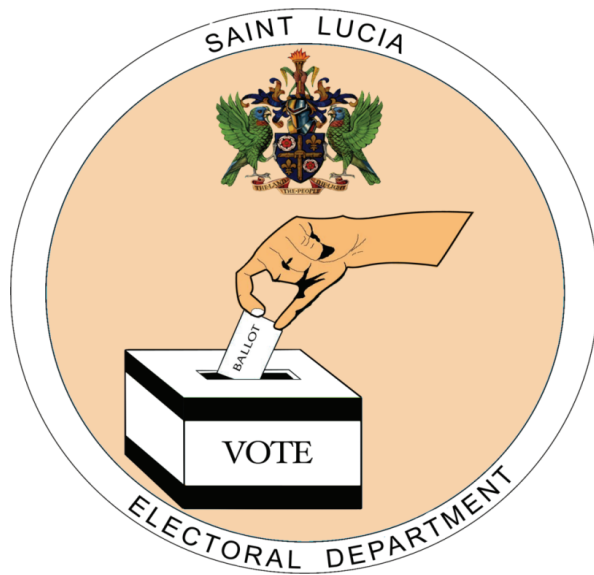


SAINT LUCIA ELECTORAL DEPARTMENT



AGENTS INSTRUCTION MANUAL

TABLE OF CONTENTS

<i>SUBJECT</i>	<i>PAGE NO.</i>
Table of contents	i-ii
Forward	iii
Role of Agents	1
• Observation	1
• Appointment of Agents	1
• Nomination of Candidates	1
• Time for taking of the poll	2
• Swearing of Agents	2
• Absence from polling station	2
During polling hours	2
• Who may be present in polling station	2
• Admission into polling station	3
• Posting of Agents	3
• An agent may	3-4
An agent must not	4-5
Ballots	5
• Spoilt Ballots	5
• Counting of Ballots	5
Before the poll	5
• Counting of ballot papers supplied	5
• Examination of the ballot box	5
After close of poll	5
• Counting of ballots	5-6
• Procedure of count	6
• Verification of initials	6
• Keeping the score	6
• Examination of cast ballots	6
• Rejected ballots	6-7
• Accepted ballots	7
• Exhibition of empty ballot box	7
• Packing of ballots	7-8
• Locking and sealing the ballot box	8
• Transmission of ballot boxes	8
Final counting of votes	8

Election Offences and Penalties	9
• Offences by election officers	9-10
• Loudspeakers, ensigns, banners, etc	10
• Order at polling stations	10-11
• Influencing electors to vote	11
• Bribery	11-12
• Treating	13
• Undue influence	13
• Personation	13
• Penalty for bribery, treating, undue influence, personation	13-14
• Penalty for certain illegal practices	14-15
• Offences in respect of ballot boxes	15-16
• Secrecy	16
• Offences re voting by police electors	17
Appendices (Election Forms)	18
• Appendix I - Form 7 (Nomination paper)	18
• Appendix ii - Form 8 (Statutory Declaration)	19
• Appendix iii - Form 8A (Statutory Declaration)	20
• Appendix viii - Form 15 (Appointment of Agent)	21
• Appendix ix - Form 22 (Appointment of Agent)	22

FOREWARD

Mission Statement

Our mission is “*to ensure the full and comprehensive registration of all eligible Saint Lucians to enable them to exercise their democratic right to vote; and to conduct free, fair and transparent elections.*”

Purpose of handbook

This instructional handbook has been prepared to assist those appointed by nominated candidates to observe proceedings at the polling station and recount centres during an election.

Any enquiries concerning the contents of this handbook or relating to elections in general shall be directed to:-

The Chief Elections Officer
Electoral Department
#23 High Street
Castries, Saint Lucia.
Tel: (758) 452 3725/3811
Fax: (758) 451 6513
Email: electoral@candw.lc

Copies of the Elections Act, Cap. 1.02 and Regulations are available for sale at the National Printing Corporation, Peynier Street, Castries, Tel: (758) 468 5553

THE ROLE OF AN AGENT

Observation

The agent's role is to observe all proceedings and record his or her observations but shall play no part in the conduct of the election other than as provided by **The Elections Act Cap. 1.02**.

All candidates are entitled to appoint agents for every polling station or recount centre. The same person may, but need not, be an agent both during polling and the counting of the ballots at the preliminary or final counts.

