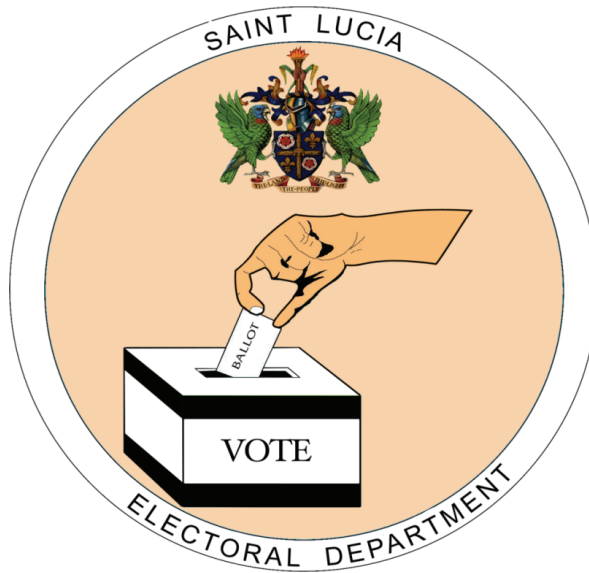


SAINT LUCIA ELECTORAL DEPARTMENT



CANDIDATES HANDBOOK

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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 handbook has been prepared to assist those who intend to contest an election to become a Member of the Parliament of Saint Lucia.

The Elections Act Cap. 1.02 and The Saint Lucia Constitution Order 1978, can be purchased at the National Printing Corporation (NPC), Jeremie Street, Castries, (telephone 468 5553) and should be consulted for the full text of the sections mentioned in this manual.

Enquiries concerning any aspect of the contents of this manual should be directed to the Chief Elections Officer, Electoral Department, No. 23 High Street, Castries, Saint Lucia, Telephone 452-3725/3811, email: electoral@candw.lc.

Electoral Department
#23 High Street
Castries
Saint Lucia, W. I.

July 2011

VOTER REGISTRATION

Qualification for voting

A person is entitled to vote as an elector at an election in an electoral district only if on polling day he or she is registered in the register to be used at that election in that electoral district. **(Section 6(1), Elections Act Cap. 1.02)**

Qualification for registration

A person is entitled to be registered as an elector for an electoral district only if, on the qualifying date he or she –

- (a) is a person who is –
 - (i) a citizen of Saint Lucia, or
 - (ii) a Commonwealth citizen who has resided continuously in Saint Lucia for not less than seven years immediately preceding the qualifying date;
- (b) Has attained the age of 18 years;
- (c) Has resided continuously in that electoral district for a period of at least 2 months before the qualifying date.

Note:

The two qualifying dates are 15 February in respect of the first half of the year and 15 July in respect of the second half of the year.

Change of address

An elector who has changed his/her place of residence to another electoral district or within the electoral district is required to apply for a change of address at the new address after living there for a period of at least two months. **(Section 36, Elections Regulations)**

Claims and Objections

Any elector may object to the inclusion or exclusion of any person's name on any list on the basis that the elector is entitled to, not entitled to be registered, as the case may be, for that electoral district. (**Section 19, Elections Act, Cap. 1:02**)

Documents Required for obtaining National Identification Card

1. New Registration

(a) Nationals

- Birth certificate
- National Insurance Card (NIC)

(b) Non-Nationals

- Birth Certificate
- National Insurance Card
- Certificate of Citizenship from the Ministry of Home Affairs

2. Change of Address

- The Identification card
- National Insurance Card
- Utility bills for last three months prior to application for change, as proof of address.

Note: A verification of the residence may be undertaken.

3. Change of Name

- The Identification Card
- National Insurance Card
- Original document showing change of name i.e Birth Certificate, Marriage Certificate, Deed Poll, Affidavit, etc.

