for the allocation of a symbol which shall be a symbol approved by the Commission. ^{Applications for symbols.}

(2) Applications for symbols shall be considered by the Commission in the order in which they have been received but no right shall be conferred by priority of application to the allocation of the symbol for which application is made or for any particular symbol.

18. (1) Subject to the provisions of regulation 19 no list of candidates shall be valid unless it has been approved by the Commission not later than the 32nd day before election day. ^{Approval of lists.}

(2) If it appears to the Commission that a list of candidates is not defective or that defects in it have been cured by corrections submitted in accordance with regulation 16, they shall approve it and allocate thereto such symbol as they in their discretion decide; and if it appears to the Commission that a defective list has not been so corrected, they shall refuse to approve it.

(3) Not later than the 32nd day before election day, the Commission shall notify the representative and deputy representative of each list that the list is or is not approved and shall publicly declare the titles of the approved lists and the names of candidates thereon.

(4) The refusal of the Commission to approve a list shall not be called in question in any court except by appeal under regulation 19; and the approval of a list by the Commission shall not be called in question in any court except in accordance with a law made under article 70 of the Constitution.

19. (1) Where the Commission have refused to approve a list of candidates; the representative and deputy representative of the list, or either of them, may, not later than the 30th day before election day, appeal to the Supreme Court against such refusal. ^{Appeal against refusal of approval.}

(2) The Supreme Court shall hear the appeal and deliver judgment within such time before election day as will enable the Commission duly to comply with the requirement of regulation 20 relating to publication of the list; and the judgment of the court shall not be subject to appeal.

(3) The court may —

- (a) dismiss the appeal; or
- (b) approve the list to which the Commission have refused to give their approval; or
- (c) approve that list with such modifications as to the court may seem just;

and when the court approves a list, with or without modification, the list as approved by the court shall have effect as if it had been approved by the Commission under regulation 18.

Publication
of lists.

20. The Commission shall, not later than the 22nd day before election day, cause to be published in the Gazette the titles and symbols of the lists approved by them or the Supreme Court and the names of the candidates on those lists.

Withdrawal
of lists.

21. A list of candidates may be withdrawn by notice in writing addressed to the Chief Election Officer and signed by both the representative and deputy representative of the list:

Provided that a list shall not be withdrawn after the Commission have notified the representative and deputy representative thereof that it has been approved.

Death or
withdrawal
of candidate.

22. (1) If a person whose name is included in a list of candidates which has been submitted to the Chief Election Officer dies or, by notice in writing signed by him and addressed and delivered to the Chief Election Officer, withdraws his candidature, his name shall be deleted from the list and, if the list has already been published in the Gazette, the Commission shall cause notification of the deletion to be so published:

Provided that where the name of a person is the only name originally included in or remaining in the list of candidates, and no supplementary list has been submitted with reference to that list, that person shall not withdraw his candidature unless his notice of withdrawal is delivered to the Chief Election Officer not later than the 33rd day before election day.

(2) Where by reason of the death of a candidate or by reason of the withdrawal of a candidate in accordance with paragraph (1) of this regulation no names remain on a list of candidates such list shall cease to have effect.

Joinder
of lists.

23. (1) Subject to the provisions of paragraph (2) of this regulation, two or more lists of candidates shall be joined for the distribution of seats (but not for the purpose of voting) if the representative and deputy representative of each list to be so joined gives notice accordingly in writing to the Chief Election Officer not later than the 24th day before election day; and lists so joined are hereinafter referred to collectively as a combination of lists.

(2) No list of candidates shall be included in more than one combination of lists and if any notice given under paragraph (1) of this regulation would, if given effect, result in a contravention of the provisions of this regulation, that list shall not be included in any combination of lists.

(3) The Commission shall cause a notification of combinations of lists to be published not later than the 22nd day before election day in the Gazette.

PART III. AGENTS.

24. (1) The representative of each list of candidates shall not later than the 39th day before election day give notice in writing to the Chief Election Officer appointing himself or some other person to be the election agent of the candidates in the list and if the appointment of an election agent is revoked or the election agent dies and no further appointment is made, the representative of the list of candidates shall be deemed to have been appointed to be the election agent of the candidates.

Appointment of election agents.

(2) The Chief Election Officer shall cause a notice to be published in the Gazette of the name and address of the person appointed or deemed to be appointed as election agent.

25. (1) An election agent may appoint —

- (a) an assistant agent for each district;
- (b) a counting agent for each district;
- (c) a polling agent for each polling place.

Appointments of assistant agents, counting agents and polling agents.

(2) Notice in writing of every appointment of an assistant agent, counting agent and polling agent, stating the name and address of the person appointed shall be given not later than the 7th day before election day by the election agent to the returning officer of the district for which the assistant agent or counting agent is appointed or in which is situate the polling place for which the polling agent is appointed.

(3) The returning officer shall upon receiving a notice of an appointment of an assistant agent give public notice of the name and address of the person appointed.

(4) There shall not be, at the same time, more than one assistant agent or more than one counting agent of a group of candidates for any one district nor shall there be more than one polling agent of that group for any one polling place.

(5) Upon the revocation of the appointment of or upon the death of an assistant agent, counting agent or polling agent the election agent shall forthwith give notice in writing thereof to the returning officer to whom notice of appointment was given and shall give notice in writing of any further appointment made in accordance with paragraph (2) of this regulation:

Provided that the appointment of an assistant agent, counting agent or polling agent shall not be vacated solely by reason of the revocation of the appointment or the death of the election agent who appointed him.

(6) Nothing in this regulation shall preclude the appointment of a person as an assistant agent for two or more districts or as polling agent for two or more polling places or as both assistant agent and counting agent, or as both assistant agent and polling agent, or as both counting agent and polling agent, or as assistant agent, counting agent and polling agent.

Actions of
assistant
agents,
polling
agents and
counting
agents.

26. (1) Every election agent may act, in relation to any matter required to be done in any district, by the assistant agent for that district; and anything done for the purposes of these regulations by an assistant agent in his district shall be deemed to have been done by the election agent.

(2) Any act or default by an assistant agent which, if he were an election agent, would be an illegal practice or other offence against these regulations, shall be an illegal practice or other offence against these regulations committed by the assistant agent who shall be liable to punishment accordingly.

(3) Where in these regulations any action or thing is required to be done in the presence of candidates, polling agents or counting agents, the non-attendance of any such candidate, polling agent or counting agent at the time and place appointed for the purpose shall not, if any act or thing is otherwise properly done, invalidate the act or thing done.

Liability of
candidates
for offences
by election
agents.

27. Where any corrupt or illegal practice or any illegal payment, employment or hiring, or other offence under these regulations, is proved to have been committed by an election agent or assistant agent with the consent or connivance of a candidate, such candidate shall also be deemed to have been guilty of such corrupt or illegal practice or illegal payment, employment or hiring or other offence.

PART IV. ENTITLEMENT TO VOTE.

Elector
to have one
vote and to
vote in
person.

28.(1) An elector shall, unless he is on election day subject to any of the disqualifications prescribed by sub-paragraphs (a), (b) and (c) of paragraph (2) of article 48 of the Constitution, be entitled to vote at an election if he complies with the provisions of these regulations and with requirements made and directions given thereunder and if the presiding officer of the polling place at which he applies for a ballot paper is satisfied as to the matters specified in paragraph (1) of regulation 48.

(2) No person shall be entitled to vote at an election unless he is entitled to do so under paragraph (1) of this regulation.

(3) Every elector who votes at an election shall, subject to the provisions of these regulations relating to voting by proxy and to the marking of ballot papers on behalf of blind and incapacitated electors, vote in person.

(4) Without prejudice to the provisions of these regulations relating to voting as proxy on behalf of other electors and to the marking of ballot papers on behalf of blind and incapacitated electors, no elector shall vote more than once at the election.

Voting to be
at polling
place where
elector's
name
displayed.

29. (1) An elector shall be entitled to vote (whether in person or as a proxy on behalf of another elector) at the polling place where is displayed in pursuance of regulation 37 the official list of electors or part thereof, as the case may be, on which his name appears; and no elector shall, subject to the provisions of regulation 30, be entitled to vote (either in person or as a proxy on behalf of another elector), at any other polling place.

(2) The official list of electors for any division shall be that part of an electoral register compiled under the Registration Regulations, 1964, as relates to that division.

30. (1) The Governor may by notice published in the Gazette specify divisions or groups of divisions to which paragraphs (2) and (3) of this regulation shall apply.

Right of electors in certain cases to vote at other polling places.

(2) An elector whose name appears on the official list of electors of a division which is one of a group of divisions specified by the Governor by notice under this regulation may vote at any polling place in that group of divisions.

(3) An elector whose name appears on the official list of electors of a division which is specified by the Governor by notice under this regulation may vote at any polling place in that division.

(4) An elector who, in the district in which he is registered, is employed as an election officer, member of the Police Force or of the British Guiana Volunteer Force for a purpose connected with the election at a polling place other than that where his name is displayed under paragraph (1) of regulation 29 may vote at that polling place if, not later than the day before election day, he obtains from the returning officer of that district a certificate under his hand, in the form prescribed, authorising him to vote at that polling place, which certificate shall state the name of the elector, the number of his identity paper and the fact that he is to be so employed.

31. (1) The following electors shall be entitled to vote by proxy:—

Entitlement to vote by proxy.

- (a) members of the Police Force, the Special Service Unit and the British Guiana Volunteer Force;
- (b) rural constables;
- (c) employees of the Transport and Harbours Department engaged in running trains and vessels;
- (d) candidates;
- (e) election officers and other staff engaged in districts other than those in which they are registered as qualified persons under the Registration Regulations, 1964;
- (f) persons unable or unlikely to be able by reason of blindness or other physical infirmity to travel to the polling place at which they are entitled to vote or, if able so to travel, to vote unaided;
- (g) persons unable or unlikely to be able by reason of the general nature of their occupation, service or employment to go in person to the polling place at which they are entitled to vote.

(2) Not more than one person shall be appointed to vote as a proxy on behalf of any one elector.