Appointment of Agents - *(section 64(1) - Elections Act, CAP. 1.02)*

- (1) Each candidate may appoint not more than two (2) agents to attend the preliminary and final counting of the votes by the Presiding Officer and the Returning Officer.
- (2) Such appointment shall be in writing in the form set out as **Form 15 (Appendix IV)** of this handbook.
- (3) The names and addresses of the agents of a candidate appointed to attend the final counting of the votes must be submitted to the Returning Officer at least one clear day before the opening of the poll.
- (4) The Returning Officer may refuse to admit to the place where the votes are being counted any agent whose name and address have not been submitted although a valid appointment has been made.

Nomination of candidate - *(section 39(5) - Elections Act, Cap.1.02)*

Every candidate shall at the time of his or her nomination deliver or cause to be delivered to the returning officer his or her nomination paper (**Form 7 (Appendix i)**), a statutory declaration of his or her qualification made and subscribed by such candidate in the form set out as **Form 8 (Appendix ii)**, along with and a passport size photograph of him or herself. If the candidate is absent from Saint Lucia on nomination day, by his or her duly authorized agent, in the form set out as **Form 8A (Appendix iii)**, as the case may be.

If these requirements are not met on that day the nomination of such candidate shall be void.

Time for taking of the poll

The polling stations are scheduled to open at Six thirty in the morning (6.30am) and close at Six O'clock in the evening (6.00pm).

Swearing of Agent

The written appointment of an agent (**Form No. 15**) must be delivered to the Presiding Officer which will be placed in the envelope provided for that purpose.

An appointed agent may arrive at any time during the day. Upon being admitted into the polling station, he or she shall take an oath in the form set out as Oath of Agent of a Candidate (**Form 22**) in the poll Book (*Appendix v*).

The Presiding Officer will not allow more than two (2) persons acting for each candidate to be present at the same time in the Polling Station.

Each Polling Station agent must confine his or her activities to duties within the Polling Station and should not give any information to anyone outside the Polling Station concerning matters connected to voting.

Absence from Polling Station

Agents of candidates may, with the permission of the Presiding Officer, absent themselves from and return to the Polling Station at any time before one hour prior to the closing of the poll. The voting will proceed whether the agents are present at the polling Station or not (except during the preliminary count).

DURING POLLING HOURS

Who may be present in Polling Station

The presiding officer, the poll clerk, the candidates, not more than 2 agents for each candidate and the constables on duty, shall be the only persons permitted to remain in the polling station during the time the poll remains open.

Admission into Polling Station

The Presiding Officer shall keep order at his or her polling station and shall regulate the number of voters to be admitted at a time; the Presiding Officer shall exclude all other persons, except his or her assistants, the candidates, not more than 2 agents for each candidate appointed by such candidate in writing in the form set out as Form 15 in Schedule 3, and the constables on duty. Anyone who misconducts him or herself or fails to obey the lawful directions from the Presiding Officer may be removed from the polling station.

Posting of Agents

The agents shall be posted in such a place that they can see each person who presents himself or herself as an elector, hear his or her name as given by him or her and witness the proceedings, but so that they cannot see how any elector votes. They shall not intervene in the proceedings save in so far as may be allowed by this Act.

Where in this Act any expressions are used requiring or authorising or inferring that any act or thing is to be done in the presence of the agents of the candidates, such expressions shall be deemed to refer to the presence of such agents of the candidates as may be authorised to attend at the time and place where such act or thing is being done.

The non-attendance of any agent at such time and place shall not, if such act or thing be otherwise duly done, in any way invalidate the act or thing done.

A candidate may himself or herself undertake the duties which any duly appointed agent of his or her might have undertaken or may assist his or her agent in the performance of such duties and may, subject to this Act, be present at any place at which his or her agent may, in accordance with this Act, attend.

An Agent MAY:

- with the permission of the presiding officer, leave the polling station at any time during polling and return no less than one hour before the close of the poll. During the period of absence he or she may be replaced by a substitute agent;

- Observe the sealing of the empty ballot box before the commencement of voting, the preliminary count, the locking and sealing of the ballot box at the close of the poll;
- Ask the Presiding Officer to put the following questions to any person claiming to vote who has already been asked by the Presiding Officer:-
 - Are you the same person whose name appears as *John Doe* on the list of electors now in force for this polling station?
 - Have you already voted at this election either here or elsewhere?