4. Replacement of Lost Identification Cards

- Statutory Declaration form signed by a Justice of the Peace or Notary Royal
- Two (2) passport size photos
- Five dollars (\$5.00) stamp affixed to the form
- One hundred dollars (EC\$100.00) replacement fee

Exemptions

The following persons are exempted from the payment of the replacement cost for Identification Cards:-

- (a) a person who provides evidence that his or her name appears on the Government's Public Assistance Record;
- (b) a person with disability who shows evidence or who, in the opinion of the Chief Elections Officer, has a *bona fide* claim that he or she cannot engage in gainful employment as a result of the disability;
- (c) persons who are seventy years and over;
- (d) a person who provides evidence that his or her identification card is defaced, mutilated, lost or destroyed as a result of fire (**Fire Department Report**), natural disaster or theft (**Police Report**)

Register of Electors

Copies of the register

Following Nomination Day each candidate may on application, receive two free copies of the Revised Lists of Electors for the electoral district which he/she has been duly nominated. (**Section 32, Elections Regulations**)

Each Political Party may on application, receive one free copy of the revised lists for the entire island.

Sale of Lists

The revised lists are also available for sale both in hard copy and Electronic copy (CD Rom) versions for at prescribed fee. (**Elections**) (**Fees Regulations, February 2004**):-

- Hard Copy - \$5.00 each
- CD-Rom - \$200.00 each

ELECTIONS

Writ for elections

- A Writ for an election is the document issued by the Governor General of Saint Lucia under the Public Seal of the State addressed to the returning officers of the respective electoral district(s), for the purpose of conducting an election (**section 36 of the Elections Act**).
- The writs are forwarded to the Electoral Commission for transmission to the respective returning officers.
- Returning officers are required to publish the details of the writ in the Official Gazette and newspapers circulating throughout the State.
- The Writ signals the commencement of the “election period” which expires at 6:00 pm on polling day.
- The Writs are issued for General Elections, which follow the dissolution of the Houses of Parliament and to fill vacancies in the House of Assembly, which occurs during the term of Parliament. Vacancies can be caused by: -
 - the death or resignation of a member; or
 - as a consequence of an election failing or being declared void by the Court.

The Writ must set: -

- the date of the Nomination - not less than 7 and not more than 14 days after the writ is issued;
- the date for the Polling - not less than 7 and not more than 14 days after the nomination of candidates;
- the date for return of the Writ - not more than seven days after polling day.

Note:

The minimum Election Period is 21 days and the maximum period is 28 days.

Returning officers

Returning Officers, appointed by the Electoral Commission, are responsible for the organization and conduct of elections in their respective districts (**section 29 of the Elections Act Cap .1.02**).

Their duties include: -

- the establishment of an office within the electoral district;
- the receipt of candidate's nominations;
- the drawing of candidate's names for printing on ballot-papers
- the establishment and staffing of polling booths
- the conduct of the final count
- the declaration of the result of each election

The names and addresses of the Returning Officers for each district are available from the Electoral Department.

Candidates are advised to contact the Returning Officer for their district to discuss matters such as the location of polling booths, appointment of agents, etc.

NOMINATION OF CANDIDATES

Qualifications and disqualifications for nomination

Sections 31 & 32 of the Saint Lucia Constitution Order 1978 highlights the qualifications and disqualifications for election to Parliament and should be read in conjunction with the Elections Act Cap.1.02

Qualifications

The qualifications for nomination for prospective candidates seeking to be elected to the House of Assembly must be that the person:-

- is a citizen of Saint Lucia;
- is not under twenty-one years of age;
- was born -
 - (i) in Saint Lucia and he is a domiciled and resident there at the date of his nomination for election; or
 - (ii) outside Saint Lucia but has resided in Saint Lucia for a period of twelve months immediately preceding the date of his or her nomination for election;
- 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;
- is not by virtue of his or her own act under any acknowledgement of allegiance, obedience or adherence to a foreign power or state;
- is not a minister of religion;
- is not an undischarged bankrupt having been adjudged or otherwise declared bankrupt under any law in force in any part of the Commonwealth;
- is not a person certified to be insane or otherwise adjudged to be of unsound mind under any law in force in Saint Lucia;
- 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 competent authority for some other sentence of imprisonment the execution of which has been suspended;

- 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;
- 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;
- does not hold, nor is he or she acting in any public office;
- 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 involve responsibility for, or in connection with, the conduct of any election; or for the compilation or revision of any electoral register.

