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No. 25 of 1968

GUYANA

REGULATIONS

MADE UNDER

THE REPRESENTATION OF THE PEOPLE (ADAPTATION
AND MODIFICATION OF LAWS) ACT, 1968.

(No. 16 of 1968)

UNDER SECTION 3 OF THE REPRESENTATION OF THE
PEOPLE (ADAPTATION AND MODIFICATION OF LAWS)
ACT, 1968, AND BY VIRTUE AND IN EXERCISE OF ALL
OTHER POWERS ENABLING HIM IN THAT BEHALF,
THE FOLLOWING REGULATIONS HAVE BEEN MADE
BY THE GOVERNOR-GENERAL:—

1. These Regulations may be cited as the Representation of the ^{Citation.} People (Adaptation and Modification of Laws) (No. 2) Regulations, 1968.

2. The following amendments to the Election Regulations, 1964, ^{Prescription of amend-} are hereby prescribed for the purposes of section 3 of the Represent-
tation of the People (Adaptation and Modification of Laws) Act, 1968, ^{ments.} that is to say —

- (a) the insertion in the Regulations, after Part V, of the ^{First} Parts set out in the first schedule hereto;
- (b) the insertion in the heading to Part VII of the Regula-
tions, after the word "VOTES", of the word
"POLLED";
- (c) the insertion in the Regulations, after Part VII, of the ^{Second} Part set out in the second schedule hereto;
- (d) the addition to regulation 75, in Part VIII of the
Regulations, of the following paragraphs —
“(4) The Chief Election Officer shall, as soon as prac-
ticable after the discharge of his functions under Part
VIIA, cause the ballot boxes used for the purposes of
Part VB, together with their locks and keys, to be
deposited in the custody of the member of the Police
Force in charge of the police station nearest to the
place where such functions were discharged in relation
to those ballot boxes.

- (5) Subject to the requirements of paragraph (2) and paragraph (3) of regulation 43U, the provisions of paragraph (2) of regulation 75 shall, as they apply to the parcels mentioned therein, apply to every packet delivered to, or made up by, the Chief Election Officer pursuant to sub-paragraph (b), (c), (d) or (e) of paragraph (1) of regulation 43O, or made up under paragraph (1) of regulation 43U or sub-paragraph (a) of paragraph (1) of regulation 67D, and to everything not dealt with under sub-paragraph (e) or (f) of paragraph (1) of regulation 43U by reason of its having been returned or delivered to the Chief Election Officer after election day.”;
- (e) the insertion in sub-paragraph (c) of paragraph (1) of regulation 110 in Part XIII of the Regulations, after the word “puts”, of the words “or causes to be put”;
- (f) the addition to sub-paragraph (d), in the last-mentioned paragraph, of the word “or” and the insertion therein, after sub-paragraph (d), of the following paragraphs —
- “ (e) wilfully or negligently fails to discharge any duty or responsibility imposed on him by any of the provisions of Part VB and relating to any packet to which sub-paragraph (d) of this paragraph applies by virtue of paragraph (2) of regulation 43N; or
- (f) being present at any proceedings under regulation 43L, or paragraph (a) of regulation 43M, or the regulations to be executed in conformity with paragraph (1) of regulation 43Q, or regulation 67B, 67C or 67D —
- (i) interferes or attempts to interfere with any person balloting as an elector, or obstructs or attempts to obstruct the course of any such proceedings, except in the exercise of any functions required by law to be discharged for the purposes of such balloting or proceedings. as the case may be; or
- (ii) obtains or attempts to obtain (except for the purposes of the proviso to paragraph (a) of regulation 43L) information as to the list of candidates for whom any person is about to vote or has voted; or
- (iii) acquires any such information as aforesaid and, at any time thereafter, communicates it to any person; or
- (iv) directly or indirectly induces any person balloting as an elector to display his ballot

paper so as to make known the list of candidates for whom he has or has not voted; or

- (v) is guilty of any wilful act or omission inconsistent with the maintenance of the secrecy of the ballot; or
- (g) undertakes to assist any person under the proviso to paragraph (a) of regulation 43L and at any time thereafter communicates any information as to the list of candidates for whom such person intends to vote, or has voted, to any other person; or
- (h) being a ballot attendant participating in any proceedings under regulation 43L or 43M, influences or attempts to influence any person either not to vote or in his choice of a list of candidates to vote for at those proceedings; or
- (i) in the form set out in the schedule hereto, or in any certificate on the reverse side thereof, makes any declaration or statement that he does not believe to be true, or has reasonable grounds to believe to be false, in any material respect;";
- (g) the insertion in Part XIV of the Regulations, after regulation 125, of the following regulation —

126. (1) For the purposes of any requirement under these regulations that anything be done in a country other than Guyana not later than a specified number of days before election day, election day shall be deemed to be the like date in that country as is appointed in Guyana for the holding of the election.