(3) No person shall be appointed to vote as a proxy —

- (a) on behalf of another elector unless he is himself an elector who is entitled to vote at the same polling

place as that at which the elector on whose behalf his appointment is sought is entitled to vote;

(b) for more than two electors.

(4) An elector voting as a proxy on behalf of another elector shall do so at the same polling place and at the same time as he votes on his own behalf.

Require-
ments of
application
for appoint-
ment of
proxy.

32. Every application for the appointment of an elector to vote as a proxy shall be —

- (a) in writing in the form prescribed;
- (b) addressed and sent to the returning officer of the district in which the applicant is registered as a qualified person under the Registration Regulations, 1964, so as to be received by him not later than the 10th day before election day;
- (c) accompanied by the consent in writing of the elector named as proxy therein to his appointment.

Notice of
appointment
as proxy
and lists
of proxies.

33. (1) If a returning officer is satisfied that an application for the appointment of another elector to vote as a proxy on behalf of the applicant has been duly submitted in accordance with the provisions of regulation 32 and that the person whose appointment is sought is entitled to vote as a proxy on behalf of the applicant and consents to his appointment, he shall issue to that person a notice of appointment as a proxy in the form prescribed and shall notify the applicant accordingly.

(2) If the returning officer refuses the application he shall notify the applicant of his refusal and of his reasons therefor.

(3) The returning officer of each district shall keep a list of proxies which shall be in the form prescribed and shall set out the names, addresses and the serial numbers of the identity papers of the electors for whom proxies have been appointed and of the electors who have been appointed to vote as proxies on their behalf; and the returning officer shall on the request of an election agent allow him, on the 4th day before election day, to inspect and copy the list.

Cancellation
of appoint-
ment as
proxy.

34. An elector may cancel the appointment of another person to vote as a proxy on his behalf by giving notice in writing in the form prescribed and addressed and sent to the returning officer who issued the notice of appointment so that the notice of cancellation is received by the returning officer not later than the 10th day before election day; and thereupon the notice of appointment shall be void and the returning officer shall —

- (a) so notify the elector whose appointment as a proxy is cancelled;
- (b) delete the names of both electors from the list of proxies.

PART V. PREPARATIONS FOR THE POLL.

35. (1) Not later than the 20th day before election day the returning officer of each district shall give a notice of poll which shall be

Notice of
poll.

in the form prescribed and which shall specify —

- (a) the day on and the hours between which the poll will be taken; and
- (b) the situation of each polling place in the district.

(2) Not later than the 14th day before election day the returning officer shall —

- (a) cause to be affixed to one building in each division of his district the following —
 - (i) a copy of the notice of poll;
 - (ii) a copy of each list of candidates published in accordance with regulation 20;
 - (iii) notification of joinder of any such lists; and
 - (iv) a copy of the official list of electors for that division;
- (b) cause such further publication of such lists and notification as he may think desirable to bring their contents to the attention of electors in his district.

(3) The hours between which the poll shall be taken shall be from 6 o'clock in the forenoon until 6 o'clock in the afternoon at all polling places in all districts unless the Governor shall prescribe different hours, being twelve consecutive hours, for any polling place.

36. Where more than one polling place is established for any division the returning officer of the district in which the division is situate shall divide the official list of electors into as many parts as there are polling places in that division and shall assign to each polling place the part relating to that polling place. Division of official list of electors.

37. Where more than one polling place is established for any division, the returning officer of the district in which the division is situate shall cause a copy of that part of the official list of electors to be displayed at the polling place to which it relates. Display of part of official list of electors.

38. The returning officer of each district shall before election day cause every polling place in his district to be provided with — Preparation of polling places.

- (a) such doors, barriers, tables, chairs and other conveniences as are necessary or desirable for implementing these regulations;
- (b) such number of compartments as are necessary or desirable and in which electors can vote free from observation.

39. The Chief Election Officer shall cause to be printed in the forms prescribed and sent to the returning officer of each district before election day a sufficient number of the following documents — Printing of directions for voting and ballot papers.

- (a) directions for voting;
- (b) ballot papers;
- (c) tendered ballot papers.

Require-
ments of
ballot
papers.

40. (1) Every ballot paper shall —
- (a) contain, serially numbered on the left hand side and in alphabetical order of the initial letters of the title of each list of candidates, the initial letters, title and symbol of each list of candidates;
 - (b) be capable of being folded up;
 - (c) be attached to a counterfoil bearing, printed on the face, a serial number and the words and dots “Elector’s number”.
- (2) In the printing of the ballot paper —
- (a) no letter, word or design shall be printed on the face except the initial letters, titles and symbols of the lists of candidates;
 - (b) no rule shall be printed on the face except the horizontal rules separating the particulars of the lists of candidates from one another and the vertical rules separating those particulars from the numbers on the left hand side and from the spaces on the right where the symbols are shown and separating the spaces for symbols from the spaces on their right where the vote is to be marked;
 - (c) the whole space between the top and bottom of the paper shall be equally divided between the lists of candidates by rules separating their particulars;
 - (d) the initial letters of each list of candidates shall be printed in large capitals and the full titles of each list in small capitals.

(3) Tendered ballot papers shall be of a different colour from ordinary ballot papers but, subject to such difference of colour, the provisions of this regulation shall apply to tendered ballot papers as they do to ordinary ballot papers.

Supplies of
election
material.

41. (1) The returning officer of each district shall supply to every presiding officer in his district the following —
- (a) a sufficient number of ballot papers and tendered ballot papers, together with a statement showing the numbers supplied and their serial numbers;
 - (b) a sufficient number of copies of the directions for voting;
 - (c) a sufficient number of copies of these regulations;
 - (d) a sufficient number of copies of the official list of electors or part thereof, as the case may require, containing the names of the electors entitled to vote at the polling place;
 - (e) a sufficient number of copies of the list of proxies;
 - (f) a ballot box and materials for affixing thereto or stamping thereon the seal of the presiding officer;
 - (g) the several forms of oaths to be administered to electors;

- (h) a poll book;
- (i) the necessary envelopes and such other forms and supplies as may be authorised or furnished by the Chief Election Officer;
- (j) a sufficient number of copies of each list of candidates published in accordance with regulation 20.

(2) The ballot box shall be of convenient size and so constructed that the ballot papers can be placed therein, but cannot be withdrawn therefrom, without the box being unlocked.

(3) The poll book shall be in such form as may be prescribed.

42. The presiding officer of each polling place shall before the opening of the poll post up in a conspicuous position outside the polling place a copy of — Display of lists of candidates and directions for voting.

- (a) the directions for voting;
- (b) the lists of candidates published in accordance with regulation 20.

43. The presiding officer of each polling place shall, until the opening of the poll, keep the documents supplied to him in pursuance of regulation 41 (other than those required to be posted up by regulation 42) locked in the ballot box or other depository and shall take every precaution to prevent any person having unauthorised access thereto. Safe custody of election material.

PART VI. THE POLL.

44. The poll shall be taken at each polling place on election day in accordance with the provisions of this Part during the hours specified in the notice of poll: Place and time of poll.

Provided that if at the hour of the closing of the poll there are any electors waiting at the polling place to vote, the poll shall remain open for sufficient time to enable those electors to vote.

45. (1) The election agent of each group of candidates may appoint one of the candidates, hereinafter in this Part referred to as the "duly appointed candidate" to attend the poll at a polling place. Appointment of candidate to attend poll.

(2) Notice in writing of the appointment of a duly appointed candidate, stating his name and address, shall be signed by the election agent and delivered to the returning officer of the district in which the polling place is situate not later than the 7th day before election day.

(3) There shall not be more than one duly appointed candidate of the same list of candidates for any one polling place.

(4) Nothing in this regulation shall preclude a candidate being a duly appointed candidate for two or more polling places whether or not in the same district.

46. At the hour specified in the notice of poll for the opening of the poll the presiding officer, in the presence of such persons, if any, Opening of poll.

(being persons entitled to enter the polling place) as are present, shall —

- (a) open the ballot box and ensure that there are no ballot papers or other papers therein;
- (b) lock the ballot box, retain the key thereof and place his seal upon the ballot box in such manner as to prevent it being opened without breaking the seal;
- (c) place the ballot box on a table in full view of all present where it shall remain until the poll is closed;
- (d) call upon the electors to vote.

47. (1) Each applicant to vote shall, upon entering the room where the poll is held, state to the poll clerk his name, address and occupation and hand to him —

- (a) his identity paper; and
- (b) if he has been appointed to vote as a proxy on behalf of another elector, the identity paper of that elector and his notice of appointment to vote as proxy; and
- (c) if he claims to be entitled to vote at the polling place by virtue of paragraph (4) of regulation 30 his certificate of employment.

(2) The poll clerk shall ascertain if the name of the applicant and that of any elector on whose behalf he holds a notice of appointment to vote as a proxy appear on the official list of electors, or part thereof, for the polling place and shall further ascertain whether any notice of appointment to vote as proxy is recorded in the copy of the list of proxies.

(3) Where there is contained in the official list of electors, or part thereof, a name or other particulars which correspond so closely with the name or other particulars entered on the identity paper of an applicant to vote as to suggest that the entry in the official list or part thereof is intended to refer to him, the applicant shall, upon taking an oath of identity in the form prescribed, be deemed to be the person so named in the official list or part thereof.

(4) Where an applicant to vote hands to the poll clerk both his identity paper and his certificate of employment, the poll clerk shall add his name to the official list of electors or part thereof and shall make an appropriate entry in the poll book.

(5) The poll clerk shall, after the foregoing provisions of this regulation have been complied with, return to the applicant to vote his identity paper together with any other documents he has received from the applicant and direct him to hand the same to the presiding officer and apply to him for a ballot paper.

48. (1) Upon receipt of the identity paper and other documents as directed under paragraph (5) of regulation 47 and upon application made to him for a ballot paper the presiding officer shall satisfy himself as to the following —

- (a) that the applicant has not already voted;

Applicant to vote to hand identity paper to poll clerk.