Disqualification

A person shall not be qualified to be elected as a member of the house if he or she-

- is by virtue of his or her own act under any acknowledgement of allegiance, obedience or adherence to a foreign power or state;
- is a minister of religion;
- is an undischarged bankrupt having been adjudged or otherwise declared bankrupt under any law in force in any part of the Commonwealth;
- is a person certified to be insane or otherwise adjudged to be of unsound mind under any law in force in Saint Lucia;
- is 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 competent authority for some other sentence of imprisonment the execution of which has been suspended;
- is 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;

- If it is so provided by Parliament, a person shall not be qualified to be elected as a member if he holds or is acting in any office that is specified by Parliament and the functions of which involve responsibility for, or in connection with, the conduct of any election of members or the compilation of any register of voters for the purpose of electing members.
- If it is so provided by parliament, a person who is convicted by any court of law of any offence that is prescribed by Parliament and that is connected with the election of members or who is reported guilty of such an offence by the court trying an election petition shall not be qualified, for such period (not exceeding seven years) following his conviction or, as the case may be, following the report of the court as may be so prescribed, to be elected as a member.

When to nominate

- It is not possible to be nominated as a candidate for election until the Writ has been issued by the Governor General.
- On the day and at the place fixed for the nomination of candidates, the Returning Officer shall attend at nine o'clock in the morning to receive the nomination of candidates for the seat to be filled. (**Section 39(1), Elections Act, Cap.1.02**)

How to nominate

- **Nomination forms**

Every candidate for Election must:-

- (i) be nominated in writing by not less than six registered electors of the Electoral District for which he seeks to be elected; and
- (ii) consent in writing to such nomination, in the form set out as **Form No. 7 (Appendix i)**

Each candidate shall be nominated on a separate nomination paper. Nomination forms are available from the Returning Officer for the Electoral District.

Statutory Declaration

Every candidate shall at the time of his or her nomination deliver or cause to be delivered to the Returning Officer a Statutory Declaration **Form 8** (*appendix ii*) of his or her qualifications made and subscribed by him or her, along with two passport size photos. (**Section 39(5), Elections Act, Cap.1.02**).

The photographs must be those taken within the previous six months.

In the event that the Candidate is absent from the State on Nomination Day his or her duly authorized agent will complete the Statutory Declaration **Form 8A** (*appendix iii*) on his or her behalf.

If such declaration is not delivered within the specified time, the Nomination of such a Candidate shall be deemed to be void.

Candidate's deposit

The sum of two hundred and fifty dollars (\$250.00) in cash must be deposited to the Returning Officer upon nomination, failing to do so would render the nomination void. (**Section 39(6), Elections Act, Cap .1.02**)

The Returning Officer shall not accept any deposit until all the necessary forms and procedures are adhered to by the candidate.

The Returning Officer, after accepting the candidate's nomination, shall issue him or her, a receipt in the **Form A24** which shall be conclusive evidence that the candidate has been duly and regularly nominated.

If a candidate resigns after being nominated he may lose his or her deposit.

Return of deposit

The deposit lodged with a nomination will be returned to the candidate (or someone authorized by the candidate) if the candidate was elected or polled not less than one-eighth (1/8) of the total number of votes counted at the election, or died before the close of the poll on polling day. (**Section 40(2), Elections Act, Cap. 1.02**)

Period for return of deposit

The full amount of the deposit will be returned by the Accountant General to the person who made the deposit (or someone authorized by the candidate), within one month after the election upon the production of a certificate from the Chief Elections Officer.

At the expiration of one month the Accountant General will cause the money to be credited to general revenue. (**Section 40(4), Elections Act, Cap. 1.02**)

Where to nominate

- **Opening of nomination**

The office of the Returning Officer will be opened from 9.00 am to receive nomination papers of candidates for the election. (**Section 37, Elections Act, Cap.1.02**).