"Overseas
time and
delivery
by hand
instead
of post.

(2) Anything required by these regulations to be posted by a non-resident within the meaning of Part VB to any officer shall nevertheless be deemed to have been duly transmitted if delivered at his office by the non-resident within the time allowed for its transmission to such officer in accordance with such requirement.

(3) Any requirement of these regulations that anything for the use of a non-resident be posted to his address by any officer shall nevertheless be deemed to have been duly complied with if the officer, acting within the time allowed for its posting under these regulations, causes such thing to be delivered by hand to that address so that the non-resident may avail himself thereof in conformity with these regulations.";

- (h) the addition to the Regulations of the following schedule —

"SCHEDULE

Reg. 431

Declaration of Identity

I hereby declare that I
(names in block letters)

am * [satisfied that the person whose vote is enclosed
herewith is] the person to whom the ballot paper in the
ballot envelope enclosed by me herewith was issued.

Dated

(Signature of Non-resident/
Ballot attendant/Returning
Officer)

*Delete the words in square brackets
unless signing as a ballot attendant or
returning officer."

FIRST SCHEDULE

Reg. 2(a)

PART VA. PREPARATION FOR NON-RESIDENTS' BALLOT

Interpre-
tation of
Part VA.

43B. (1) In this Part unless the context otherwise requires —

"ballot officer" means an Ambassador or High Commissioner representing Guyana or any person appointed to be the ballot officer in any other country in which no Ambassador or High Commissioner is accredited to represent Guyana;

"non-resident" means an elector whose name is on the non-residents' roll;

"non-residents' roll" means the non-residents' roll as prescribed by paragraph (2) of this regulation;

(2) The non-residents' roll shall be the preliminary list of the electors not resident in Guyana, prepared before election day in pursuance of section 14 of the Act or last prepared in pursuance thereof before such day, as the case may be, but with every such modification as may be necessary to bring that list into conformity with the central register (to the extent to which it consists of the registration cards of electors aforesaid) —

- (a) as altered under subsection (6) of section 15 of the Act;
- (b) pursuant to any alteration thereto made under section 8 of the Act, prior to the date of publication in the Gazette under regulation 20 of the names of candidates, for the purpose of changing the registered address, name or occupation of an elector;
- (c) pursuant to the cancellation therein under section 8 aforesaid of an elector's registration effected in contravention of subsection (1) of section II of the Act, or of relating to an elector who does not exist by reason of death or otherwise ought not to be registered,

and every reference made to the non-residents' roll in the provisions hereinafter contained shall, in relation to any time on or before election day, be construed as a reference to such preliminary list as aforesaid with such modifications thereto (if any) as, at that time, shall have been made in conformity with this paragraph.

43C. The Chief Election Officer shall cause a copy of the non-residents' roll to be displayed for public information, or for the information, of non-residents, at every such place as the Commission may appoint by notice published in the Gazette. Display of non-residents' roll.

43D. The Chief Election Officer shall cause to be printed and supplied to each ballot officer a sufficient number of the following — Printing of ballot officers' supplies.

- (a) copies of directions for balloting by non-residents;
- (b) ballot papers;
- (c) such envelopes and forms as are requisite,

to enable the ballot officer to carry out his functions under these regulations; and the Chief Election Officer shall make the necessary arrangements to be provided with a sufficient number of the same for the purpose of carrying out his like functions under Part VB.

43E. (1) Ballot papers supplied to ballot officers and used by non-residents shall be of a different colour from all other ballot papers conforming to the requirements of regulation 40 but, subject to such difference of colour, shall conform to those requirements in the like manner as such other ballot papers. Non-residents' ballot papers.

(2) Reference in paragraph (1) of this regulation to ballot papers supplied to ballot officers shall be construed to include reference to ballot papers with which the Chief Election Officer is provided under regulation 43D.

43F. In addition to the supplies to be furnished under regulation 43D, the Chief Election Officer shall provide every ballot officer with — Additional supplies for ballot officers.