If any person claiming to vote, to whom the foregoing questions are put, refuses to answer fully, or by his or her answers shows that he or she is not entitled to vote, their claim to vote shall be rejected. If any person answers falsely to any question he or she shall be liable, on summary conviction, to imprisonment for six months.

- On the following day, be present at the centre where the final counting of the votes will be undertaken by the Returning Officer;
- If not satisfied with the answers to the questions put to the elector by the presiding officer to ascertain the elector's identity and whether he or she has already voted, the agent may object to the right of that person to vote. (it is lawful for the Poll Clerk to note the objection in his or her Poll Book.);

Despite any objection, the Presiding Officer is empowered to allow the elector to vote if he or she is satisfied of the person's right to vote.

The voter's answers to the questions put to him or her by the Presiding Officer are regarded as conclusive, and the voter cannot be further questioned during polling.

An Agent MUST NOT:

- Interfere with or attempt to influence any elector or communicate unnecessarily with any person; or attempt to influence the vote of any elector within the polling station.
- Disclose knowledge acquired concerning the vote of any elector;

- Exhibit or leave in any polling station any card or paper having on it any direction or instruction as to how an elector should vote. (This does not apply to official election notices or how-to-Vote cards approved by the Electoral Commission.);
- Wear a badge or emblem of a candidate or political party saying “vote for” within the polling station;
- Misconduct him or herself or fail to obey the lawful directions of the Presiding Officer.

BALLOTS

Spoilt Ballots

Any voter who spoils a ballot paper may exchange it for another.

Counting of Ballots

The preliminary count shall commence as soon as practicable after the close of the poll. Agents are entitled to be present throughout the counting of the votes and all proceedings of the count must be open to them.

BEFORE THE POLL

Counting of ballot papers supplied.

If agents representing candidates are in attendance fifteen (15) minutes before the opening of the poll, they are entitled to inspect all papers supplied to the Presiding Officer relating to the conduct of the poll and to have the ballot papers counted in their presence.

Examination of the ballot box

Just before the opening of the poll, any agent representing a candidate must be permitted to inspect the ballot box to ascertain that it is empty before locking it and the key kept by the Presiding Officer. The box must be placed on the table in full view of all present.

AFTER CLOSE OF POLL

Counting of ballots

The counting of the votes will take place immediately after the close of the poll at 6.00pm or after the electors who were actually

within the Polling Station before or at the hour, have been allowed to vote.

Any candidate is entitled to be present as well as the agents or electors representing them. If no candidate is represented, it is the duty of the Presiding Officer to secure the attendance of at least two (2) electors to witness the count. He or she may permit as many more as he or she desires to be present.

Procedure of Count

The procedure for counting the ballots should be as follows:-

- **Verification of initials**

The ballot box will be opened and the ballots unfolded one after the other by the Presiding Officer, who will examine each ballot to verify that his or her initial is upon it.

If it is discovered that the initial of the Presiding Officer is not on any ballot paper found in the ballot box, the officer will, in the presence of the Poll Clerk and the agents, put his or her initial in the appropriate space on the ballot paper and will count it as if it had been initialled by him or her in the first place.

Before initialling such ballot papers, the Presiding Officer must satisfy himself or herself that the ballot paper is one that had been supplied by him or her, that the omission of the initials had really been an error or oversight, and that every ballot paper supplied to him or her has been accounted for.

- **Keeping a score**

The Presiding Officer will call out the name of the candidate for whom each ballot has been marked in order to permit any person present to keep their own score.

- **Examination of cast ballots**

The examination of the ballots must be conducted in such a way that would permit every person present, if he or she desires, to see both the mark on the face of the ballot and the initial of the Presiding Officer on it.

The ballots marked for each candidate will be kept apart.

- **Rejected ballots**

Any irregular or invalid ballot will be rejected either by the Presiding Officer or upon objection to it made by any other person present at the count and agreed to by the Presiding Officer;

The validity of each ballot will be determined before another is considered;

The Presiding Officer will reject ballots that fall within the following categories:-

- Ballots not supplied by the Presiding Officer. These will ordinarily be identified by examination and will be lacking the Presiding Officer's initials;
- Ballots not marked for any candidate or marked for more than one candidate;
- Ballots upon which the voter has made any mark or writing by which he or she could be identified, but no ballot paper shall be rejected on account of any writing, number or mark placed on it by any Presiding Officer;
- Ballots for a candidate with a circle, a single line or any other figure which is not a cross or an X;
- In cases where the voter has made a proper cross, has added additional marks or writing, whether initials, names or words anywhere on the ballot paper;
- Ballots marked in ink or coloured pencil;

Accepted ballots

- An X made with a stamp anywhere in a candidate's space;
- An irregular, shaky or ill-made cross of whatever shape or positioned in the candidate's space;
- No apparently involuntary mark made by the voter;
- No mark, voluntary or otherwise, made by the Presiding Officer.