Duty of presiding officer upon application for a ballot paper.

- (b) the identity of the applicant and his entitlement to vote at the polling place;
- (c) the authority of the applicant to vote as a proxy on behalf of another elector (if he applies so to vote).

(2) For the purposes of paragraph (1) of this regulation the presiding officer may —

- (a) examine the applicant's fingers to ascertain if there appears on them any stain of electoral ink;
- (b) compare the signature of the applicant with that on his identity paper or duplicate identity paper;
- (c) compare any photograph on his identity paper with his face;
- (d) compare the thumb print or other finger print recorded on his identity paper or duplicate identity paper with that of the applicant;
- (e) compare the height recorded on his identity paper or duplicate identity paper with that of the applicant;
- (f) examine his notice of appointment (if any) to vote as a proxy on behalf of another elector and compare the particulars in the notice with those recorded in the copy of the list of proxies;
- (g) make such further comparisons as are reasonably necessary between the particulars recorded on his identity paper or duplicate identity paper and those of the applicant.

(3) An applicant shall comply with such requirements of the presiding officer for the examination of his fingers, the taking and recording of his thumb or finger print, of his signature and of his height, and shall answer such questions as the presiding officer may ask which are reasonably necessary to ask for the purposes of paragraph (1) of this regulation.

49. (1) The presiding officer shall refuse to issue a ballot paper to any applicant therefor who does not hand to him his identity paper and other documents as directed under paragraph (5) of regulation 47 and he shall refuse to issue a ballot paper to any applicant if he is not satisfied as required by paragraph (1) of regulation 48; but if such identity paper and other documents are handed to him and he is so satisfied he shall —

Issue of
ballot paper
to elector.

- (a) deliver to the elector a ballot paper stamped with the official mark;
- (b) enter on the counterfoil of the ballot paper the serial number of the elector on the official list of electors;
- (c) add to his copy of the official list of electors or part thereof the name of an elector who has produced to him a certificate of employment;
- (d) place a mark on his copy of the official list of electors, or part thereof, to show that a ballot paper

has been delivered to the elector but without showing the particular ballot paper issued;

- (e) return to the elector his identity paper, having stamped it with the official mark and also if he has been appointed to vote as a proxy on behalf of another elector the identity paper of that elector so stamped.

(2) If the elector has been appointed to vote as a proxy on behalf of another elector the presiding officer shall —

- (a) deliver to him, in addition to his own ballot paper, a ballot paper for each elector on whose behalf he has been appointed to vote as a proxy and shall enter on the counterfoil of such ballot paper the number on the official list of electors of the elector on behalf of whom he has been appointed and place a mark as prescribed by sub-paragraph (d) of paragraph (1) of this regulation on his copy of the official list of electors, or part thereof, to show that a ballot paper has been issued on behalf of each such elector;
- (b) retain the notice of appointment to vote as proxy of the elector.

Mode of voting. 50. (1) The presiding officer shall ensure that the elector understands how and where to place his mark (without indicating that the elector should vote for any particular list of candidates) and how to fold the ballot paper and shall direct him to return with it when marked, folded as shown.

(2) The elector shall enter one of the polling compartments and there record his vote by secretly marking his ballot paper within the space opposite the name and symbol of the list of candidates for whom he wishes to vote and shall then fold his ballot paper so as to conceal the vote; and if he has been appointed to vote as a proxy he shall record the vote of the elector on whose behalf he has been so appointed, for the list of candidates for whom that elector wishes to vote by secretly marking, in the manner aforesaid, the ballot paper issued to him for that elector and shall then similarly fold that ballot paper.

(3) The elector shall, having recorded his vote (and if such be the case that of an elector for whom he has been appointed a proxy), show the folded ballot paper (or papers) to the presiding officer so as to disclose the official mark appearing on the reverse thereof and shall place it (or them) so folded in the ballot box in the presence of the presiding officer:

Provided that the presiding officer shall not permit any elector whether voting on his own behalf or as a proxy on behalf of another elector to put a ballot paper in the ballot box unless, immediately before he does so, one of his fingers has been stained by immersion in a container of electoral ink.

(4) Notwithstanding the provisions of the proviso to paragraph (3) of this regulation, where the presiding officer is satisfied that an elector is suffering from an injury to any finger of such a nature as to render it undesirable for that finger to be stained with electoral ink, he shall not require that finger to be stained but shall stain another finger.

(5) If an elector fails or refuses to comply with a lawful requirement of the presiding officer for the staining of one of his fingers, the presiding officer shall order him to return to him any ballot paper issued to him and to leave the polling place forthwith; and the presiding officer shall destroy any ballot paper so returned and make an entry in the poll book as to the facts of such failure or refusal.

(6) An elector who refuses or fails to return a ballot paper when so ordered under paragraph (5) of this regulation shall be guilty of an offence and on summary conviction thereof shall be liable to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months.

(7) An elector who has inadvertently dealt with a ballot paper in such manner that it cannot conveniently be used as a valid ballot paper may, on delivering such ballot paper to the presiding officer and after satisfying him that it has been spoiled by inadvertence, obtain another ballot paper in its place and the spoiled ballot paper and its counterfoil shall be marked as cancelled.

(8) An elector shall not show the marks which he has placed on his ballot paper to any person and if he does so the ballot paper shall be treated as a spoiled ballot paper:

Provided that the provisions of this paragraph shall not apply if an elector shows a ballot paper to a presiding officer solely for the purpose of ascertaining if he has carried out his duties correctly.

(9) An elector shall vote without delay and shall leave the polling place as soon as he has put his ballot paper and that of any person on whose behalf he has voted as a proxy in the ballot box.

(10) Whenever in the opinion of the presiding officer an elector does not understand the language spoken to him he may appoint and swear, in the form prescribed, an interpreter; and the interpreter, so sworn, shall be the means of communication between the presiding officer and the elector with regard to all matters required to enable the elector to vote.

51. (1) The presiding officer shall, on the application of any elector who is incapacitated by blindness or other physical cause from voting in the manner prescribed by regulation 50 and who takes an oath in the form prescribed, mark the ballot paper of such elector in his presence and in the manner directed by him.

Blind and
incapacitated
voters.

(2) The presiding officer may, at the request of any elector incapacitated in the manner prescribed in paragraph (1) of this regulation and who has taken the prescribed oath and is accompanied by a friend, permit such friend, if he is an elector entitled to vote at the polling place, immediately after he has voted on his own behalf, and

notwithstanding that his finger has been immersed in electoral ink, to accompany the elector into the voting compartment and mark his ballot paper for him:

Provided that no person may mark the ballot paper of more than one elector as his friend under this paragraph or mark such ballot paper unless he first takes an oath in the form prescribed.

(3) Whenever the ballot paper of an elector has been marked in accordance with this regulation, the poll clerk shall enter in the poll book opposite the name of the elector the fact that the ballot paper was so marked, the reason therefor and, if marked by a friend, the name and the number in the official list of electors of that friend.

52. (1) If an applicant to vote represents himself to be an elector whose name appears on the official list of electors or part thereof for a polling place and there has already been placed a mark against the name of such elector on the presiding officer's copy of such list or part thereof, the presiding officer shall issue to such applicant a tendered ballot paper if —

- (a) the applicant hands to him his identity paper and such paper is not stamped with the official mark;
- (b) the applicant takes an oath of identity in the form prescribed; and
- (c) the presiding officer is satisfied as to the matters set out in paragraph (1) of regulation 48.

(2) A tendered ballot paper shall not be put in the ballot box but shall be given to the presiding officer and endorsed by him with the name of the elector and his number in the official list of electors; and the tendered ballot paper shall be set aside in a separate packet and shall not be counted by the returning officer.

(3) The poll clerk shall enter in the poll book the name of every elector to whom a tendered ballot paper is given and a note of his having marked such a ballot paper.

53. The poll clerk shall —

- (a) make in the poll book such entries as are required by these regulations or directed by the presiding officer;
- (b) enter in the poll book the word "SWORN" opposite the name of each elector to whom any oath is administered and "REFUSED TO BE SWORN" or "REFUSED TO ANSWER" opposite the name of each elector who has refused to take an oath or who has refused to answer any question when legally so required.

54. (1) Every person specified in sub-paragraph (b) of paragraph (1) of regulation 56 attending the polling place shall maintain and aid in maintaining the secrecy of the voting and shall not, except for a purpose authorised by law, communicate to any person before the poll is closed any information as to —

Tendered
ballot
papers.

Entries in
poll book.

Maintenance
of secrecy
at polling
place.

- (a) the name of any elector who has or has not applied for a ballot paper or voted whether on his own behalf or as a proxy on behalf of another elector;
 - (b) the number in the official list of electors of any elector who, or whose proxy on his behalf, has or has not applied for a ballot paper or voted;
 - (c) the official mark.
- (2) No person shall —
- (a) except in the performance of his duty under these regulations interfere with or attempt to interfere with an elector when casting his vote or, as a proxy, that of another elector.
 - (b) obtain or attempt to obtain in a polling place information as to the list of candidates for whom an elector in that polling place is about to vote or has voted either on his own behalf or as a proxy on behalf of another elector;
 - (c) communicate at any time to any person any information obtained in a polling place as to the list of candidates for whom an elector in that polling place is about to vote or has voted either on his own behalf or as a proxy on behalf of another elector;
 - (d) directly or indirectly induce an elector to display his ballot paper or that of another elector for whom he has voted as a proxy after he has marked it, so as to make known the list of candidates for whom he has or has not voted either on his own behalf or on behalf of an elector for whom he has voted as a proxy.

(3) No person having undertaken to assist an elector incapacitated by blindness or other physical cause to vote shall communicate at any time to any person any information as to the list of candidates for whom that elector intends to vote or has voted.

(4) Any person who contravenes any of the provisions of this regulation shall be liable on summary conviction thereof to imprisonment for any term not exceeding six months or to a fine not exceeding one thousand dollars or to both such imprisonment and fine.