- (a) a sufficient number of copies of these regulations,
- (b) a sufficient number of copies of the non-residents' roll in so far as it comprises entries relating to electors resident in the country in which that ballot officer is accredited to represent Guyana or appointed to be a ballot officer, as the case may be;
- (c) a statement showing the number of ballot papers supplied to him under paragraph (b) of regulation 43D and their serial numbers; and
- (d) such other documents and supplies as the Chief Election Officer may consider expedient,

for use by that ballot officer in the execution of his functions; and the Chief Election Officer shall record every such statement and the number of ballot papers with which he is provided under arrangements

mentioned in regulation 43D and the serial numbers of the ballot papers so provided.

Safe
custody of
officers'
supplies.

43G. Every officer shall be responsible for the safe custody of all supplies with which he is furnished or provided under regulation 43D or 43F and shall take every precaution to prevent any person having unauthorised access thereto.

PART VB — NON-RESIDENTS' BALLOT

Interpretation of
Part VB.

43H. (1) In this Part, unless the context otherwise requires —
“ballot attendant” means an officer appointed under paragraph (1) of regulation 43K;

“ballot officer”, “non-resident” and “non-residents’ roll” shall have the meanings assigned to them, respectively, by regulation 43B.

(2) Reference in this Part to the serial number of a non-resident shall be construed as reference to the serial number of his registration card.

Issue of
ballot papers
to non-
residents.

43I. Not later than the 25th day before election day, there shall be posted to every non-resident —

(a) by such ballot officer as shall be provided under paragraph (b) of regulation 43F with copies of entries in the non-residents’ roll which include the name of that non-resident; or

(b) in any case where there is no such ballot officer, by the Chief Election Officer,

a sealed envelope, which shall be directed to the non-resident at his address appearing on the non-residents’ roll and shall contain the following —

(i) an unsealed envelope (hereafter referred to in this Part as the addressed envelope) addressed in the name, and to the office, of the officer issuing the same, which shall be recognisable by him on its return as having been issued under this paragraph;

(ii) a form of declaration, which shall be as set out in the schedule to these regulations and shall bear the serial number of the non-resident on its reverse side;

(iii) an unsealed envelope (hereafter referred to in this Part as the ballot envelope) addressed with the words “To the Chief Election Officer” and capable of containing a ballot paper and of being enclosed, together with the last-mentioned form, in the addressed envelope;

(iv) a copy of the directions for balloting by non-residents;

(v) a ballot paper stamped with the official mark.

Schedule.

43J. Upon issuing a ballot paper to any non-resident under regulation 43I, a ballot officer or the Chief Election Officer, as the case may be, shall — Notes of ballot papers issued.

- (a) to show that a ballot paper has been issued to the non-resident, but without showing the particular ballot paper issued, place a mark on such copy of entries in the non-residents' roll as shall be used by him for the purposes of this paragraph; and
- (b) enter on the counterfoil of the ballot paper the serial number of the non-resident.

43K. (1) There shall be appointed such number of officers as the Chief Election Officer may consider requisite for the performance in any country of the functions of ballot attendants under these regulations. Ballot attendants.

(2) The Chief Election Officer shall cause notice of the name and address of every ballot attendant to be published in the Gazette and may cause such further publication of the same, for the information of non-residents, as the Chief Election Officer considers desirable; and the address of the office of each ballot officer shall be notified under the foregoing provisions of this paragraph as being also the address of a ballot attendant.

(3) The ballot attendant at every such office as aforesaid shall permit any person having authority by virtue of sub-paragraph (f) of paragraph (1) of regulation 91 for promotion of the election of a group of candidates, and designated in writing by their election agent, to attend the balloting there by non-residents in the presence of the ballot attendant and shall afford that person, if and when he attends, all such reasonable facilities for observing the said balloting as that attendant can afford consistently with the orderly conduct of the proceedings, the discharge of his duties in connection therewith and the maintenance of the secrecy of the ballot.

(4) There shall not be more than one person designated as aforesaid by the election agent of each list of candidates to attend at the same office.

43L. Every non-resident in receipt of the addressed and ballot envelopes, form of declaration and ballot paper issued to him under paragraphs (i), (ii), (iii), and (v) of regulation 43 I — Recording of non-resident's vote.