Exhibition of empty ballot box

At the end of the count the empty ballot box should be exhibited to those persons present immediately after the counting of the votes.

Packing of ballots

As soon as the count has been completed, the scores compared and the totals agreed upon, the ballots cast for each candidate will be placed in separate envelopes supplied for that purpose;

On each of the envelopes will be endorsed the number of ballots it contains and the name of the candidate for whom they have been counted. These envelopes will then be sealed;

The rejected ballots will be placed in the appropriate envelope and sealed, which will be endorsed with the number of ballots contained in it. If there are no rejected ballots, the Presiding Officer will write "none" in the space provided;

The agents of the candidates may, if they so desire, add their seals to any of the envelopes containing ballots and may also put their names on the outside of the envelopes.

Locking and sealing the ballot box

When the ballot box has been ascertained to contain the large envelopes with its contents, it will be locked and the sealed. Form A48 will be securely affixed to it; one seal is to be placed over the opening in the box, and one over the keyhole, extending over the side of the box;

The Presiding Officer, the Poll Clerk and candidate agents who are present must all sign their names on the seals;

The ballot box key will then be placed into a special envelope, sealed and placed into another envelope.

Transmission of ballot boxes

Agents of candidates may accompany the ballot boxes when they are being transmitted to the office of the Returning Officer and then to the Police Station for safe-keeping.

FINAL COUNTING OF VOTES

At or about 8:30 on the morning of the final count the returning officer, in the presence of not more than one agent of each candidate present and so desiring, shall collect and convey the ballot boxes from the police station where they were deposited, to the place specified in the Notice referred to in section 42(2).

ELECTION OFFENCES (*sections of Part 6 of the Elections Act Cap.1.02*)

74. OFFENCES BY ELECTION OFFICERS

- (1) Every election officer who—
 - (a) makes, in any record, return or other document which he or she is required to keep or make under this Act, any entry which he or she knows or has reasonable cause to believe to be false, or does not believe to be true;
 - (b) permits a person whom he or she knows or has reasonable cause to believe not to be a blind person or an incapacitated person to vote in the manner provided for blind persons or incapacitated persons, as the case may be;
 - (c) refuses to permit any person whom he or she knows or has reasonable cause to believe to be a blind person or an incapacitated person to vote in the manner provided for blind persons or incapacitated persons, as the case may be;
 - (d) wilfully prevents any person from voting at the polling station at which he or she knows or has reasonable cause to believe such person is entitled to vote;
 - (e) wilfully rejects or refuses to count any ballot paper which he or she knows or has reasonable cause to believe is validly cast for any candidate in accordance with this Act; or
 - (f) wilfully counts any ballot paper as being cast for any candidate, which he or she knows or has reasonable cause to believe was not validly cast for such candidate, commits an offence against this section and, on conviction on indictment, is liable to imprisonment for 2 years.
- (2) An election officer who whilst having any duty to perform under this Act—
 - (a) attempts to persuade any person to vote for or support or to refrain from voting for or from supporting any person as a candidate for any election or as a candidate for nomination on behalf of any political party for such election, or to support any political party, or attempts to ascertain for what candidate or party any person intends to vote; or
 - (b) canvasses voters for any candidate or political party, wears any emblem or garment signifying support for or opposition to any candidate or political party,

is liable on summary conviction to a fine of \$1,000 or to imprisonment for 6 months or 12 months or to both such fine and such imprisonment.

