

No. 11 of 2002.

*The Representation of the People  
(Amendment) Act 2002.*

1

ANTIGUA  
AND  
BARBUDA



[L.S.]

I Assent,

James B. **Carlisle**,  
*Governor-General.*

3rd October, 2002

ANTIGUA AND BARBUDA

No. 11 of **2002**

AN ACT to amend the Representation of the People Act Cap.  
**379.**

[ *10th October, 2002* ]

ENACTED by the Parliament of Antigua and Barbuda as follows —

1. This Act may be cited as the Representation of the People (Amendment) Act 2002. Short title.

2. The Representation of the People Act is amended by the repeal of Subsection 3(3) and the substitution of the following — Amendment of section 3.

“(3)The Chairman and two other members of the Commission shall be appointed by the Governor-General, acting on the recommendation of the Prime Minister after consultation with the Leader of the Opposition, by instrument under the Public Seal and the Deputy Chairman and one other member shall be appointed by the Governor-General, acting on the recommendation of the Leader of the Opposition after consultation with the Prime Minister, by instrument under the Public Seal.”

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Repeal and  
replacement of  
First and Second  
Schedules.

3. The First and Second Schedules to the Representation of the People Act Cap. 379 are repealed and the following new Schedules are substituted.

FIRST SCHEDULE

SECOND SCHEDULE

**FIRST SCHEDULE**

**ELECTION RULES**

**Part I**

Provisions as to  
time.

1. (1) The proceedings at the election shall be conducted in accordance with the following provisions:

(2) In the case of a general election, the writ shall be issued as soon as practicable after the dissolution of Parliament. In the case of a by-election, the writ shall be issued as soon as practicable after the seat has become vacant.

(3) In a general election or a by-election, nomination papers shall be delivered between the hours of 8 a.m. and 6 p.m. on the fifth day after the date of the issue of the writ.

(4) The delivery of notices of withdrawal of candidature shall take place within the time for the delivery of nomination papers at the election.

(5) In the case of a general election or a by-election, objections to nomination papers are allowed during the hours set for the delivery of nomination papers on the day for the delivery thereof and the hour following:

Provided that no objection may be made between 6 p.m. and 7 p.m. of the said day except to a nomination delivered between 5 p.m. and 6 p.m.

(6) In the case of a general election or a by-election, the publication of a statement of the persons nominated may be made at the close of the time for making objections to nomination papers or as soon thereafter as any objections are disposed of.

(7) In the case of a general election or a by-election, polling shall take place between the hours of 6 a.m. and 6 p.m. on the day specified in the writ by the Governor-General.

2. (1) In computing any period of time for the purpose of section 1, a Sunday or Public Holiday shall be disregarded, and any such day shall not be treated as a day for the purpose of any proceedings up to the completion of the poll.

**Computation on time.**

(2) In this rule the expression "public holiday" means a holiday appointed as such by the Public Holidays Act or any proclamation made thereunder.

3. (1) The Chairman, Deputy Chairman and each member of the Commission shall take an oath or affirmation on appointment in accordance with section 3(9) of the Act and Form 15/16 of the Appendix to the Rules.

**Conflict of interest.**

(2) A member or acting member or the Chairman of the Commission who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Commission shall, as soon as possible after the relevant facts are known to him disclose the nature of his interest at a meeting of the Commission.

(3) Any such disclosure shall be recorded in the minutes of the meeting of the Commission and the member or acting member or the Chairman of the Commission shall not be present during any deliberation of the Commission with respect to that matter or take part in any decision of the Commission with respect to that matter.

4. (1) The Commission shall, in appointing election officers, ensure that every person takes an oath or **affirmation**, in the prescribed form, to perform faithfully the duties **imposed** under the Act without partiality, fear, favour or affection.

**Appointment of election officers.**

(2) The Commission shall not appoint any person who is a political party official, a Minister of Government, a Parliamentary Secretary, a member of the House of Representatives, a Senator or former Parliamentarian who has ceased to be a Parliamentarian for less than ten years, or a candidate for election to the House of Representatives to be an election officer.