- (a) may upon satisfying any ballot attendant as to his identity by way of production of his passport, travel document or other proof of such identity, and of the envelope directed to him under regulation 43I, not later than the 9th day before election day —
 - (i) exhibit the said envelopes, form of declaration and ballot paper (unmarked) to the ballot attendant;

- (ii) secretly mark and fold the ballot paper in the like manner as provided by paragraph (2) of regulation 50, enclose it in the ballot envelope and seal that envelope, in the presence of the ballot attendant, but so that the ballot attendant does not observe the said manner of marking the ballot paper; and
- (iii) give the ballot envelope so sealed and the form of declaration to the ballot attendant, who shall forthwith complete the form of declaration in the presence of the non-resident and issue to him a receipt in the prescribed form;

Provided that if the non-resident is incapacitated by blindness or other physical cause from personally complying with the foregoing provisions of this paragraph, the ballot attendant may, at the request of the non-resident, comply or permit a person appointed by the non-resident to comply with any such provisions on his behalf, in his presence and according to his directions;

Provided further that the person so appointed shall be a non-resident, who shall, before the form of declaration is given to the ballot attendant under sub-paragraph (iii) of this paragraph, endorse on the reverse side of the form a certificate in the following terms:---

"I,

(names in block letters)

hereby certify that the non-resident whose serial number appears next hereto is physically incapacitated and voted with my assistance rendered at his request.

.....

(Signature)"; or

- (b) if he prefers so to do, or if no ballot attendant is available, may —
 - (i) secretly mark and fold the ballot paper in the like manner as provided by paragraph (2) of regulation 50 and enclose it in the ballot envelope;
 - (ii) seal the ballot envelope;
 - (iii) complete the form of declaration and enclose it, together with the ballot envelope, in the addressed envelope for posting under paragraph (b) of regulation 43M.

Transmission of non-resident's vote to ballot officer.

43M. For the purpose of causing the vote recorded by him to be cast in the manner provided by paragraph (1) of regulation 43T, every non-resident ---

- (a) having complied with paragraph (a) of regulation 43L,

shall thereupon surrender to the ballot attendant the addressed envelope exhibited under sub-paragraph (1) of that paragraph to such attendant, who shall --

- (i) forthwith, in the presence of the non-resident, enclose therein the ballot envelope, and the declaration in the form, given by him under sub-paragraph (iii) of the said paragraph and seal the addressed envelope;
 - (ii) until its delivery to the officer mentioned in the next following sub-paragraph, keep the addressed envelope so sealed in safe custody and take every precaution to prevent its being opened or unauthorised access being had thereto; and
 - (iii) be responsible for delivering the addressed envelope not later than the 5th day before election day to the officer to whose office it is so addressed.
- (b) having complied with the provisions of paragraph (b) of regulation 43L, shall seal the addressed envelope containing its enclosures under that paragraph and post it so as to be received by the officer to whose office it is so addressed not later than the 7th day before election day.

43N. (1) Each officer to whom the addressed envelope issued by him in pursuance of paragraph (a) or (b) of regulation 43I to any non-resident is returned as having been duly sealed by a ballot attendant, or as a sealed envelope presumably with enclosures under paragraph (b) of regulation 43L, shall keep it in safe custody, and take every precaution to prevent its being illegally opened or unauthorised access being had thereto, prior to the discharge of his other duties and responsibilities in respect thereof:

Safe custody
of votes
returned.

Provided that any such envelope returned after the time allowed for its delivery or receipt under sub-paragraph (iii) of paragraph (a) or paragraph (b), as the case may be, of regulation 43M shall be kept separately from all other such envelopes returned in due time; and every ballot officer to whom any such envelope is returned after the time allowed as aforesaid shall cause it to be delivered to the Chief Election Officer as soon as practicable after such return thereof.

(2) For the purposes of regulation 110, and without prejudice to the generality of the provisions thereof, every envelope which has been sealed by a ballot attendant under sub-paragraph (i) of paragraph (a) of regulation 43M, or has been returned to any officer as a sealed envelope mentioned in paragraph (1) of this regulation, shall be deemed to be, until removal of the ballot paper therefrom according to law, a packet referred to in sub-paragraph (d) of paragraph (1) of regulation 110.