75. LOUDSPEAKERS, ENSIGNS, BANNERS ETC. PROHIBITED ON POLLING DAY

- (1) A person shall not furnish or supply any loudspeaker, bunting, ensign, banner, standard, set of colours, or flag, to any person with intent that it shall be carried, worn or used on motor cars, trucks or other vehicles, as political propaganda, on polling day, and a person shall not with any such intent, carry, wear or use, on motor cars, trucks or other vehicles, any such loudspeaker, bunting, ensign, banner, standard, or set of colours, or flag, on polling day.
- (2) A person shall not furnish or supply any flag, ribbon or label to any person with intent that it be worn or used by any person within any electoral district on polling day, as a party badge to distinguish the wearer as the supporter of any candidate, or of the political or other opinions entertained or supposed to be entertained by such candidate; and no person shall use or wear any flag, ribbon or label as such badge, within any electoral district on polling day.
- (3) Nothing contained in either of the preceding subsections of this section shall be deemed to extend to the furnishing or supplying or using of any banner, flag, badge or rosette bearing only the name of any candidate or only such name with or without the symbol allotted to such candidate, preceded by the words "Vote for".
- (4) Any person who contravenes this section is liable on summary conviction to a fine of \$1,000 or to imprisonment for 12 months.

76. ORDER AT POLLING STATIONS

- (1) Subject to subsection (2) during the hours when the poll is open upon election day no persons shall assemble or congregate within 100 yards of any building in which is situate any polling station.
- (2) This section shall not apply—
 - (a) to any electors who are waiting to poll their votes at such polling station and who obey any instructions which may be given by the presiding officer or any constable for the purpose of forming a queue with other electors also so waiting; or
 - (b) to any person who may under this Act lawfully enter or remain in such polling station.

- (3) Every person who contravenes or fails to comply with this section commits an offence against this section and is liable on summary conviction to a fine of \$250 or to imprisonment for 3 months or to both such fine and imprisonment.

77. INFLUENCING ELECTORS TO VOTE

- (1) During the hours that the poll is open upon polling day a person shall not upon any public road or in any public place within 100 yards of any building in which a polling station is situate seek to influence any elector to vote for any candidate or to ascertain for what candidate any elector intends to vote or has voted.
- (2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of \$250 or to imprisonment for 3 months or to both such fine and imprisonment.

78. BRIBERY

The following persons shall be deemed guilty of bribery within the meaning of this Act—

- (a) Every person who, directly or indirectly, by himself or herself or by any other person on his or her behalf, gives, lends, or agrees to give or lend, or offers, promises, or promises to procure or to endeavour to procure any money or valuable consideration to or for any elector, or to or for any other person in order to induce any elector to vote or refrain from voting, or corruptly does any such act aforesaid on account of any elector having voted or refrained from voting at any election.
- (b) Every person who, directly or indirectly, by himself or herself or by any other person on his or her behalf, gives or procures, or agrees to give or procure, or offers, promises, or promises to procure or 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, or corruptly does any such act as aforesaid on account of any elector having voted or refrained from voting at any election.
- (c) Every person who, directly or indirectly, by himself or herself or by any other person on his or her behalf, makes any gift, loan, offer, promise, procurement to or agreement with any person, in order to induce such person to procure, or endeavour to procure, the return of any person as an elected member of the House or the vote of any elector at any election.

- (d) Every person who, upon or in consequence of any gift, loan, offer, promise, procurement, or agreement, procures or engages, promises or endeavours to procure the return of any person as an elected member of the House or the vote of any elector at any election.
- (e) Every person who advances or pays, or causes to be paid, any money to or to the use of any other person, with the intent that such money, or any part thereof, shall be expended in bribery at any election, or who knowingly pays or causes to be paid, any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any such election.
- (f) Every elector who, before or during any election, directly or indirectly, by himself or herself or by any other person on his or her behalf, receives, agrees, or contracts for any money, gift, loan or valuable consideration, office, place, or employment for himself or herself or for any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at any such election.
- (g) Every person who, after any election, directly or indirectly, by himself or herself or by any other person on his or her 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 such election.
- (h) The foregoing provisions of this section shall not extend or be construed to extend to any money paid or agreed to be paid for or on account of any lawful expenses incurred in good faith at or concerning an election.
- (i) For the purpose of this section “lawful expenses” include—
 - (i) the payment of the agents, clerks, canvassers and messengers of candidates,
 - (ii) payments made for the purpose of hiring vehicles for the conveyance of electors to or from a polling station,
 - (iii) payments made for the use of any premises for a public meeting in furtherance of the candidature of any person or for the use of any committee room or office for the purpose of promoting or procuring the election of candidate,
 - (iv) payments made in respect of postage, stationery, printing, advertising, the distribution of advertising material and the use of any public address system.