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(3) Where the Commission considers it appropriate, the Commission may invite the assistance of political parties in the screening process of persons prior to their appointment as election officers.

(4) The Commission shall not appoint to the office of election officer any person who has not completed to the satisfaction of the Commission a course of training in the duties of the office to which the appointment relates.

(5) In these rules Political Party Official means an executive member of a Political Party.

Training of election officers.

5. (1) The Commission shall, in addition to the initial training course, which appointees successfully completed, ensure that every election officer is thoroughly trained in all aspects of the election tasks assigned to him.

(2) The Commission shall cause its staff and other election officers to be kept up-to-date with developments in electoral matters, particularly relevant election technology and election literature.

**Part II**

**STAGES COMMON TO CONTESTED AND UNCONTESTED ELECTIONS**

Issue of Writ.

6. (1) The Commission may, by Order —

- (a) specify the manner in which writs which shall be in Form I in the Appendix hereto, are to be conveyed, and make different provisions for different classes of writs; and
- (b) provide for the giving of receipts for writs by persons to whom they are delivered or who may receive them in the course of their conveyance.

(2) Delivery of the writ to a person for the time being authorised by law to act as deputy for the officer who by virtue of his office is returning officer shall be as good as delivery to the returning officer.

(3) An Order under this rule may require a returning officer to furnish an address to which writs are to be conveyed and any change of that address, and may provide for recording addresses so furnished, and delivery of a writ to a person found in, and for the time being in charge of, a place so recorded as the office of a returning officer shall be as good as a delivery to that returning officer.

(4) The person to whom the writ is delivered shall endorse the date of receipt on the writ.

(5) An Order under this rule may provide for any incidental or supplementary matters and may revoke or vary an Order previously made.

7. (1) For the purpose of every general election of members to the House of Representatives and for the purpose of the election of members to supply vacancies caused by death, resignation or otherwise, the Governor-General shall issue writs under the Public Seal addressed to the returning officers of the respective constituencies, by the title of his office as returning officer and not by his name, for which members are to be returned. Such writs shall be forwarded to the Supervisor of Elections for transmission to the several returning officers.

Writ under public seal.

(2) Every such writ shall specify the day and place of nomination of candidates, the day on which, if necessary, the poll shall be taken, and the day on which such writ shall be returnable to the Governor-General.

(3) Upon receipt of such writ every returning officer shall proceed to hold the election in the manner hereinafter provided.

8. The returning officer shall publish the notice of election, in Form 2 in Appendix hereto stating —

Notice of election

(a) the place and times at which nomination papers are to be delivered; and

(b) the date of the poll in the event of a contest;

and the notice shall state that forms of nomination paper as set out in the Appendix may be obtained at the place and time aforesaid.

**Nomination of candidates.**

**9.** (1) Each candidate shall be nominated by a separate nomination paper, in Form 3 in the Appendix hereto, delivered by the candidate himself or his proposer or seconder, to the returning officer at the place fixed for the purpose.

(2) The nomination paper shall state the full names, place of residence and description of the candidate and the surname shall be placed first in the list of names.

(3) The description shall not exceed six words in length, and need not refer to his rank, profession or calling so long as, with the other particulars of the candidate, it is sufficient to identify.

**Subscription of nomination papers.**

**10.** (1) The nomination paper shall be subscribed by two electors as proposer and seconder, and by eight other electors in the presence of the returning officer.

(2) Where a nomination paper bears the signatures of more than the required number of persons as proposing, seconding or assenting to the nomination of a candidate, the signature or signatures (up to the required number) appearing first on the paper in each category shall be taken into account to the exclusion of any others in that category.

(3) The nomination paper shall give the electoral number of each person subscribing to it.

(4) The returning officer shall supply any elector with a form of nomination paper at the place and during the time for delivery of nomination papers and shall, at the request of any elector, prepare a nomination paper for signature.