(3) Where the addressed envelope, form of declaration (whether completed or not), marked or unmarked ballot paper and the ballot envelope therefor, or any of the foregoing, issued by any officer in pursuance of paragraph (a) or (b) of regulation 43I are returned

to him in such manner or condition as to preclude the application of paragraph (1) of this regulation in relation thereto, such officer shall nevertheless keep them in safe custody, and take every precaution to prevent unauthorised access being had thereto or any such envelope (if sealed) from being illegally opened, prior to the discharge of his other duties and responsibilities in respect thereof and, if he is a ballot officer, shall cause the same to be delivered to the Chief Election Officer as soon as practicable after their return as aforesaid.

43O.(1) Each officer referred to in regulation 43N shall make up into separate packets, sealed with his seal ---

- (a) all the addressed envelopes returned to him as mentioned in paragraph (1) of regulation 43N and to which the proviso to that paragraph does not apply;
- (b) such copy of entries in the non-residents' roll as has been used by him for the purposes of paragraph (a) of regulation 43J;
- (c) the counterfoils with entries made thereon by him under paragraph (b) of regulation 43J;
- (d) any ballot papers with which he was furnished under regulation 43D and which have not been issued to non-residents pursuant to regulation 43I;
- (e) a statement in writing, to be called "the non-residents' ballot papers account" prepared by him in the form prescribed,

and, if he is a ballot officer, shall deliver such packets, so sealed, not later than the day next preceding election day to the Chief Election Officer and be responsible for their safe custody until such delivery.

(2) The Chief Election Officer shall keep each packet sealed by him under sub-paragraph (a) of paragraph (1) of this regulation, or delivered to him pursuant to compliance with sub-paragraph (a) aforesaid, in safe custody and shall take every precaution to prevent any person from having unauthorised access to it, or from opening it except for the purposes of regulation 43S.

(3) For the purposes of regulation 110, and without prejudice to the generality of the provisions thereof, each packet made up in pursuance of sub-paragraph (a) of paragraph (1) of this regulation shall be deemed to be, until it is opened for the purposes of regulation 43S, a packet referred to in sub-paragraph (d) of paragraph (1) of regulation 110.

43P. (1) Notwithstanding anything in the foregoing provisions of this Part, where any non-resident present in Guyana has reason to apprehend his being unable to vote (apart from paragraph (4) of this regulation) on account of his absence from the address to which any sealed envelope is required by regulation 43I to be directed to him by post, such address being situated outside Guyana, the non-resident may apply to the Chief Election Officer for a ballot paper.

(2) Such application shall be in the prescribed form and

Officers' responsibilities.

Balloting by non-residents in particular cases.

shall be posted to the office of the Chief Election Officer so as to be received by him not later than the 7th day before election day.

(3) Unless the Chief Election Officer is not satisfied as to the identity of the applicant upon comparison of his signature with that of the said non-resident on his registration card, which shall be made available for the purpose by the Commissioner of Registration, the Chief Election Officer shall grant the application and comply with the provisions of regulations 43I and 43J, whether or not previously complied with, in relation to that non-resident as if ---

(a) for the reference in regulation 43I to the 25th day before election day there had been substituted a reference to the 5th day before election day; and

(b) his address appearing in the non-residents' roll were, by virtue of sub-paragraph (b) of paragraph (2) of regulation 43B, such address in Guyana as shall be given by him in the said application.

(4) Where a non-resident is in receipt of a sealed envelope directed to him at an address in Guyana by virtue of the preceding paragraph, regulation 43L and regulation 43M shall apply in relation to such non-resident as if ---

(a) reference in paragraph (a) of regulation 43L to proof of identity in lieu of (but not in so far as it may be requisite in addition to) a passport or travel document had been omitted;

(b) for every reference in regulation 43L or 43M to a ballot attendant there had been substituted a reference to the returning officer for the district in which that non-resident's address given as mentioned in sub-paragraph (b) of paragraph (3) of this regulation is situated;

(c) for the reference in paragraph (a) of regulation 43L to the 9th day before election day there had been substituted a reference to the second day next before election day;

(d) for the reference in sub-paragraph (iii) of paragraph (a) of regulation 43M to the 5th day before election day there had been substituted a reference to election day:

Provided that the provisions of paragraph (b) of regulation 43L or 43M shall not apply to any non-resident in receipt of a sealed envelope directed to him as aforesaid.

(5) For the purposes of paragraph (2) of regulation 43N, a returning officer acting by virtue of sub-paragraph (b) of paragraph (4) of this regulation shall be deemed to be a ballot attendant.