79. TREATING

The following persons shall be deemed guilty of treating within the meaning of this Act—

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

80. UNDUE INFLUENCE

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

81. PERSONATION

A person who at an election applies for a ballot paper in the name of another person, whether that name be the name of a person living or dead or of a fictitious person, or who, having voted once at any election, applies at the same election for a ballot paper in his or her own name, commits personation within the meaning of this Act.

82. PENALTY FOR BRIBERY, TREATING, UNDER INFLUENCE, PERSONATION

- (1) Every person who commits—
 - (a) bribery;
 - (b) treating;
 - (c) undue influence;
 - (d) personation;

- (e) aiding, abetting counselling or procuring the commission of any one of the foregoing offences,

is liable on summary conviction to a fine of \$500 or to imprisonment for 6 months.

- (2) Every person who is convicted of any offence under subsection (1) hereof, shall (in addition to any other punishment) be incapable during a period of 7 years from the date of conviction—
 - (a) of being registered as an elector, or voting at any election of a member of the House;
 - (b) of being elected a member of the House or if elected before his or her conviction, of retaining his or her seat as such member.

83. PENALTY FOR CERTAIN ILLEGAL PRACTICES

- (1) Every person who—
 - (a) votes, or induces or procures any person to vote, at any election, knowing that he or she or such other person is prohibited by any law, from voting at such election;
 - (b) before or during an election knowingly publishes a false statement of the withdrawal of a candidate at such election for the purpose of promoting or procuring the election of another candidate;
 - (c) between the date of notification by the Supervisor of Elections of the issue by the Governor General of a writ for purposes of an election and the day before polling at such election, whether in a general election or in a by-election, acts in a disorderly manner, with intent to prevent the transaction of the business of a public meeting called for the purpose of promoting the election of a candidate or prospective candidate as a member to serve in the House, commits an illegal practice, and is liable on summary conviction to a fine of \$500 or to imprisonment for 6 months.
- (2) Every person who, between the date of notification by the Chief Elections Officer of the issue by the Governor General of a writ for purposes of an election and the day before polling at such election, whether in a general election or in a by-election, incites, combines or conspires with others to act in a disorderly manner with intent to prevent the transaction of the business of a public meeting called for the purpose of promoting the election of a candidate or prospective candidate as a member of the House of Assembly, commits an illegal practice and, on summary conviction thereof is liable to imprisonment for 6 months.

- (3) Any person who, before or during an election for the purpose of affecting the return of any candidate or prospective candidate at such election, makes or publishes any false statement of fact in relation to the personal character or conduct of such candidate or prospective candidate commits an illegal practice and is liable on summary conviction to a fine of \$500 or to imprisonment for 6 months or to both such fine and imprisonment.
- (4) Any person who during the period of 14 days ending with the day after polling day wilfully detains an identification card issued to another person commits an illegal practice and is liable on summary conviction to a fine of \$500 or to imprisonment for 6 months.
- (5) Any person who sells or attempts to sell or purchase or attempts to purchase, or pledges or attempts to pledge, or receives by way of pledge in any manner whatsoever an identification card of an elector or a poll card issued to an elector or any document or thing purporting to be an identification card of an elector or a poll card issued to an elector commits an illegal practice and is liable on summary conviction to a fine of \$500 or to imprisonment for 6 months.
- (6) Any person who is convicted of any offence declared to be an illegal practice under this Act shall, in addition to any other penalty for such offences, be incapable during a period of 5 years from the date of his or her conviction—
 - (a) of being registered as an elector or voting at any election; and
 - (b) of being elected a member of the House of Assembly or, if elected before his or her conviction, of retaining his or her seat as such member,

However, in the event of any appeal the incapacity shall continue until the appeal is determined and thereafter unless the conviction is quashed remain in force for a period of 5 years from the determination of the appeal except the court hearing the appeal shall direct that the period of 5 years shall run from the date of conviction.

84. OFFENCES IN RESPECT OF BALLOT PAPERS

- (1) A person who—
 - (a) forges or counterfeits, or fraudulently defaces or destroys, any ballot paper;
 - (b) without due authority supplies a ballot paper to any person;
 - (c) fraudulently puts into any ballot box any paper other than the ballot paper which he or she is authorised by law to put in;
 - (d) fraudulently takes out of the polling station any ballot paper;

- (e) without due authority destroys, takes, opens, or otherwise interferes with any ballot box or packet of ballot papers then in use for the purpose of any election; or
 - (f) not being duly registered as an elector, votes at an election, is liable, on summary conviction, if he or she is the returning officer or presiding officer, or clerk employed at a polling station, to a fine of \$1,000 or to imprisonment for 12 months and, if he or she is any other person, to a fine of \$500 or to imprisonment for 6 months.
- (2) In any information or prosecution for an offence in relation to the ballot boxes, ballot papers, and other things, in use at an election, the property in such ballot boxes, ballot papers, or things may be stated to be that of the returning officer at such election or of the Chief Elections Officer.