(5) No person shall subscribe more than one nomination paper at the same election and if he does, his signature shall be inoperative on any paper other than the one first delivered:

Provided that a person shall not be prevented from subscribing a nomination paper by reason only of his having subscribed that of a candidate who has died or withdrawn before delivery of the first mentioned paper.

(6) In this rule —

the expression "elector" means a person who is registered as an elector in the constituency in the register to be used at the election or who, pending the publication of that register, appears **from** the electors' list there for as corrected by the registration officer to be entitled to be so registered. The expression "electoral number" means a person's number in the said register or, pending the publication of the register, his number (if any) in the electors' list there.

**11.** A person shall not be validly nominated unless his consent to nomination, given in writing, in Form 4 in the Appendix hereto, on the day **fixed** as the day for the delivery of nomination papers and attested by one witness, is delivered at the place and within the time for the delivery of nomination papers, provided that a person shall not consent to more than one nomination.

**Consent to nomination papers.**

**12.** A person shall not be validly nominated unless the sum of five hundred dollars in legal tender is deposited by him or on his behalf with the returning officer at the place and during the time for delivery of nomination papers.

**Deposit.**

**13.** The returning officer shall **fix the** place within the constituency at which nomination papers are to be delivered to him, and shall attend there during the time for the delivery thereof and for the making of objections thereto.

**Delivery of nomination papers.**

**14.** (1) Except for the purpose of delivering a nomination paper or of assisting the returning officer and subject to sub-rule (3), no person shall be entitled to attend the proceedings during the time for the delivery of nomination papers or objecting to the nomination unless he is a person standing nominated as a candidate or is a proposer or seconder or such other person assenting to the nomination.

**Attendance at nominations.**

(2) Any elector in the Constituency shall have the right to inspect, and to object to the validity of any nomination paper.

(3) The Commission may allow accredited international observers to attend the nomination proceedings.

**15.** (1) Where a nomination paper and the candidate's consent thereto are delivered and a deposit is made in accordance with the rules, the candidate shall be deemed to stand

**Validity of nomination papers.**

nominated unless and until the Returning Officer decides that the nomination paper is invalid or proof is given to the satisfaction of the Returning Officer of the candidate's death, or the candidate's withdrawal.

(2) The returning officer shall be entitled to hold a nomination paper invalid only on the following grounds, that is to say —

- (a) that the particulars of the candidate or the persons subscribing the paper are not as required by law; and
- (b) that the paper is not subscribed as so required by law.

(3) The returning officer shall give his decision on any objection to a nomination paper as soon as practicable and in any event not later than one hour after it is made.

(4) Where he decides that a nomination paper is invalid, he shall forthwith endorse and sign on the paper the fact and the reasons for his decision.

(5) The decision of the returning officer that a nomination paper is valid or invalid shall not be questioned in any proceeding whatsoever, other than by an election petition.

**Withdrawal of  
candidates.**

16. (1) A candidate may withdraw his candidature by notice of withdrawal signed by him and attested by one witness and delivered to the returning officer at the place for delivery of nomination papers.

(2) In the case of a candidate who is outside Antigua and Barbuda, a notice of withdrawal signed by his proposer and accompanied by a written declaration also so signed of the candidate's absence from Antigua and Barbuda shall be of the same effect as a notice of withdrawal signed by the candidate:

Provided that where the candidate stands nominated by more than one nomination paper a notice of withdrawal under this paragraph shall be effective if, but only if,

- (a) it and the accompanying declaration are signed by all the proposers except any who is, and is stated in



the said declaration to be, outside Antigua and Barbuda; or

- (b) it is accompanied, in addition to the said declaration, by a written statement signed by the candidate that the proposer giving the notice is authorised to do so on the candidate's behalf during his absence from Antigua and Barbuda.

17. (1) The returning officer shall prepare and publish a statement showing the persons who have been and stand nominated and any other persons who have been nominated, and no longer stand nominated along with the reason why they no longer stand nominated.