- **Closing of nominations**

Nominations will close at 12 noon on the day set down on the Writ

At the close of the time for nominating the candidates, the Returning Officer shall deliver to every candidate or the Agent of the candidate applying therefore, a duly certified list in the **Form A25** of the names of the several candidates who have been nominated.

Uncontested elections

If at the expiration of 3 hours from the time appointed there shall be only one candidate duly nominated, the Returning officer shall publicly declare such candidate to be elected, and shall immediately thereafter certify by endorsement on the writ of election in the form set out as **Form 9 (appendix iv)** the return of such candidate and shall return the endorsed writ to the Commission for transmission to the Governor General within the specified time. (**Section 41, Elections Act, Cap.1.02**)

Withdrawal of nomination

Any candidate duly nominated may, not less than 4 clear days before the day fixed for taking the poll, withdraw from his or her candidature by giving notice to the effect, signed by him or her, to the Returning Officer, provided that on such withdrawal there remains not less than one duly nominated candidate. (**Section 44(1), Elections Act, Cap.1.02**)

If any such candidate withdraws from his or her candidature or dies before the day fixed for taking the poll, the Returning Officer shall give public notice of such withdrawal or death in the Gazette and in one local newspaper; and if on such withdrawal or death there remains only one duly nominated candidate, the Returning Officer shall declare such candidate to have been elected, and shall immediately thereafter certify by endorsement on the writ of election the return of such candidate in the form set out as **Form 11** (*appendix v*) and shall return the endorsed writ to the Commission for transmission to the Governor General within the specified.

Allocation of symbols

The symbols to be used by a political party or candidate at an election shall be one of the symbols shown in the Fourth Schedule of the Elections Act Cap.1.02

Each candidate shall be given a symbol by which he or she may be recognized on the ballot paper (*appendix vi*). The name of each candidate shall be placed on the Ballot Paper in alphabetical order of surnames. (**Section 45(5), Elections Act, Cap.1.02.**

When the Chief Elections Officer is satisfied that a recognised political party has applied for a party symbol, he or she shall allocate a symbol shown in the Schedule 4 of the Act to such party, and the official candidate of the party in each Electoral District shall be entitled to have the party symbol printed opposite his or her name. The same symbol shall be allotted to every candidate from the same political party.

Where a political party has in the preceding election used a particular symbol, the Chief Elections Officer shall, at the request in writing of the secretary of such political party, assign the same symbol to that party.

Agents

Each candidate may appoint not more than 2 agents to attend the preliminary and final counting of the votes by the Presiding Officer and the Returning Officer. Such appointment shall be in writing in the form set out as **Form 15** (*appendix vii*).

The names and addresses of the agents of a candidate appointed to attend the final counting of the votes shall be transmitted to the returning officer at least one clear day before the opening of the poll, and the returning officer may refuse to admit to the place where the votes are counted any agent whose name and address have not been so transmitted although his or her appointment be otherwise valid.

Where in the Elections 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 and 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 the Elections Act, be present at any place at which his or her agent may, in accordance with the Act, attend.

Agents shall be posted in such a place that they can see each person who presents him or herself as an elector, and hear his name as given in by him, but so that they cannot see how any elector votes.

They shall not interfere in the proceedings, save, in so far as may be allowed by the Elections Act.

If any person persists, after being warned, in disobeying the directions of the Presiding Officer in acting in contravention of the Act it shall be lawful for the Presiding Officer to cause him to be removed from the polling station.

A sufficient number of copies of **Form 15** will be given to each candidate to enable him to appoint not more than two agents for each Polling Station.

In addition to the Presiding Officer and the Poll Clerk, the Candidates and one agent for each Candidate in each polling station, the constables on duty, and not others shall be permitted to remain in the Polling Station during the time the Poll remains open.