55. (1) No person shall anywhere within a distance of two hundred yards of a polling place annoy, molest or otherwise interfere with an elector or attempt to obtain any information as to the list of candidates for whom any elector in the polling place is about to vote or has voted either on his own behalf or as a proxy on behalf of another elector. Molestation
of electors.

(2) Any person who contravenes any of the provisions of this regulation shall be liable on summary conviction thereof to imprisonment for any term not exceeding six months or to a fine not exceeding one thousand dollars or to both such imprisonment and fine.

56. (1) The presiding officer may, for the purpose of maintaining order at the polling place —

- (a) regulate the admission of electors and may, if he deems it advisable, direct that not more than one elector for each compartment shall at the same time enter the room where the poll is held;
- (b) exclude all other persons except —
 - (i) members of the Commission;
 - (ii) election officers;
 - (iii) duly appointed candidates;
 - (iv) polling agents for the polling place;
 - (v) members of the Police Force, the British Guiana Volunteer Force and of Her Majesty's Forces on duty;
 - (vi) election agents;
 - (vii) assistant agents for the district in which the polling place is situate;
- (c) issue such directions as may be necessary for such purpose.

(2) If any person (whether entitled to enter or not) misconducts himself at a polling place or fails to obey any lawful direction, requirement or order of the presiding officer, whether given or made under this or any other regulation, he may immediately, by order of the presiding officer, be removed therefrom by a member of the Police Force or by any other person authorised in writing by the presiding officer to remove him, and the person so removed shall not, without the permission of the presiding officer, again enter the polling place on election day:

Provided that the powers conferred by this paragraph shall not be so exercised as to prevent an elector entitled to vote at a polling place having an opportunity to vote thereat.

(3) Any person removed from a polling place under paragraph (2) of this regulation may, if charged with the commission of an offence at or anywhere within a distance of two hundred yards of the polling place, be dealt with as a person taken into custody by a police officer for an offence without warrant.

57. (1) All premises to which spirit shop licences, off licences and railway station or stelling licences have been issued under the Intoxicating Liquor Licensing Ordinance shall be closed and kept closed on election day.

(2) No intoxicating liquor shall be sold, offered for sale, or given away at any premises to which a licence issued under the Intoxicating Liquor Licensing Ordinance applies, at any time between the opening of and the closing of the poll on election day.

(3) No intoxicating liquor shall be supplied to any person at any premises to which a licence issued under the Registration of Clubs Ordinance applies at any time between the opening of and the closing of the poll on election day.

(4) Any person who contravenes any of the provisions of this regulation shall be liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months or to both such imprisonment and fine.

58. (1) Every employer shall permit every elector in his employ, other than any elector on whose behalf another elector has been appointed to vote as a proxy, to be absent from his work on election day for a reasonable time, in addition to the normal midday meal hour, for the purpose of voting at the election; and no employer shall make any deduction from pay or other remuneration of any such elector or impose on him or exact from him any penalty by reason of his absence during such period.

Employers to allow employees period for voting.

(2) Employees of the Transport and Harbours Department shall be deemed to be employees for the purposes of this regulation except such as are actually engaged in running trains and vessels and to whom time cannot be allowed without interfering with the running of the trains and vessels; and the General Manager of the Transport and Harbours Department shall be deemed to be the employer of such employees.

59. Any employer who, directly or indirectly, refuses or who by intimidation, undue influence or in any other way interferes with the granting to any elector in his employ of the period for voting prescribed by regulation 58, shall on summary conviction be liable to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months.

Penalty for breach of regulation 58.

60. The presiding officer, as soon as practicable after the closing of the poll in the presence of such of the persons entitled by sub-paragraph (b) of paragraph (1) of regulation 56 to be present, as attend shall —

Procedure on closing of poll.

- (a) secure and seal, with his seal and with the seals of such of the duly appointed candidates and polling agents as desire to affix their seals, the ballot box in such manner that it cannot be opened and that nothing can be inserted therein or taken therefrom without breaking the seals;
- (b) make up in separate packets, sealed, with his seal and with the seals of such of the persons mentioned in sub-paragraph (a) of this regulation as desire to affix their seals, —
 - (i) the unused and spoiled ballot papers and tendered ballot papers placed together;
 - (ii) the used tendered ballot papers;
 - (iii) the counterfoils of the used and spoiled ballot papers and tendered ballot papers and the certificates of employment;
 - (iv) the marked copies of the official list of electors, or part thereof;

(v) notices of appointments to vote as proxy and copies of the lists of proxies;

(vi) the poll book;

(c) deliver the sealed ballot box and the sealed packets to the returning officer of the district in which the polling place is situate together with a statement in writing, to be called "the ballot papers account", prepared by the presiding officer in the form prescribed.

PART VII. COUNTING OF VOTES.

Returning officers to count votes.

61. The votes cast at the polling places in each district shall be counted by the returning officer of that district in accordance with the provisions of this Part.

Candidates appointed to attend count.

62. (1) The election agent of each group of candidates may appoint one of the candidates, hereinafter in this Part referred to as the "duly appointed candidate" to attend at the counting of the votes in a district.

(2) Notice in writing of appointments made under paragraph (1) of this regulation, stating the names and addresses of the candidates appointed shall be signed by the election agent and delivered to the returning officer of the district not later than the 7th day before election day.

(3) There shall not be more than one duly appointed candidate of the same list of candidates for any one district.

Attendance at count.

63. (1) No person shall be present at the counting of the votes except —

- (a) the returning officer and such other election officers as he may appoint to assist him in the counting;
- (b) members of the Commission;
- (c) duly appointed candidates;
- (d) counting agents;
- (e) such other persons as, in the opinion of the returning officer, have good reason to be present.

(2) The returning officer shall give the counting agents all such reasonable facilities for overseeing the proceedings and all such information with respect thereto as he can give them consistent with the orderly conduct of the proceedings and with the discharge of his duties in connection therewith.

Method of counting.

64. (1) The returning officer shall, as soon as practicable after the receipt of all the ballot boxes and packets delivered to him in pursuance of sub-paragraph (c) of regulation 60, in the presence of such of the persons entitled under paragraph (1) of regulation 63 to be present as attend —

- (a) open each ballot box;
- (b) take out the ballot papers;

- (c) count and record the number of ballot papers taken from each ballot box;
- (d) mix together the whole of the ballot papers taken from the ballot boxes;
- (e) count the votes recorded for each list of candidates.

(2) In counting the votes the returning officer shall, subject to the provisions of paragraph (3) of this regulation, reject as invalid and not count any ballot paper —

- (a) which does not bear the official mark;
- (b) which has not been marked for any list of candidates or is void for uncertainty;
- (c) on which votes have been given for more than one list of candidates;
- (d) on which there is any writing or mark by which the elector can be identified.

(3) A ballot paper on which the vote is marked —

- (a) elsewhere than in the proper place;
- (b) otherwise than by means of a cross;
- (c) by more than one mark;

shall not be rejected solely by reason thereof if —

- (i) an intention that the vote shall be for one or other of the lists of candidates clearly appears; and
- (ii) the elector is neither identified nor can be identified by the manner in which the ballot paper is marked.

(4) The returning officer shall endorse the word “rejected” on any ballot paper which he may reject as invalid and shall add to the endorsement the words “rejection objected to” if any objection to his decision be made by a duly appointed candidate or a counting agent present during the counting.

(5) The decision of the returning officer as to any question arising in respect of any ballot paper shall be final.

65. A duly appointed candidate, or counting agent present **Recounts.** when the counting or any recount of votes is completed, may request the returning officer to have the votes recounted or again recounted; but the returning officer may refuse such request if in his opinion it is unreasonable.

66. (1) Upon the conclusion of the counting of the votes the returning officer, in the presence of such of the persons entitled under paragraph (1) of regulation 63 to be present as attend, shall — **Procedure on conclusion of count.**

- (a) seal in separate packets the counted and rejected ballot papers;
- (b) verify the ballot papers account given by each presiding officer by comparing it with —
 - (i) the number of ballot papers recorded under sub-paragraph (c) of paragraph (1) of regulation 64;

- (ii) the unused and spoiled ballot papers in his possession; and
- (iii) the record of tendered votes contained in the poll book;
- (c) reseal the packets of unused and spoiled ballot papers;
- (d) prepare a written statement as to the result of the verification of the ballot papers account and on request allow any counting agent present to make a copy thereof;
- (e) publicly declare and communicate to the Chief Election Officer by the quickest available means the number of valid votes cast for each list of candidates;
- (f) deliver to the Chief Election Officer a return in writing in the form prescribed which shall set out the number of —
 - (i) valid votes cast for each list of candidates;
 - (ii) rejected ballot papers together with, in each case, the reason for rejection;
 - (iii) spoiled ballot papers delivered to him;
 - (iv) tendered ballot papers;
 - (v) persons who appear to have voted.

(2) The returning officer shall not open the sealed packets containing tendered ballot papers, marked copies of the official list of electors or part thereof or counterfoils of used ballot papers.

(3) Any counting agent may copy the return made under sub-paragraph (f) of paragraph (1) of this regulation.

Maintenance
of secrecy
at count.

67. Every person attending at the counting of votes shall maintain and aid in maintaining the secrecy of voting and shall not communicate any information obtained at the count as to the list of candidates for which any vote has been given.

PART VIII. ASCERTAINMENT OF ELECTION RESULTS.

Totalling
of votes.

68. The Chief Election Officer shall, upon receipt from the returning officers of all the districts of the returns required by sub-paragraph (f) of paragraph (1) of regulation 66, add together the number of valid votes cast in each district for each list of candidates; and thereupon the Commission shall ascertain the result of the election in accordance with the provisions of regulations 69 and 70.

Allocation
of seats.

69. (1) The total number of votes cast for all the lists of candidates shall be divided by fifty-three and the whole number resulting from that division shall be known as "the electoral quota".

(2) The number of votes cast for any list shall be divided by the electoral quota; there shall be allocated to that list a number of seats equal to the whole number resulting from that division; and the number of votes represented by a fraction so resulting shall be known as "surplus votes" of the list; and if the number of votes cast for any

list is less than the electoral quota, those votes shall accordingly be treated as surplus votes of that list.