**Publication of nomination.**

(2) The statement shall show the names, addresses, and descriptions of the persons nominated as given in their nomination papers, together with the names of the persons subscribing those papers.

(3) The statement shall show the persons standing nominated arranged alphabetically in the order of their **surnames**, and, if there are two or more of them with the same surname, of their other names.

18. (1) Where the proceedings for or in connection with nomination are on any day interrupted or obstructed by riot or open violence or by the occurrence of any earthquake, hurricane, flood, fire, outbreak of pestilence or other calamity the proceedings shall be abandoned for that day, and the proceedings shall be continued on the next day as if that were the day for the delivery thereof, (subject however to any further application of this rule in the event of interruption or obstruction on that day):

**Adjournment of nomination proceedings.**

Provided that where proceedings are abandoned by virtue of this rule nothing may be done after they are continued, if the time for doing it had passed at the time of the abandonment, nor shall anything done before the abandonment be invalidated by reason thereof.

19. (1) If the statement of persons nominated shows more than one person standing nominated, a poll shall be taken in accordance with Part III of these rules.

**Method of election.**

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(2) If the statement of persons nominated shows only one person standing nominated, that person shall be declared to be elected in accordance with Part IV of these rules.

Allotment of symbols.

20. (1) The Commission shall keep a list of approved symbols on which it holds proprietary rights for allotment to political parties or independent candidates contesting an election.

(2) The Commission may reserve a symbol for a political party upon application therefor and a candidate put up to contest an election by that party shall be allotted that symbol by the Commission.

(3) An independent candidate contesting an election may choose any symbol not already allotted to any political party or independent candidate contesting that election from the approved list kept by the Commission.

(4) The Commission shall consult political parties and other entities when compiling the list of approved symbols and shall publish the approved list in the *Gazette*. The list may be revised as the Commission thinks fit.

(5) If a reserved symbol for a political party is subsequently claimed by different factions of that party, the Commission, in its sole discretion, shall decide whether the reserved symbol shall continue to be used by any of those factions.

(6) The symbol allotted to a candidate shall be printed on the ballot paper opposite that candidate's name.

(7) In the event of any dispute arising regarding the allocation of any symbol under these rules, the decision of the Commission shall be final.

### Part III

#### CONTESTED ELECTIONS

Poll taken by ballot.

21. The votes at the poll shall be given by ballot and the result shall be ascertained by counting the votes given to each candidate and the candidate to whom the majority of votes have been given shall be declared to have been elected.

**22.** (1) The ballot of every voter shall consist of a ballot paper, and the persons shown in the statement of persons nominated as standing nominated, and no other shall be entitled to have their names inserted in the ballot paper.

Ballot papers.

(2) Every ballot paper shall be in the Form 5 in the Appendix hereto, and shall be printed in accordance with the directions therein, and —

- (a) shall contain the names, symbols and other particulars of the candidates as shown in the statement of persons nominated;
- (b) shall be capable of being folded up;
- (c) shall have a number printed on the back; and
- (d) shall have attached a counterfoil with the same number printed on the face.

(3) The order of names in the ballot paper shall be as in the statement of persons nominated.

**23.** (1) Every ballot paper shall be marked with an official mark, which shall be either embossed or perforated.

The official mark.

(2) The official mark shall be kept secret, and an interval of not less than seven years shall intervene between the use of the same official mark at elections for the same constituency.

**24.** No person who has voted at the election shall, in any legal proceeding to question the election or return, be required to state for whom he voted.

Prohibition of disclosure of vote.

**25.** (1) The returning officer may use, free of charge, for the purpose of taking the poll:

Use of schools &amp; public rooms.

- (a) a room in a government school; and
- (b) a room, in a public building the expense of maintaining which is payable out of the Consolidated Fund.

(2) The Commission shall make good any damage done to, and defray any expense incurred by the persons having control

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over, any such room as aforesaid by reason of its being used for the purpose of taking the poll.