85. SECRECY

- (1) Every election officer, candidate or agent, in attendance at a polling station shall maintain and aid in maintaining the secrecy of the voting in such station, and shall not communicate except for some purpose authorised by law, to any person any information as to the name or number on any list of electors, of any elector who has or has not applied for a ballot paper or voted at that station and no person shall interfere with or attempt to interfere with an elector when marking his or her vote or otherwise attempt to obtain in the polling station any information as to the candidate for whom any elector in such station is about to vote or has voted.
- (2) Every election officer, candidate or agent in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting and shall not communicate or attempt to communicate any information obtained at such counting as to the candidate or candidates for whom any vote is given in any particular ballot paper.
- (3) A person shall not, directly or indirectly, induce any voter to display his or her ballot paper after he or she has marked it so as to make known to any person the name of the candidate for whom or against whose name he or she has marked his or her vote.
- (4) A person who acts in contravention of this section is liable on summary conviction to a fine of \$500 or to imprisonment for 6 months.

86. OFFENCES RE VOTING BY POLICE ELECTORS

- (1) A person who fraudulently contravenes Schedule 2 to this Act commits an offence and, is liable on summary conviction to a fine of \$250 or to imprisonment for 6 months.
- (2) Any presiding officer who wilfully supplies any ballot paper to any person claiming to be a person whose name appears upon the Register of Police electors for the electoral district in which is comprised the polling station of such presiding officer commits an offence and, is liable on summary conviction to a fine of \$250 or to imprisonment for 3 months.

Appendix i

FORM 7

(Section 39(2)(a))

THE ELECTIONS ACT

NOMINATION PAPER

We, the undersigned electors for the electoral district do hereby nominate the following person as a proper person to serve as a member of the House of Assembly for the said electoral district and we certify that to the best of our belief he or she is qualified for election as a member of the House of Assembly under the Constitution and this Act.

Surname	Other Names	Address	Occupation	Signature

Signature

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

Dated

I, nominated in the foregoing nomination paper hereby consent to such nomination as candidate for election as a member of the House of Assembly for the electoral district and name as my address for serving of process and papers under the Elections Act—

Address

Witness my hand this day of 20.....

Signed by the said nominee in the presence of

.....
Signature of Witness

.....
Signature of Candidate

Appendix ii

FORM 8

(Section 39(7))

THE ELECTIONS ACT

STATUTORY DECLARATION OF A PERSON NOMINATED AS A CANDIDATE FOR ELECTION AS A MEMBER OF THE HOUSE OF ASSEMBLY

Qualification of of the
..... in the
..... of nominated as a candidate for election as a
member of the House of Assembly for the Electoral District.

I, of the
..... in the
..... do solemnly and sincerely declare that —

- (a) I am a citizen of Saint Lucia;
- (b) I am not below the age of 21;
- (c) I was —
 - (i) born in Saint Lucia and am domiciled and resident there at the date of my nomination for election; or
 - (ii) born outside Saint Lucia but have resided in Saint Lucia for a period of 12 months immediately preceding the date of my nomination for election;
- (d) I am able to speak and read the English language with a degree of proficiency sufficient to enable me to take an active part in the proceedings of the House of Assembly;
- (e) I am not by virtue of my own under any acknowledgement of allegiance, obedience or adherence to a foreign power or state;
- (f) I am not a minister of religion;
- (g) I am not a person certified to be insane or otherwise adjudged to be of unsound mind under any law in force in any part of the Commonwealth;
- (h) I do not hold, nor am I acting in any public office;
- (i) I am not under sentence of death imposed on me by a court in any part of the Commonwealth nor am I serving a sentence of imprisonment (by whatever named called) exceeding 12 months imposed on me by such a court or substituted by competent authority for some other sentence imposed on me by such a court, nor am I under such a sentence of imprisonment the execution of which has been suspended;
- (j) I am not disqualified for membership of the House of Assembly by any law enacted by the Parliament of Saint Lucia by reason of my having any interest in any such Government contract as may be prescribed by any law;
- (j) I am not disqualified for membership of the House of Assembly by any law enacted by the Parliament of Saint Lucia by reason of my having any interest in any such Government contract as may be prescribed by any law;
- (k) I have not been adjudged or otherwise declared bankrupt under any law in force in any part of the Commonwealth and have not been discharged;
- (l) I am not disqualified for membership of the House of Assembly by virtue of any law enacted by the Parliament of Saint Lucia relating to offences connected with elections;
- (m) I am not disqualified for election by any law enacted by the Parliament of Saint Lucia by reason of my holding or acting in any office the functions of which involve —
 - (i) any responsibility for, or in connection with, the conduct of any election; or
 - (ii) any responsibility for the compilation or revision of any electoral register.