(6) Where after the 15th day before election day a non-resident who apprehends his being unable to vote, apart from this paragraph, on account of no ballot paper having been received by him, satisfies as to his identity the ballot attendant at the office of any ballot officer required to have issued a ballot paper to the non-resident, that

ballot officer shall cause such a sealed envelope as is mentioned in regulation 43I to be thereupon handed to the non-resident and the provisions of these regulations shall apply to the envelope so handed to the non-resident and its contents as if they had been posted to him by the ballot officer not later than the 25th day before election day:

Provided that ---

- (a) paragraph (b) of regulation 43L or 43M shall not apply as aforesaid and no ballot attendant, other than the ballot attendant so satisfied, shall be deemed referred to by paragraph (a) of either such regulation in its application as aforesaid;
- (b) the addressed envelopes duly returned to the ballot officer by virtue of the foregoing provisions of this paragraph shall be parcelled together, separately from the other enclosures, in his packet containing addressed envelopes under sub-paragraph (a) of paragraph (1) of regulation 43 O.

Time and
place for
casting non-
residents'
votes.

43Q. (1) The provisions of the following regulations of this Part shall be executed at such place in Guyana, and during such period on election day, as may be specified by the Chief Election Officer by notice published in the Gazette and no person, other than ---

- (a) The Chief Election Officer and such staff appointed under paragraph (d) of regulation 6 as he may designate to assist him in the execution of those provisions;
- (b) the Minister, members of the Commission and any team of observers appointed by the Minister;
- (c) candidates appointed under paragraph (2) of this regulation;
- (d) election agents;
- (e) members of the Police Force and of Her Majesty's forces on duty;
- (f) such other persons as, in the opinion of the Chief Election Officer, have good reason to be present,

shall be present at the execution of any such provisions.

(2) The election agent of each group of candidates may appoint one of the candidates for the purposes of sub-paragraph (c) of paragraph (1) of this regulation.

(3) Notice in writing of such appointment, stating the name and address of the candidate, shall be signed by the election agent and delivered to the Chief Election Officer not later than the 7th day before election day.

(4) There shall not be more than one candidate appointed from the same list of candidates for the said purposes.

43R. At the commencement of the period mentioned in regulation 43Q, The Chief Election Officer shall —

- (a) open a ballot box, which shall conform to the requirements of paragraph (2) of regulation 41 but shall not be used for the purpose of casting the votes of any electors other than non-residents;
- (b) ensure that there are no ballot papers or other papers in the ballot box;
- (c) 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;
- (d) place the ballot box on a table in full view of all present where it shall remain until the ballot envelopes have been removed therefrom under sub-paragraph (b) of paragraph (1) of regulation 67B.

Commencement of proceedings on election day for casting non-residents' votes.

43S. (1) The Chief Election Officer shall open each packet made up in pursuance of sub-paragraph (a) of paragraph (1) of regulation 43O and the addressed envelopes contained therein or delivered to him by virtue of sub-paragraph (d) of paragraph (4) of regulation 43P; and in the course of execution of the foregoing provisions of this paragraph, the Chief Election Officer shall count and record the number of envelopes contained in each packet aforesaid and the number of envelopes so delivered to him.

Opening packets of non-residents' ballot papers.

(2) Upon opening any such envelope under paragraph (1) of this regulation, the Chief Election Officer shall, if requested so to do by a candidate appointed under regulation 43Q or election agent, satisfy himself as to the identity of the signatory of any declaration therein, made in the form set out in the schedule hereto, or of any certificate on the reverse side of any such form, by comparing such signature with —

Schedule.

- (a) the signature made on his registration card by the non-resident; or
- (b) the signature (of which a specimen shall for purposes of record to enable the due execution of the provisions of this paragraph, have previously been required by the Chief Election Officer) of the ballot attendant or returning officer,

as the case may be, who the said signatory represents himself to be:

Provided that the Chief Election Officer shall not accede to any such request if he has decided that, for any reason, regulation 43T does not require a vote to be cast from the addressed envelope in question:

Provided further that every decision taken by the Chief Election Officer under the foregoing provisions of this paragraph shall be final unless and until it is reversed by the High Court on an election petition presented under the Validity of Election Regulations, 1964.

No. 40 of 1964.

(3) The Commissioner shall cause to be made available such registration cards as are required by the Chief Election Officer

for the purposes of sub-paragraph (a) of paragraph (2) of this regulation.

Casting
non-
residents'
votes.