#### Action To Be Taken Before The Poll

**Notice of poll.** 26. (1) The returning officer shall in the statement of persons nominated include a notice of the poll stating the day on which and hours during which the poll will be taken.

(2) The returning officer shall also give public notice (which may be combined with the statement of persons nominated) of the situation of each polling station and the description of voters entitled to vote thereat and of the mode in which voters are to vote.

**Death of candidate.** 27. (1) If after the publication of the statement of persons nominated proof is given to the satisfaction of the returning officer of the death of one of the persons shown as standing nominated, the **returning** officer shall countermand notice of the poll, and all proceedings with reference to the election shall be commenced afresh in all respects as if the writ had been received on the day on which proof was given to the returning officer of the death:

Provided that no **fresh** nomination shall be necessary in the case of a person shown in the statement as standing nominated.

(2) Where by reason of the death of a candidate proceedings at an election are commenced afresh under this rule, then in the case of a general election, or in the case of a by-election, the time for delivery of nomination papers and the time for polling shall be determined in accordance with rule I with the modification required by the foregoing sub-rule of any reference to the date on which the writ is received.

(3) Where the poll is abandoned by reason of the death of a candidate, the proceedings at or consequent on that poll shall be interrupted, and the presiding officer at any polling station shall take the like steps (so far as not already taken) for the delivery to the returning officer of ballot boxes and of ballot papers and other documents as he is required to take on the close of the poll in due **course**, and the **returning** officer shall dispose of the ballot papers and other documents in his possession as he is required to do on the completion in due course of the counting of the votes; but —

- (a) it shall not be necessary for any ballot paper account to be prepared or verified; and
- (b) the returning officer, without taking any step or further step for the counting of the ballot papers, or of the votes, shall seal up all the ballot papers, whether the votes on them have been counted or not, and it shall not be necessary to seal up counted and rejected ballot papers in separate packets.

(4) The provisions as to the inspection, production, retention and destruction of ballot papers and other documents relating to a poll at an election shall apply to any such documents relating to a poll abandoned by reason of the death of a candidate, with the following modifications —

- (a) ballot papers on which the votes were neither counted nor rejected shall be treated as counted ballot papers; and
- (b) no order shall be made for the production or inspection of any ballot paper or for the opening of a sealed packet of counterfoils or certificates as to employment on duty on the day of the poll unless the order is made by a court with reference to a prosecution.

28. (1) The returning officer shall provide a sufficient number of polling stations and, subject to the following provisions of this rule, shall allot the electors to the polling stations in such a manner as he thinks most convenient.

**Polling stations.**

(2) One or more polling stations may be provided in the same building.

(3) The polling station allotted to electors from any polling district shall be in the polling place for that district.

(4) The returning officer shall provide each polling station with such number of compartments as may be necessary in which the voters can mark their votes screened from observation.

29. (1) Every presiding officer shall manage the affairs of the polling station to which he is assigned in an efficient and courteous manner. He shall act with fairness and impartiality in admin-

**Presiding officers  
& clerks.**

istering his tasks in accordance with the provisions of section 12 of the Act and consistent with rules 4 and 5 of these rules.

(2) Every presiding officer shall ensure that peace and good order prevail at his polling station and that election officers, polling agents, observers (if any) and voters conduct themselves properly in the polling station and within its environs.

(3) The clerks appointed to assist the presiding officer may do any act, including the asking of questions, which the presiding officer is required or authorised by these rules to do at a polling station except order the arrest, exclusion or removal of any person from the polling station.

(4) The returning officer may, if he thinks fit, preside at a polling station and the provisions of these rules relating to a presiding officer shall apply to a returning officer so presiding with the necessary modifications as to things to be done by the returning officer or by the presiding officer to the returning officer.