I make this declaration conscientiously believing the same to be true and according to the Statutory Declaration Act and I am aware that if there is any statement in this Declaration which is false in fact which I know or believe to be false or do not believe to be true, I am liable to imprisonment.

(Signed)

Declared before me this day of 20.....

(Signed)

Appendix iii

FORM 8A

(Section 39(7))

THE ELECTIONS ACT

STATUTORY DECLARATION OF AGENT OF A PERSON NOMINATED AS A CANDIDATE FOR ELECTION AS A MEMBER OF THE HOUSE OF ASSEMBLY

Qualification of of
..... in the
..... of nominated as a candidate for election as a
member of the House of Assembly for the Electoral District.

I, in the
..... of of
..... do solemnly and sincerely declare that

- (a) is a citizen of Saint Lucia;
- (b) is not under 21 years of age;
- (c) was born —
 - (i) in Saint Lucia and is domiciled and resident there at the date of his or her nomination for election; or
 - (ii) outside Saint Lucia but has resided in Saint Lucia for a period of 12 months immediately preceding the date of his or her nomination for election;
- (d) is able to speak and read the English language with a degree of proficiency sufficient to enable him or her to take an active part in the proceedings of the House of Assembly;
- (e) is not by virtue of his or her own act under any acknowledgement of allegiance, obedience, or adherence to a foreign power or state;
- (f) is not a minister of religion;
- (g) is not an undischarged bankrupt having been adjudged or otherwise declared bankrupt under any law in force in any part of the Commonwealth;
- (h) is not a person certified to be insane or otherwise adjudged to be of unsound mind under any law in force in Saint Lucia;
- (i) is not under sentence of death imposed on him or her by a court in any part of the Commonwealth or is serving a sentence of imprisonment (by whatever name called) exceeding 12 months imposed upon him or her by such a court or substituted by competent authority for some other sentence of imprisonment the execution of which has been suspended;
- (j) is not disqualified for membership of the House of Assembly by any law enacted by the Parliament of Saint Lucia by reason of his or her having any such interest in any such Government contract as may be prescribed by law;
- (k) is not disqualified for membership of the House of Assembly by virtue of any law enacted by the Parliament of Saint Lucia relating to offences connected with elections;
- (l) does not hold, nor is he or she acting in any public office;
- (m) is not disqualified for election by any law enacted by the Parliament of Saint Lucia by reason of his or her holding or acting in any office the functions of which involves—
 - (i) any responsibility for, or in connection with, the conduct of any election; or
 - (ii) any responsibility for the compilation or revision of any electoral register.

I make this Declaration conscientiously believing the same to be true and according to the Statutory Declarations Act and I am aware that if there is any statement in this Declaration which is false in fact which I know or believe to be false or do not believe to be true, I am liable to imprisonment.

(Signed)
Agent for

Declared before me this day of 20.....

(Signed)

Appendix iv

FORM 15 (Section 58(1))
THE ELECTIONS ACT

APPOINTMENT OF AGENT

I,.....
nominated to serve as a member of the House of Assembly for
the electoral district do hereby appoint
.....

.....
whose address is
..... and whose
occupation is as my agent.

*for the purpose of the proceedings at Polling Station
No.....

†(to attend the final count of votes by the returning
officer).

.....
Candidate

**For agent at polling station*

†For agent at final count

Appendix v

FORM 22

(Section 62(2))

THE ELECTIONS ACT

OATH OF AGENT OF A CANDIDATE

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

So Help me God

.....

Signature of Agent

Sworn before me at this of 20.....

.....

Returning Officer for the

..... Electoral District

or

Justice of the Peace

or

Presiding Officer for the polling division

No

..... of the

.....Electoral District