(3) Any seat or seats remaining unallocated after seats have been allocated in accordance with paragraph (2) of this regulation shall be allocated as follows:—

- (a) one seat shall be allocated to the list with the largest number of surplus votes;
- (b) if the number of seats so remaining is two or more, one seat shall be allocated to the list with the next largest number of surplus votes, and so on until all the seats so remaining have been allocated;
- (c) for the purposes of this paragraph, where two or more lists have equal numbers of surplus votes, then lots shall be drawn by the Chairman of the Commission in the presence of the representatives of the lists affected to determine which list or lists shall be deemed to have more surplus votes than the other list or lists.

(4) For the purposes of the foregoing provisions of this regulation a combination of lists shall be treated as one list.

(5) The seats allocated to a combination of lists shall be allocated among the lists comprised in the combination in accordance with the provisions of paragraphs (2) and (3) of this regulation, the electoral quota for that purpose being the whole number found by dividing the total number of votes cast for the combination of lists by the number of seats allocated to the combination.

70. When seats have been allocated to any list of candidates in pursuance of regulation 69, the Commission, starting at the commencement of the list and continuing successively, shall extract from the list the number of names that corresponds to the number of seats allocated to the list; and the persons whose names are extracted shall, except as may be otherwise determined in accordance with any law made under article 70 of the Constitution, be deemed to have been elected as members of the House of Assembly.

Membership
of House of
Assembly.

71. As soon as practicable after election day the Commission shall publicly declare the results of the election and shall cause to be published in the Gazette a notification thereof, specifying —

- (a) the number of votes cast for each list of candidates;
- (b) the number of rejected ballot papers;
- (c) the number of seats allocated to each list of candidates; and
- (d) the names of the persons who, as a result of the election, have become members of the House of Assembly;

Publication
of election
results.

and, as respects a combination of lists, such notification shall be so arranged as to give the particulars required by sub-paragraphs (a), (c) and (d) of this paragraph with reference to both the combination and each list comprised therein.

Certificates
of election.

72. The Commission shall furnish each of the persons who have become members of the House of Assembly with a certificate that he has been so elected.

Filling
of casual
vacancies.

73. (1) When a seat in the House of Assembly is vacant for any cause other than a dissolution of the Legislature, the vacancy shall be filled by that person, being a person who is qualified for election as, and is willing to become, a member of the House of Assembly, whose name is on the relevant list of candidates and appears therein next after the names of all persons who became at the time of the election, or have since become, members of the House.

(2) In this regulation, "the relevant list of candidates" means that list in which was included the name of the member of the House of Assembly vacating his seat or, when a person is held in proceedings under a law made under article 70 of the Constitution not to be a member, the name of that person.

Election
Report.

74. The Chief Election Officer shall as soon as practicable after the election cause to be prepared and printed a general report on the election including the particulars specified in regulation 71 and the total number of persons whose names appear in each of the registers in force under the provisions of paragraph (4) of regulation 40 of the Registration Regulations, 1964.

Custody of
election
documents.

75. (1) The returning officer of each district shall, as soon as practicable after making the return required by sub-paragraph (f) of paragraph (1) of regulation 66, make up in one parcel the packets he has received in pursuance of sub-paragraph (c) of regulation 60 and the other papers used at the polling places and in his possession and shall seal the parcel so that it cannot be opened without breaking the seals and deliver it to the Chief Election Officer.

(2) The Chief Election Officer shall keep all parcels received in pursuance of paragraph (1) of this regulation in safe custody and, subject to the provisions of these regulations and any law made under article 70 of the Constitution, allow no person to have access thereto.

(3) The returning officer of each district shall, as soon as practicable after delivering the election documents, in accordance with paragraph (1) of this regulation, cause the ballot boxes used at the election, together with their locks and keys, to be deposited in the custody of the member of the Police Force in charge of a police station in his district.

PART IX. ELECTION EXPENSES.

Making of
contracts
through
election
agents.

76. (1) The election agent of a group of candidates shall appoint every clerk and messenger employed for payment on behalf of the group at the election and shall hire every committee room hired on behalf of the group.

(2) A contract whereby any expenses are incurred on account of or in respect of the conduct or the management of the election shall

not be enforceable against a candidate unless made by the candidate or by the election agent of the group to which the candidate belongs:

Provided that the inability under these regulations to enforce such contract against a candidate shall not relieve such candidate from the consequences of any corrupt or illegal practices committed by the election agent or assistant agent of his group with the consent or connivance of such candidate.

77. (1) Except as permitted by this regulation or in pursuance of regulation 84, no payment and no advance or deposit shall be made by a candidate or by any other person at any time in respect of election expenses otherwise than by or through the election agent of the group of candidates to which the candidate belongs. Payment of expenses.

(2) A candidate may pay personal expenses incurred by him on account of or in connection with or incidental to the election to an amount not exceeding five hundred dollars; and such candidate shall send to the election agent of his group of candidates not later than the 14th day after the declaration of the results of the election under regulation 71 a written statement of personal expenses so paid.

(3) Any personal expenses in excess of five hundred dollars incurred by a candidate shall be paid by the election agent.

(4) If a candidate pays personal expenses in excess of the sum specified in paragraph (2) of this regulation he shall be guilty of an illegal practice.

78. (1) A person authorised in that behalf by an election agent may pay any necessary expenses for stationery, postage, telegrams and other petty expenses to a total amount not exceeding that named in the authority; and such person shall send to the election agent not later than the 14th day after the declaration of the results of the election under regulation 71 a written statement of the payments so made together with particulars thereof. Petty Expenditure.

(2) Any petty expenses incurred in excess of the amount named in the authority of the election agent shall be paid by the election agent.

79. (1) No expense shall be incurred by or on behalf of a group of candidates and no payment shall be made on their behalf whether before, during or after the election, on account of or in respect of the conduct and management of the election — Maximum expenses.

- (a) in excess of the sum of one thousand five hundred dollars multiplied by the number of candidates not exceeding 53 on the list of candidates;
- (b) for purposes other than the following —
 - (i) the expenses of printing, advertising, publishing, issuing and distributing addresses and notices;
 - (ii) the expense of stationery, messages, postages and telegrams;
 - (iii) the expense of holding public meetings;
 - (iv) the expense of one committee room in each district;

- (v) expenses permitted under regulation 91;
- (vi) the personal expenses of candidates.

(2) In determining the total expenditure incurred by a group of candidates no regard shall be had to amounts paid by candidates under paragraph (2) of regulation 77.

(3) If an election agent incurs or pays election expenses in excess of the sum specified in paragraph (1) of this regulation, or for purposes other than those therein specified, he shall be guilty of an illegal practice.

(4) If a candidate pays any election expenses except his personal expenses otherwise than by or through the election agent of his group of candidates he shall be guilty of an illegal practice.

Remuneration
of election
agent.

80. So far as circumstances permit, this Part shall apply to a claim for his remuneration by an election agent and to the payment thereof in like manner as if he were any other creditor; and, if there is any dispute as to the amount due, such claim shall be a disputed claim within the meaning of this Part and dealt with accordingly.

Election
expenses
return and
declarations.

81. (1) Not later than the 35th day after the declaration of the results of the election under regulation 71 the election agent of each group of candidates shall forward to the Chief Election Officer a return which shall be in the form prescribed and shall contain statements of —

- (a) all payments made by the election agent;
- (b) the amount of personal expenses paid by each of the candidates;
- (c) all disputed claims of which the election agent is aware;
- (d) all unpaid claims of which the election agent is aware in respect of which application has been or is about to be made to the Supreme Court;
- (e) all money, securities and equivalent of money received by the election agent from the candidates or any other person for the purposes of expenses incurred or to be incurred on account of or in respect of the conduct or management of the election and the name of every person from whom such money, securities and equivalent of money were received;
- (f) any duly authorised expenses incurred for any purpose referred to in paragraph (1) of regulation 87.

(2) Every payment made by an election agent, in respect of any expenses incurred on account of or in respect of the conduct or management of the election shall except where less than five dollars be vouched for by a receipt or by a bill stating the particulars; and all such bills and receipts shall be sent to the Chief Election Officer with the election expenses return.

(3) The election expenses return shall be accompanied by a declaration by the election agent as to election expenses, in the form prescribed and each candidate shall make and transmit, or cause to be transmitted, to the Chief Election Officer not later than the 35th day

after the declaration of the results of the election under regulation 71, a declaration as to election expenses in the prescribed form.

(4) Where, after the election expenses return has been forwarded to the Chief Election Officer, leave is given by the Supreme Court for any claim to be paid, the election agent shall, within seven days of the payment of such claims, forward to the Chief Election Officer a return of the sums paid together with a copy of the order of the court.

(5) If without an authorised excuse a candidate or an election agent fails to comply with any requirement imposed on him by this regulation, he shall be guilty of an illegal practice.

82. (1) The Chief Election Officer shall, as soon as may be after the receipt of each election expenses return, cause to be published in the Gazette a summary thereof, accompanied by a notice of the time and place at which the election expenses return and accompanying documents and the election expenses declarations can be inspected.

Publication of summary of election expenses return.

(2) Election expenses returns and accompanying documents and election expenses declarations shall at all reasonable times during a period of two years after their receipt be open to inspection at the office of the Chief Election Officer by any person on payment of a fee of twenty four cents; and the Chief Election Officer shall on demand furnish copies thereof or of part thereof on payment of a fee of twelve cents for every one hundred and twenty words or part of one hundred and twenty words.

(3) After the expiration of two years the Chief Election Officer may cause the election expenses return and accompanying documents and the election expenses declarations to be destroyed unless any election agent requires them to be sent to him.

83. (1) Where the election expenses return or any expenses declaration has not been submitted as required by regulation 81, or having been submitted contains an error or a false statement, then —

Authorised excuse for failure to submit return and declarations.