**Proxy list.**

**30.** (1) The returning officer shall as soon as practicable, and in any case not later than three days before any polling day, prepare a list of proxies giving —

- (i) the names and numbers on the register of electors for whom proxies have been appointed; and
- (ii) the names and addresses of the persons appointed,

and shall also place against the name of any elector on the register for elections on behalf of whom a proxy has been appointed to vote the letter "p" in any copy of the register or part thereof provided for a polling station.

(2) Such list of proxies shall be used only for the purposes of the election next following the preparation of the list.

**Equipment of polling station.**

**31.** (1) The returning officer shall provide each presiding officer with such number of ballot boxes and ballot papers as in the opinion of the returning officer may be necessary.

(2) Every ballot box shall be so constructed that the ballot papers can be put therein, but cannot be withdrawn therefrom, without the box being unlocked.

(3) The returning officer shall provide each polling station with —

- (a) materials to enable voters to mark the ballot papers;
- (b) instruments for stamping thereon the official mark;
- (c) copies of the register for elections or such part thereof as contains the names of the electors allotted to the station;
- (d) the parts of any list of proxies prepared for the election corresponding to the register for elections or part thereof provided under the last foregoing subparagraph;
- (e) a blank poll book which shall be in Form 6, in the Appendix hereto;
- (f) a copy of the Act and these rules;
- (g) a sufficient supply of black and red electoral ink whose specification conforms to good electoral practice; and
- (h) such other things as may be necessary for conducting the election in the manner directed by the Act and these rules.

(4) A notice in Form 7 in the Appendix hereto, giving directions for guidance of the voters in voting, shall be printed in conspicuous characters and exhibited inside and outside every polling station.

(5) In every compartment of every polling station there shall be exhibited a notice as follows —

“The voter may vote for not more than one candidate.”

**32.** (1) Each candidate may, before the commencement of the poll, appoint polling agents to attend at polling stations for the purpose of detecting personation and counting agents to attend at the counting of the votes:

**Polling and  
counting agents.**

Provided that the returning officer shall not permit more than one polling agent of a candidate to be present at the polling station; and

Provided further that the returning officer shall not permit more than two counting agents of a candidate to be present at the counting of the ballot.

(2) Notice in writing of the appointment, stating the names and addresses of the persons appointed, shall be given by the candidate to the returning officer and, in the case of counting agents, shall be given at least two days, before the day of the poll; provided that Sundays and Public Holidays shall not be counted.

(3) if an agent dies, or becomes incapable of acting, the candidate may appoint another agent in his place, and shall forthwith give to the returning officer notice in writing of the name and address of the agent appointed.

(4) In the following provisions of these rules references to polling and counting agents shall be taken as references to agents whose appointments have been duly made and notified.

(5) Any notice required to be given to a counting agent by the returning officer may be delivered by hand to the address stated in the notice of appointment.

(6) A candidate may himself do any act or thing which any polling or counting agent of his, if appointed, would have been authorised to do.

(7) Where by these rules any act or thing is required or authorised to be done in the presence of the polling or counting agents, the non-attendance of any agent or agents at the time and place appointed for the purpose, shall not, if the act or thing is otherwise duly done, invalidate the act or thing done.

(8) The commission may make arrangements with candidates for polling and counting agents to be appropriately identified as agents on polling day.

**Declaration of  
secrecy.**

33. (1) Before the opening of the poll a declaration of secrecy in the form in **sub-rule (4)** hereof, or in a form as near thereto as circumstances admit, shall be made by —



- (a) the returning officer and the presiding officers;
- (b) every officer or clerk authorised to attend at a polling station or the counting of the votes;
- (c) every candidate attending at a polling station or at the counting of the votes;
- (d) every candidate's wife or husband attending at the counting of the votes;
- (e) every agent appointed under rule 32.

(2) Notwithstanding anything in sub-rule (1) hereof, the following persons attending at the counting of the votes, that is to say,

- (a) any candidate;
- (b) any candidate's wife, or husband attending by virtue of the rule authorising candidates' wives or husbands to attend as such; and
- (c) any clerk making the declaration in order to attend at the counting of the votes, need not make the declaration before the opening of the poll but shall make it before he or she is permitted to attend the counting, and a polling or counting agent appointed after the opening of the poll shall make the declaration before acting as such agent.