The agent of each candidate, on being admitted to the Polling Station, shall take an oath in the form set out as **Form 22** (*Appendix viii*) to keep secret the names of the candidate for whom any of the voters have marked his Ballot Paper in his presence.

Agents Handbook is available from the Electoral Department dealing with such matters as the: -

- Appointment of agents
- Role of agents
- Agents during polling
- Offences on polling day
- Agents during the counts

Candidates should obtain copies of the handbook for their campaign committees and/or agents and familiarize themselves with its contents.

COUNTING OF VOTES

Preliminary count

At the close of the poll, in the presence and in full view of the poll clerk and the candidates or their agents, the Presiding Officer shall open the ballot box, count and record the number of votes cast for each candidate on the tally sheets supplied for that purpose. (**Section 63(e), Elections Act, Cap.1.02**).

If the candidates or their agents are absent, the votes will be counted in the presence of at least two (2) electors.

Final Count

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 election notice. (**Section 65(1), Elections Act, Cap.1.02**).

The ballot boxes will be opened by the Returning Officer at place, date and time specified in the election notice. The Returning Officer shall count the votes contained in the ballot boxes (allowing the candidates and their agents to see such votes) and determine whether any of the votes cast should be rejected. **(Section 65(2) (a), Elections Act, Cap.1.02)**

Declaration of the poll

As soon as the Returning Officer has ascertained the result of the poll, he or she will publicly declare the results and announce the candidate to whom most votes have been given, to be elected as the member for the Electoral District. **(Section 67, Elections Act, Cap.1.02)**

ELECTION OFFENCES AND PENALTIES - Part 6, Elections Act, Cap.1.02
(Sections 74 – 87)

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
THE ELECTIONS ACT

(Section 39(2)(a))

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

I, of
..... in the
..... of 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;
- (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 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 9

(Section 41)

THE ELECTIONS ACT

RETURN OF UNCONTESTED ELECTION

I hereby certify that the member elected for the electoral
district in pursuance of the within Writ is

.....
(Insert name, address and occupation of member)

.....
(elected as stated on the nomination paper)

no other candidate having been nominated.

Dated at this day of 20.....

.....
Returning Officer

To The Chief Elections Officer

Appendix v

FORM 11

(Section 44(2))

THE ELECTIONS ACT

RETURN WHERE CANDIDATES WITHDRAW OR DIE

I hereby certify that the member for the electoral
district in pursuance of the within Writ is

.....
(Insert name, address and occupation of member elected)

.....
(as stated on the nomination paper)
the other or all other candidates having withdrawn or died.

Dated at this day of, 20.....

.....
Returning Officer

To The Chief Elections Officer

Appendix vi

FORM 12
THE ELECTIONS ACT

(Section 45(2))

BALLOT PAPER

6700	GENERAL ELECTION	
	6700	 Electoral District
	Voter's Number on Roll.....	
	Polling Day	Space for initials of Presiding Officer
	—————Do not fold beyond this line—————	
	1. Babulah, Conrad D. 72, Chancery Lane Engineer Symbol	
	2. Ocean, Francis 891, Haynes Street Merchant Symbol	
	3. Ronson, Emmanuel 475, Marli Street Insurance Broker Symbol	

Appendix vii

(Regulation 52(2))

ELECTIONS ACT

To the Supervisor of Elections

We, the undersigned persons hereby give notice that we are members of the party called and we are contesting the elections immediately forthcoming in the revelant electoral district appearing opposite our names.

No.	Name of Candidate	Address	Occupation	Electoral District	Signature of Candidate

I certify that the above statement is true and correct.

.....
Secretary of Party

Date

APPENDIX IIA

(Regulation 53(2))

Hand



Scale



Head



Star



Heart



Torch



APPENDIX IIB

(Regulation 53(3))

Bottle



Key



Cock



Cow



Gate



House



Hammer



Knife



Saw



Shoe



Spoon



Umbrella



Appendix viii

FORM 15 THE ELECTIONS ACT

(Section 58(1))

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 ix

FORM 22

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