(a) if any candidate applies to the Supreme Court, and shows that his failure to submit an election expenses declaration or any part thereof, or any error or false statement therein has arisen by reason of his illness, or of the absence, death, illness or misconduct of another candidate or of the election agent or of an assistant agent or of any clerk or officer employed by the election agent, or by reason of inadvertence or of any reasonable cause of a like nature, and not by reason of any want of good faith on the part of the applicant; or

(b) if an election agent applies to the Supreme Court and shows that his failure to submit the return and his declaration, or either of them, or any part thereof, or any error or false statement therein, has arisen by reason of his illness, or by reason of the absence, death, illness or misconduct of a candi-

date or of a former election agent of the group or of an assistant agent or of any clerk or officer employed by the election agent, or by reason of inadvertence or of any reasonable cause of a like nature, and not by reason of any want of good faith on the part of the applicant —

the court may, on being satisfied that notice of the application has been published in two newspapers circulating in the Colony, and on production of such evidence of the grounds stated in the application, and of the good faith of the application, and otherwise, as to the court seems fit, make an order allowing an authorised excuse for the failure to submit the return or any declaration as the case may be or for any error or a false statement therein, as to the court seems just. — — — — —

(2) Where it appears to the court that any person being or having been a candidate, an election agent or assistant agent has refused or failed to make such return or declaration or supply such particulars as to enable any candidate or an election agent to comply with any requirement imposed on him by regulation 81, the court, before making an order allowing an authorised excuse, shall order such person to attend before the court; and, on his attendance shall, unless he shows cause to the contrary, order him to make and deliver such return or declaration or supply such particulars within such time and to such person and in such manner as to the court seems just, or may order him to be examined with respect to such particulars, and may, in default of compliance with any such order, order him to pay a fine not exceeding five hundred dollars.

(3) An order allowing an authorised excuse may be made conditional upon the making of the election expenses return or any election expenses declaration or upon the making of them in a modified form or within an extended time and upon the compliance with such other terms as to the court seem best calculated for carrying into effect the objects of these regulations; and an order allowing an authorised excuse shall relieve the applicant for the order from any liability or consequences under these regulations in respect of the matter excused by the order.

(4) The date of the order allowing an authorised excuse, or if conditions and terms are to be complied with, the date on which the applicant for the order fully complies with them, is in these regulations referred to as the date of the allowance of the excuse.

84. (1) Every claim against any candidate or against an election agent in respect of any expenses incurred on account of or in respect of the conduct or management of an election shall be sent to the election agent not later than the 14th day after the publication under regulation 71 of the results of the election.

(2) Any such claim as is specified in paragraph (1) of this regulation which is not sent to the election agent within the time therein prescribed shall be barred and not paid.

(3) An election agent who pays a claim in contravention of paragraph (2) of this regulation shall be guilty of an illegal practice.

(4) All expenses incurred on account of or in respect of the conduct or management of the election shall be paid not later than the 28th day after the publication under regulation 71 of the results of the election.

(5) An election agent who makes a payment in contravention of paragraph (4) of this regulation shall be guilty of an illegal practice.

(6) If an election agent disputes any claim received by him within the time limited by paragraph (1) of this regulation or if he refuses or fails to pay such claim within that period, such claim shall be deemed to be a disputed claim.

(7) A claimant may, if he thinks fit, bring an action for a disputed claim in any competent court; and anything paid by a candidate or by an election agent in pursuance of the judgment or order of the court shall be deemed to be paid within the time limited by paragraph (1) of this regulation and to be an exception from the provisions of these regulations requiring claims to be paid by the election agent.

(8) The Supreme Court may, on application by the claimant or by a candidate or by an election agent and on cause shown to its satisfaction, by order give leave for the payment by a candidate or by an election agent of a disputed claim or for a claim in respect of expenses incurred on account of or in respect of the conduct or management of an election, notwithstanding that such claim was sent after the time limit prescribed by paragraph (1) of this regulation, and notwithstanding the sending of such claim to a candidate and not to the election agent.

(9) Any sum specified in any order of the court made under paragraph (8) of this regulation may be paid by a candidate or by an election agent and when paid in pursuance of such order shall be deemed to be paid within the time limited by paragraph (1) of this regulation.

85. Where, on application made, it is shown to the Supreme Court by such evidence as to the court seems sufficient that —

- (a) any act or omission of any candidate or of any election agent or of any other agent or person, would, by reason of being a payment, contract, engagement, employment or hiring, or the incurring of an expense in excess of the maximum allowed, in contravention of any of the provisions of these regulations pertaining thereto, be but for this regulation an illegal practice, payment, employment or hiring; and
- (b) such act or omission arose from inadvertence or from accidental miscalculation or from some other reasonable cause of a like nature, and in any case did not arise from any want of good faith; and
- (c) notice of the application has been published in two newspapers circulating in the Colony,

and in the circumstances it seems to the court to be just that such candidate, election agent and other agent or person, or certain of them should not be subject to any of the consequences under these regula-

Exemption
of act done
in good
faith from
being an
illegal
practice.

tions of the act or omission the court may make an order allowing such act or omission to be an exception from the provisions of these regulations which would otherwise make the same an illegal practice, payment, employment, hiring or an incurring of an expense in excess of the maximum allowed, and such candidate, election agent or other agent or person as the court may specify in its order shall not be subject to any of the consequences under these regulations of the act or omission.

Saving for
creditors.

86. The provisions of these regulations prohibiting certain payments and contracts for payments, and the payment of any sum and the incurring of any expense in excess of the prescribed maximum, shall not affect the rights of any creditor who when the contract was made or the expense incurred was ignorant that such contract, payment or expense was in contravention of these regulations.

Prohibition
of expenses
not author-
ised by
election
agent.

87. (1) No expenses shall, with a view to promoting or procuring the election of a group of candidates, be incurred by any person other than the election agent of the group or by a person authorised in writing by him on account of —

- (a) holding public meetings or organising any public display;
- (b) issuing advertisements, circulars or publications;
- (c) otherwise presenting to the electors the candidates of the group or any of them or their views or the extent or nature of their backing or of disparaging the candidates of another group or any of them:

Provided that sub-paragraph (c) of this paragraph shall not—

- (i) restrict the publication of any matter relating to the election in a newspaper or other periodical; or
- (ii) apply to any expenses not exceeding in the aggregate the sum of five dollars which may be incurred by an individual and are not incurred in pursuance of a plan suggested by or concerted with others, or to expenses incurred by any person travelling or in living away from home or similar personal expenses.

(2) Any person other than an election agent or a person authorised in that behalf in writing by him who incurs expenses prohibited by paragraph (1) of this regulation shall be guilty of a corrupt practice.

(3) Any expenses incurred on account of any purpose referred to in paragraph (1) of this regulation and duly authorised by the election agent shall be returned as part of the election expenses of the group of candidates.

False
election
expenses
declara-
tions.

88. Any candidate or election agent who makes an election expenses declaration containing any statement false in fact, which he knows or believes to be false or does not believe to be true, shall be guilty of a corrupt practice.

PART X. ILLEGAL PAYMENT, EMPLOYMENT, HIRING.

89. Any person who knowingly provides money —
- (a) for any payment which is contrary to the provisions of these regulations;
 - (b) for any expenses in excess of the maximum allowed by these regulations;
 - (c) to replace any money expended in any such payment or expenses,

Providing money for illegal purpose.

shall be guilty of illegal payment.

90. Any person who corruptly induces or procures any other person to withdraw from being a candidate at an election, in consideration of any payment or promise of payment shall be guilty of illegal payment; and any person withdrawing in pursuance of such inducement or procurement, shall also be guilty of illegal payment.

Corrupt withdrawal of candidate.

91. (1) No person shall, for the purpose of promoting or procuring the election of a group of candidates at an election be engaged or employed for payment or promise of payment for any purpose or in any capacity whatsoever, except for the following —

Prohibition of certain forms of employment.

- (a) one election agent;
- (b) one assistant agent for each district;
- (c) one polling agent in each polling place;
- (d) one counting agent for each district;
- (e) two clerks and two messengers for each committee room.

- (2) If any person is engaged or employed in contravention of this regulation the person engaging or employing him shall be guilty of illegal employment; and the person so engaged or employed shall also be guilty of illegal employment if he knew that he was so engaged or employed contrary to law.

92. (1) No person shall let, lend or employ for the purposes of the conveyance of electors to or from the poll, any public stage or hackney carriage, or any horse or other animal kept or used for drawing the same, or any carriage, horse or other animal which he keeps or uses for the purpose of letting out for hire; and any person who contravenes the provisions of this paragraph knowing the purpose of the letting, lending or hiring shall be guilty of illegal hiring.

Illegal hiring of transport for electors.

- (2) No person shall hire, borrow or use for the purpose of the conveyance of electors to or from the poll any carriage, horse or other animal which he knows the owner thereof is prohibited by paragraph (1) of this regulation from letting, lending or employing; and any person who contravenes the provisions of this paragraph shall be guilty of illegal hiring.

- (3) Nothing in this regulation or in regulation 95 shall prevent a carriage, horse or other animal being let to or hired, employed or used by an elector or several electors at his own or their own joint cost, for the purpose of being conveyed to or from the poll.

Use of certain premises as committee room prohibited.

93. (1) No person shall let, hire or use as a committee room for the purpose of promoting or procuring the election of a group of candidates at an election any of the following premises :—

- (a) any premises wherein the sale by wholesale or retail of any intoxicating liquor is authorised by any licence, whether such licence authorises the sale for consumption on or off the premises;
- (b) any premises where any intoxicating liquor is sold or supplied to members of a club, society or association other than a permanent political club;
- (c) any premises wherein refreshment of any kind, whether food or drink, is ordinarily sold for consumption in the premises.

(2) Any person who hires or uses premises in contravention of paragraph (1) of this regulation shall be guilty of illegal hiring and any person who lets or permits to be used such premises or part thereof shall also, if he knew it was intended to use such premises or part thereof as a committee room, be guilty of illegal hiring.

(3) Nothing in this regulation shall apply to any part of premises described in paragraph (1) of this regulation which is ordinarily let for the purpose of chambers or offices or the holding of public meetings or arbitrations if such part has a separate entrance and no direct communication with any part of the premises on which intoxicating liquor or refreshment is sold or supplied.