43T. (1) The casting of every vote dealt with in accordance with regulation 43M shall be effected by way of the ballot envelope which contains the same being placed in the ballot box by the Chief Election Officer as soon as he shall have opened the addressed envelope so dealt with and, in the event of any request having being duly made in that behalf, satisfied himself under paragraph (2) of regulation 43S that the identity of the signatory of the declaration enclosed with the ballot envelope conforms to the requirements of these regulations; and upon every such casting, the Chief Election Officer shall place a mark on his copy of the non-residents' roll against the name of the non-resident whose serial number appears on the reverse side of the declaration enclosed as aforesaid.

(2) For the purposes of the preceding paragraph, a vote shall be deemed to have been dealt with in accordance with regulation 43M notwithstanding that the ballot envelope containing the same is found open except the ballot envelope appears to the Chief Election Officer to have been tampered with after having sealed.

(3) Notwithstanding anything in the foregoing provisions of this regulation, a vote shall not be cast if upon opening the addressed envelope containing the same, there is disclosed a declaration bearing under sub-paragraph (ii) of regulation 43I the like serial number —

- (a) as was entered on any counterfoil under paragraph (b) of regulation 43J and by virtue of paragraph (3) of regulation 43P, the addressed envelope aforesaid not having been delivered as mentioned in paragraph (1) of regulation 43S; or
- (b) as belongs to any non-resident against whose name an additional mark has been placed under paragraph (a) of regulation 43J and by virtue of paragraph (6) of regulation 43P, the addressed envelope aforesaid not having been among parcelled enclosures referred to in the proviso to the last-mentioned paragraph.

Further
duties
of Chief
Election
Officer in
relation
to packets.

43U. (1) The Chief Election Officer shall not leave outside any addressed envelope opened under paragraph (1) of regulation 43S such contents thereof as are not placed in the ballot box under paragraph (1) of regulation 43T; and he shall make up into separate packets, sealed with his seal —

- (a) all such envelopes from which votes have not been cast by reason of their containing declarations or certificates in respect of which the Chief Election Officer, having been duly requested to satisfy himself as to the identities of the signatories thereof, is not satisfied as mentioned in paragraph (1) of regulation 43T;

- (b) all such envelopes which contained votes cast under paragraph (1) of regulation 43T;
- (c) all other such envelopes from which such casting was not effected by reason of their having been found, upon being opened as aforesaid, to contain enclosures which appear not to have been dealt with in accordance with regulation 43M;
- (d) all the addressed envelopes from which votes were precluded by virtue of paragraph (3) of regulation 43T from being cast;
- (e) all the addressed envelopes returned as mentioned in the proviso to paragraph (1) of regulation 43N, or delivered under that proviso, to him on or before election day;
- (f) everything returned in such manner (not being the manner provided by virtue of sub-paragraph (b) of paragraph (4) of regulation 43P) or condition as mentioned in paragraph (3) of regulation 43N, or delivered in pursuance of that paragraph, to him on or before election day;
- (g) the copy of the non-residents' roll marked under paragraph (1) of regulation 43T.

(2) The Chief Election Officer shall, for the purpose of compliance with paragraph (3) of regulation 43T, open the packet made up by each officer in pursuance of sub-paragraph (b) of paragraph (1) of regulation 43O, and the packet made up by him in pursuance of sub-paragraph (c) of that paragraph and containing counterfoils with entries made under paragraph (b) of regulation 43J and by virtue of paragraph (3) of regulation 43P, and shall reseal every packet so opened as soon as its contents cease to be in use for the said purpose.

(3) The Chief Election Officer shall open the packet made up by each officer pursuant to sub-paragraph (d) of paragraph (1) of regulation 43O, and the packet containing the non-residents' ballot papers account prepared by that officer under sub-paragraph (e) of paragraph (1) of regulation 43O, for the purpose of verification of the said account by comparing it with the contents of the packet made up by him as aforesaid and with the relevant records made under regulation 43F and paragraph (1) of regulation 43S and the Chief Election Officer shall thereafter reseal both such packets.

43V. More than one ballot box may be used for the purposes of this Part if the Chief Election Officer considers or finds a single ballot box to be inadequate, or the use thereof to be inexpedient, for those purposes; and the provisions of regulation 43R shall, in so far as they are applicable, be complied with in relation to every ballot box which the Chief Election Officer decides shall be used as aforesaid.

Ballot
boxes.

Delegation
of Chief
Election
Officer's
functions.