Penalty for illegal payment employment or hiring.

94. Any person guilty of an offence of illegal payment, employment or hiring shall, on summary conviction thereof, be liable to a fine not exceeding five hundred dollars; and any candidate or election agent who is guilty of such an offence shall be guilty of an illegal practice.

PART XI. ILLEGAL PRACTICES.

Certain expenditure to be illegal practice.

95. (1) No payment or contract shall, for the purpose of promoting the election of a group of candidates at an election, be made —

- (a) on account of the conveyance of electors to or from the poll, whether for the hiring of horses or carriages or for railway fares, water or air transport fares or otherwise; or
- (b) to an elector on account of the use of any house, land, building or premises for the exhibition of any address, bill or notice, or on account of the exhibition of any address, bill or notice:

Provided that where it is the ordinary business of an elector as an advertising agent to exhibit for payment bills and advertisements, a payment or contract with such elector, if made in the ordinary course of business, shall not be deemed to be an illegal practice within the meaning of this regulation.

(2) If payment or contract for payment is knowingly made in contravention of this regulation either before, during or after an election, the person making such payment or contract for payment shall be guilty of an illegal practice; and any person receiving such payment,

or being a party to any such contract, knowing it to be in contravention of this regulation, shall also be guilty of an illegal practice.

96. Every person who, at a lawful political meeting held before election day, acts or incites any other person to act in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called together shall be guilty of an illegal practice.

97. (1) Any person who, before or during an election, shall, for the purpose of affecting the return of any group of candidates, make or publish any false statement of fact in relation to the personal character or conduct of the candidates of that group or any of them shall, subject to the provisions of paragraph (2) of this regulation, be guilty of an illegal practice.

(2) No person shall be deemed to be guilty of illegal practice under this regulation if he can show that he had reasonable grounds for believing, and did believe, the statement made by him to be true.

(3) A person making or publishing a false statement of fact in contravention of paragraph (1) of this regulation may be restrained by interim or perpetual injunction by the Supreme Court from any repetition of that false statement or of a false statement of a similar character in relation to the candidate, and, for the purposes of granting an interim injunction, prima facie proof of the falsity of the statement shall be sufficient.

98. (1) No person shall —

Election publications.

(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 group of candidates;

(b) post or cause to be posted any such bill, placard or poster as is specified in sub-paragraph (a) of this paragraph;

(c) distribute or cause to be distributed any printed document for the purpose specified in sub-paragraph (a) of this paragraph;

unless the bill, placard, poster or document bears upon the face thereof the names and addresses of the printer and publisher.

(2) For the purposes of this regulation, any process for multiplying copies of a document, other than copying it by hand, shall be deemed to be printing and the word "printer" shall be construed accordingly.

(3) Any candidate, or any election agent who contravenes the provisions of this regulation shall be guilty of an illegal practice; and any other person who contravenes the provisions of this regulation shall, on summary conviction, be liable to a fine not exceeding five hundred dollars.

Miscellaneous
illegal
practices

99.

Any person who —

(a) votes either on his own behalf or as a proxy on be-

half of another person or procures any person to vote either on his own behalf or as a proxy on behalf of another person, at an election, knowing that he or such other person is not an elector;

- (b) applies for the appointment of a person to vote on his behalf at an election as a proxy knowing that he or the person for whose appointment he applies is not an elector or who in such application makes a false statement as to his entitlement to vote by proxy;
- (c) before or during an election knowingly publishes a false statement of the withdrawal of a list of candidates or of any of the candidates named therein for the purpose of promoting or procuring the election of the candidates named in another list;
- (d) hands to a poll clerk or a presiding officer—
 - (i) a forged identity paper; or
 - (ii) save as permitted by these regulations the identity paper of some other person; or
 - (iii) a forged notice of appointment to vote as a proxy on behalf of some other person.

shall be guilty of an illegal practice.

100. Any person who —

- (a) votes on his own behalf more than once; or
- (b) votes in person on his own behalf when there is in force an appointment of another person to vote as a proxy on his behalf; or
- (c) applies for a person to be appointed as a proxy to vote on his behalf without applying for the cancellation of an existing appointment of some other person to vote as a proxy on his behalf or without withdrawing a pending application for such appointment; or
- (d) votes as a proxy more than once on behalf of the same elector; or
- (e) votes as a proxy on behalf of more than two electors

shall be guilty of an illegal practice.

101. (1) Any person guilty of an illegal practice shall, on summary conviction —

- (a) be liable to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment; and
- (b) subject to the provisions of paragraph (2) of this regulation, be incapable, during a period of five years from the date of his conviction, of being registered as an elector or voting at any election.

(2) In the case of any conviction of an illegal practice the court may, if it deems it just in the special circumstances of the case, mitigate or entirely remit any incapacity imposed by this regulation.

PART XII. CORRUPT PRACTICES.

102. The following persons shall be deemed guilty of the corrupt practice of treating —

Plural voting to be illegal practice.

Penalty for illegal practice.

Treating.

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

103. The following persons shall be deemed guilty of the corrupt practice of using undue influence — Undue influence.

- (a) every person who directly or indirectly by himself or by any other person on his behalf —
 - (i) makes use of, or threatens to make use of, any force, violence or restraint; or
 - (ii) inflicts, or threatens to inflict, by himself or by any other person, any temporal or spiritual injury, damage, harm or loss upon or against any person, in order to induce or compel such person to vote or refrain from voting or on account of such person having voted or refrained from voting at any election; or
- (b) every person who by abduction, duress, or any fraudulent contrivance, impedes or prevents the free exercise of the franchise of any elector, or thereby compels, induces or prevails upon any elector either to vote or to refrain from voting at any election.

104. The following persons shall be deemed to be guilty of the corrupt practice of bribery — Bribery.

- (a) every person who, directly or indirectly, by himself or by any other person on his behalf —
 - (i) gives or agrees to give; or
 - (ii) lends or agrees to lend; or
 - (iii) offers or promises; or
 - (iv) promises to procure or promises to endeavour to procure —
any money or valuable consideration to or for any elector, or to or for any other person, in order to induce any elector to vote or to refrain from voting;
- (b) every person who, directly or indirectly, by himself or by any other person on his behalf, corruptly —
 - (i) gives or agrees to give; or
 - (ii) lends or agrees to lend; or
 - (iii) offers or promises; or
 - (iv) promises to procure or promises to endeavour to procure —

- any money or valuable consideration to or for any elector, or to or for any person on behalf of any elector, or to or for any other person, on account of such elector having voted or refrained from voting at any election;
- (c) every person who, directly or indirectly, by himself or by any other person on his behalf, corruptly —
- (i) gives or agrees to give; or
 - (ii) procures or agrees to procure; or
 - (iii) offers or promises; or
 - (iv) promises to procure or promises to endeavour to procure —
- any office, place or employment to or for any elector or to or for any person on behalf of any elector, or to or for any other person, in order to induce such elector to vote or refrain from voting;
- (d) every person who, directly or indirectly, by himself or by any other person on his behalf, corruptly —
- (i) gives or agrees to give; or
 - (ii) procures or agrees to procure; or
 - (iii) offers or promises; or
 - (iv) promises to procure or promises to endeavour to procure —
- any office, place or employment to or for any elector or to or for any person on behalf of any elector, or to or for any other person, on account of any elector having voted or refrained from voting at any election;
- (e) every person who, directly or indirectly, by himself or by any other person on his behalf, makes any such gift, loan, offer, promise, procurement or agreement as aforesaid to or for any person, in order to induce such person to procure the return of a group of candidates, as members of the House of Assembly, or the vote of any elector at any election;
- (f) every person who, upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procures or engages, promises or endeavours to procure the return of any group of candidates as members of the House of Assembly, or the vote of any elector at any election;
- (g) every person who —
- (i) advances or pays, or causes to be paid, any money to or to the use of any other person, with the intent that such money, or any part thereof, shall be expended in bribery at any election; or
 - (ii) knowingly pays, or causes to be paid, any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any election;
- (h) every elector who, before or during any election, directly or indirectly, by himself or by any other person on his behalf, receives, agrees or contracts for any

money, gift, loan or valuable consideration, office, place or employment for himself or for any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at any election;

- (i) every person who, after any election, directly or indirectly, by himself or by any other person on his behalf, receives any money or valuable consideration on account of any person having voted or refrained from voting, or having induced any other person to vote or refrain from voting at any election.

105. (1) A person shall be deemed to be guilty of the corrupt ^{Personation.} practice of personation at an election if he —

- (a) votes as some other person whether as an elector on his own behalf or as a proxy on behalf of another elector, and whether that other person is living or dead or is a fictitious person; or
- (b) having any mark of electoral ink upon any of his fingers applies for a ballot paper for the purpose of voting as an elector; or
- (c) votes in person or as proxy —
 - (i) for a person whom he knows or has reasonable grounds for supposing to be dead or to be a fictitious person; or
 - (ii) when he knows or has reasonable grounds for supposing that his appointment as proxy is no longer in force; or
- (d) when applying to vote tenders to the poll clerk or to the presiding officer an identity paper stamped with the official mark.

(2) For the purpose of sub-paragraphs (a) and (c) of paragraph (1) of this regulation, a person who has applied for a ballot paper for the purpose of voting shall be deemed to have voted.

106. Every person who is guilty of a corrupt practice other than ^{General penalty for corrupt practices.} as specified in regulation 107, shall, on conviction thereof on indictment, be liable to be imprisoned for a term not exceeding one year, or to be fined any sum not exceeding one thousand dollars, or to both such imprisonment and fine.

107. Every person who is guilty of personation or aiding, ^{Penalty for personation.} abetting, counselling or procuring the commission of the offence of personation shall, on conviction thereof on indictment, be liable to be imprisoned for a term not exceeding two years.

108. (1) Subject to the provisions of this regulation, every person ^{Disqualification.} who is convicted of a corrupt practice shall, in addition to any other punishment, be incapable during a period of seven years from the date of conviction —

- (a) of being registered as an elector or of voting at any election;

(b) of being elected as a member of the House of Assembly.

(2) In the event of any conviction under regulation 87, the court may, if it deems it just in the special circumstances of the case, mitigate or entirely remit any incapacity imposed by this regulation.

PART XIII. MISCELLANEOUS ELECTION OFFENCES

Bands.

109. (1) No person shall play any instrument in a band at any meeting or in any procession held for the purpose of promoting or procuring the election of any group of candidates.

(2) Every person who contravenes the provisions of paragraph (1) of this regulation shall be guilty of an offence, and, on summary conviction thereof, shall be liable to a fine not exceeding twenty-five dollars or to imprisonment for any term not exceeding thirty days.

(3) No person shall, for the purpose of promoting or procuring the election of any group of candidates —

(a) hire any band; or

(b) use or permit to be used in or upon any vehicle any instrument for the purpose of reproducing or amplifying any music.

(4) Every person who contravenes the provisions of paragraph (3) of this regulation shall be guilty of an offence and shall, on summary conviction thereof, be liable to a fine not exceeding one hundred and twenty dollars or to imprisonment for a term not exceeding three months.

Offences
in respect
of ballot
boxes and
ballot papers,
identity
papers, and
appointments
as proxy.

110. (1) Every person who —

(a) forges or counterfeits or fraudulently defaces, or destroys, any ballot paper or the official mark thereon or any identity paper or notice of appointment of a person to vote as a proxy; or

(b) without due authority supplies a ballot paper to any person; or

(c) fraudulently puts into any ballot box any paper other than the lawful ballot paper; or

(d) without due authority destroys, takes, opens or otherwise interferes with any ballot box or packet of ballot papers then in use for the purposes of any election;

shall be guilty of a misdemeanour, and be liable on conviction —

(i) if he is an election officer employed at a polling place, to imprisonment for any term not exceeding two years or to a fine not exceeding one thousand dollars or to both such imprisonment and fine;

(ii) if he is not an election officer, to imprisonment for any term not exceeding six months or to a fine not exceeding two hundred and fifty dollars, or to both such imprisonment and fine.

(2) Any person who attempts to commit an offence under this regulation shall be deemed to be guilty of an offence under this regulation.

111. Every person who —

(a) not being registered as a qualified person on an electoral register compiled under the Registration Regulations, 1964, votes at an election; or

(b) induces or procures any person not so registered to vote at an election,

Voting when not entitled.

shall be guilty of an offence, and on summary conviction thereof, shall be liable to imprisonment for any term not exceeding six months or to a fine not exceeding two hundred and fifty dollars, or to both such imprisonment and fine.

112. Every person who wilfully mutilates, tears down, destroys, obscures, or makes any alteration in any list or notice published in accordance with the provisions of these regulations, shall be guilty of an offence, and on summary conviction thereof, shall be liable to imprisonment for any term not exceeding three months or to a fine not exceeding one hundred dollars.

Interference with notices and lists.

PART XIV. GENERAL.

113. In any indictment, information or complaint for an offence in relation to ballot boxes, ballot papers and other election material, the property in them may be stated to be in the Chief Election Officer.

Property in election material.

114. In any prosecution under these regulations, whether on indictment or summarily, the certificate of the Chief Election Officer that the election was duly held and that the person or persons named therein were named as a candidate or candidates at such election, shall be sufficient evidence of the facts therein stated.

Certificate of Chief Election Officer.

115. Where an offence under these regulations committed by a body corporate is proved to have been committed with the consent or connivance of any director, manager, secretary or other officer of the body corporate, or any person purporting to act in any such capacity, he, as well as the body corporate, shall be deemed to be guilty of the offence and punished accordingly.

Offences by bodies corporate.

116. A complaint or information against a person in respect of any offence under these regulations shall be made or filed within one year after the offence was committed.

Limitation of time.

117. (1) Any person charged with illegal payment, employment or hiring, may, notwithstanding that the act constituting the offence amounted to a corrupt or illegal practice, be found guilty of illegal payment, employment or hiring, as the case may be, if the circumstances warrant such finding.

Special provisions as to convictions.

(2) A person charged with an illegal practice or other offence not being a corrupt practice may, notwithstanding that the act constituting the offence amounted to a corrupt practice, be found guilty of an illegal practice or other offence, as the case may be, if the circumstances warrant such finding.

(3) Any person charged with a corrupt practice may, if the circumstances warrant such finding, be found guilty of an illegal practice

and for that purpose the offence of an illegal practice shall be an indictable offence.

Rules of
Court.
(Cap. 7)

118. Rules of Court may, for any of the purposes of these regulations, be made from time to time in the manner prescribed by the Supreme Court Ordinance.

Duty not
to disclose
finger-prints.

119. No election officer shall produce for inspection or supply the thumb-print of an elector, or a copy thereof except —

- (a) for the purposes of these regulations and their enforcement;
- (b) for purposes connected with the conduct of an election;
- (c) as otherwise expressly provided by law.

Affirmation
in substitution
for oaths.

120. Where any oath is required to be taken by or under these regulations, every person permitted by law to make a solemn affirmation or declaration may, instead of taking an oath, make a solemn declaration in the form of such oath, substituting the words “solemnly, sincerely, and truly declare and affirm” for the word “swear” and omitting the words “So help me God”.

Deviation
from forms.

121. Slight deviation from the forms prescribed not affecting the substance or calculated to mislead shall not invalidate them.

Emoluments
of election
officers and
staff.

122. The emoluments of election officers and other staff shall be determined by the Governor after consultation with the Commission.

Copy
identity
papers.

123. (1) Any person whose name appears on a register compiled under the provisions of the Registration Regulations, 1964, and who has lost or loses his identity paper issued to him under those regulations may, after such register has come into force in accordance with paragraph (4) of regulation 40 of the Registration Regulations, 1964, and not later than the 3rd day before election day, apply to the returning officer of the district in which he is registered for a copy identity paper.

(2) An application for a copy identity paper shall be delivered in person in the form prescribed at such place and time as may be appointed by the returning officer.

(3) For the purposes of this regulation the returning officer shall have like powers as has a divisional registrar under sub-paragraphs (d), (e) and (f) of paragraph (1) of regulation 18 of the Registration Regulations, 1964, and the applicant shall comply with any requirements and answer any questions of the returning officer in the exercise of those powers.

(4) If upon compliance by an applicant with the provisions of this regulation it appears to the returning officer that the applicant is entitled to be issued with a copy identity paper he shall issue such paper to him.

(5) A copy identity paper shall —

- (a) be in the form prescribed;

- (b) be clearly marked "COPY";
- (c) be entered by the returning officer with the serial number of the identity paper shown against the name of the applicant on the register.

(6) Any person who, not having lost an identity paper, applies for a copy identity paper shall be guilty of a corrupt practice.

124. Any expenditure that is incurred for the purposes of these regulations and is certified by the Governor in writing under his hand to have been so incurred is hereby charged upon the revenues of British Guiana. Expenditure

125. The Governor may make rules for giving effect to the provisions of these regulations and anything which is to be prescribed in pursuance of these regulations shall be prescribed by such rule. Rules.

Made this 25th day of September, 1964.

RICHARD E. LUYT,
Governor.

EXPLANATORY NOTE.

(This note is not part of the regulations but is intended to indicate their general purport)

1. These regulations provide for the election of fifty-three members of the House of Assembly by a system of proportional representation under which votes are cast in favour of lists of candidates, the whole of British Guiana forming one electoral area for determining the result of the election. These lists may be submitted by not less than two hundred persons registered under the Registration Regulations, 1964 and may contain the names of not more than fifty three candidates set out in the order of priority for which their election is sought.

2. Voting must generally be in person at the polling place where is displayed the official list of electors on which the name of the voter appears, but provision is included in the regulations for voting by proxy in certain cases for not more than two other electors entitled to vote at the same polling place as their proxy. Voters must produce their identity papers before they can be issued with ballot papers. On the ballot papers will be the titles and symbols of the lists of candidates (but not the names of the individual candidates). Votes will be recorded by making a mark against the list of candidates for which it is desired to vote.

3. After the votes have been counted the results of the election are to be ascertained by the Elections Commission in the following manner. Firstly an "electoral quota" is found by dividing the total number of votes cast for all lists of candidates by fifty-three (the number of seats to be filled in the House of Assembly). Secondly the number of votes cast for each list is divided by this electoral quota and each list is allocated a number of seats equal to the whole number resulting from the calculation. If any of the fifty-three seats still remain unallocated, they are to be awarded to the lists with the largest number of "surplus

votes", that is to say, the votes represented by any fraction over and above the whole number. Finally the seats allocated to any list are to be filled by the equivalent number of candidates named in that list, starting at the top of and continuing successively down the list. Thus if, for example, a list is allocated ten seats, the first ten candidates on the list will be elected.

4. Provision is included in the regulations to enable persons submitting lists of candidates to submit also, if they wish, supplementary lists. The purpose of this provision is to enable political parties to ensure that, if their main lists are exhausted before or during the life of the legislature, there will nonetheless remain persons who can fill any vacancy in the House to which their party is entitled.

5. Provision is made for the appointment of one election agent for the candidates on a list and also for them to have one assistant agent for each polling district. Any candidate who connives at or consents to the commission of an election offence by an election agent or assistant agent is deemed also to be guilty of that offence. Each group of candidates is allowed by way of election expenses a maximum of the sum of \$1500 multiplied by the number of candidates on the list in addition to the personal expenses permitted each candidate.

6. The regulations also include provisions as to election offences, including corrupt and illegal practices. Conviction of a corrupt practice may entail disqualification from either voting at an election or from being elected to the House of Assembly for a period of seven years and conviction of an illegal practice may lead to disqualification from voting for a period of five years. Application for relief from the consequences of acts or omissions of candidates, agents and others which would otherwise amount to illegal practices or certain other election offences may however be made to the Supreme Court.

7. The Elections Commission is charged with the responsibility of the general direction and supervision over the administrative conduct of the election and all election officers are made responsible to them.