43W. The Chief Election Officer may depute officers belonging to the staff appointed under paragraph (d) of regulation 6 to carry out his functions, or any of them (including, without prejudice to the generality of the foregoing, the exercise of his authority for the casting of any vote), under such provisions of the foregoing regulations of this Part as are to be executed in conformity with paragraph (1) of regulation 43Q; and the officers so deputed, who shall be called overseas presiding officers, shall subject to any general or special directions given by the Chief Election Officer, have and exercise all the powers and perform all the duties, delegated under this regulation to them, respectively;

SECOND SCHEDULE

Reg. 2(c)

"PART VIIA. COUNTING NON-RESIDENTS' VOTES

Persons
who may
be present
at count.

67A. (1) No person, other than —

- (a) the Chief Election Officer and such staff appointed under paragraph (d) of regulation 6 as he may designate to assist him in the counting;
- (b) The Minister, members of the Commission and any team of observers appointed by the Minister;
- (c) candidates appointed under paragraph (2) of this regulation;
- (d) election agents;
- (e) such other persons as, in the opinion of the Chief Election Officer, have good reason to be present,

shall be present at the counting of the votes cast under Part VB.

(2) The election agent of each group of candidates may appoint one of the candidates for the purposes of sub-paragraph (c) of paragraph (1) of this regulation.

(3) Notice in writing of such appointment, stating the name and address of the candidate, shall be signed by the election agent and delivered to the Chief Election Officer not later than the 7th day before election day.

(4) There shall not be more than one candidate appointed from the same list of candidates for the said purposes.

(5) The Chief Election Officer shall give persons present by virtue of sub-paragraph (c) or (d) of paragraph (1) of this regulation 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.

67B. (1) The Chief Election Officer shall, as soon as practicable after the discharge of his functions assigned by Part VB with reference to election day, in the presence of such of the persons entitled under paragraph (1) of regulation 67A to be present as attend —

Method of counting non-residents' votes.

- (a) open each ballot box used for the purposes of that Part;
- (b) take out the ballot envelopes containing the ballot papers;
- (c) remove from the ballot envelope the ballot papers without unfolding them;
- (d) mix together the ballot papers which were contained in each ballot box;
- (e) count and record the number of such votes for each list of candidates as were cast in each ballot box.

(2) The provisions of paragraphs (2), (3), (4) and (5) of regulation 64 shall, as they apply in relation to the counting of votes by a returning officer, apply *mutatis mutandis* in relation to the counting of votes under this regulation:

Provided that paragraph (4) aforesaid shall, in its application by virtue of the foregoing provisions of this paragraph, have effect as if for the reference in that paragraph to a counting agent there had been substituted reference to an election agent.

67C. A candidate appointed under regulation 67A or an election agent may, when the counting or recounting of the votes cast in any ballot box is completed in conformity with sub-paragraph (e) of paragraph (1) of regulation 67B, request the Chief Election Officer to have the votes recounted or again recounted; but the Chief Election Officer may refuse such request if in his opinion it is unreasonable.

Recounts of non-residents' votes.

67D. (1) Upon the conclusion of the counting of the votes under this Part the Chief Election Officer, in the presence of such of the persons entitled under paragraph (1) of regulation 67A to be present as attend, shall —

Procedure on conclusion of count of non-residents' votes.

- (a) seal in separate packets the counted and rejected ballot papers;
- (b) prepare a written statement as to the result of the verification of the non-residents' ballot papers accounts under paragraph (3) of regulation 43U and on request allow any candidate appointed under regulation 67A or election agent present to make a copy thereof;
- (c) publicly declare the aggregate number of valid votes cast under paragraph (1) of regulation 43T for each list of candidates;
- (d) record, in the form prescribed, the number of
 - (i) valid votes cast as aforesaid for each list of candidates;

(ii) rejected ballot papers together with, in each case, the reason for rejection;

(iii) persons who appear to have voted under Part VB.

(2) Any candidate appointed as aforesaid or election agent may copy the record made under sub-paragraph (d) of paragraph (1) of this regulation.

Delegation
of Chief
Election
Officer's
functions
under this
Part.

67E. The Chief Election Officer may delegate to any overseas presiding officers deputed under regulation 43W his functions, or any of them, under regulations 67B, 67C and 67D; and such officers shall, subject to any general or special directions given by the Chief Election Officer, have and exercise all the powers and perform all the duties, delegated under this regulation to them, respectively."

Made this 13th day of November, 1968.

D. J. G. ROSE
Governor-General