(3) The returning officer shall make the declaration in the presence of a magistrate, and any other person shall make the declaration in the presence of either a magistrate or of the returning officer, and subsections (1), (2), (3) and (5) of section 42 shall be read to the declarant by the person taking the declaration or shall be read by the declarant in the presence of that person.

(4) The declaration shall be as follows —

"I solemnly promise and declare that I will not do anything forbidden in sub-sections (1), (2), (3) and (4) of section 42 of the Representation of the People Act which have been read to/by me".

Admission to  
polling station.

34. (1) The presiding officer shall regulate the number of voters to be admitted to a polling station at the same time, and shall exclude all other persons except —

- (a) the candidates;
- (b) the polling agents appointed to attend at the polling station;
- (c) the clerks appointed to attend at the polling station;
- (d) the police officers on duty; and
- (e) the companions of blind voters and physically challenged voters.

(2) Not more than one polling agent shall be admitted at the same time to a polling station on behalf of the same candidate.

(3) The Commission may allow accredited international election observers and any other persons, as the Commission sees fit, to enter polling stations.

Order in station.

35. (1) Any person who misconducts himself in a polling station, or fails to obey the lawful orders of the presiding officer, may immediately, by order of the presiding officer, be removed from the polling station by a police officer in or near the station or by any other person authorised in writing by the returning officer to remove him, and the person so removed shall not, without the permission of the presiding officer, again enter the polling station during the day.

(2) Any person so removed may, if charged with the commission in the polling station of an offence, be dealt with as a person taken into custody by a police officer for an offence without a warrant.

(3) The powers conferred by this rule shall not be exercised so as to prevent a voter who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

(4) During the hours that the poll is open upon polling day no person shall, in any polling station or upon any public place within one hundred yards of any polling station, remain or seek

to influence any elector to vote or refrain from voting for any candidate or political party or to ascertain for whom any elector intends to vote or has voted.

(5) Any person who contravenes the provisions of sub-rule (4) **commits** an offence and is liable on conviction to a fine not exceeding one thousand dollars and a term of imprisonment of not more than two months.

**36.** Immediately before the commencement of the poll, the presiding officer shall show the ballot box empty to such persons, if any, as are present in the polling station, so that they may see that it is empty, and shall then lock it up and place his seal or, it in such manner as to prevent its being opened without breaking the seal, and shall place it in his view for the receipt of ballot papers, and keep it so locked and sealed.

**sealing of ballot box.**

**37.** (1) Every elector shall first produce his identification card or special identification card, where the identification card is lost, before requesting a ballot paper on polling day.

**Voters' identification.**

(2) The presiding officer may, and if required by a candidate or his polling agent shall, put to any person applying for a ballot paper at the time of his application, but not afterwards, the following questions, or either of them, that is to say —

- (a) in the case of a person applying as an elector —
- (i) "Are you the person registered in the register for elections of this election as follows (read the whole entry from the register)?"
  - (ii) "Have you already voted, here or elsewhere, at this **by-election/general** election otherwise than as proxy for some other person?" and
- (b) in the case of a person applying as proxy —
- (i) "Are you the person whose name is A.B in the list of proxies for this election as entitled to vote as proxy on behalf of C.D.?"
  - (ii) "Have you already voted here or elsewhere at this **by-election/general** election as proxy on behalf of C.D.?"

(3) In the case of a person applying as proxy, the presiding officer may, and if required as aforesaid shall, put the following additional question: "Have you at this election already voted as proxy on behalf of any other person?"

(4) A ballot paper shall not be delivered to any person required to answer the above questions or any of them unless he has answered the question satisfactorily.

(5) Save as by this rule authorised, no inquiry shall be permitted as to the right of any person to vote.

Challenge of  
voter.

**38.** (1) If at the time a person applies for a ballot paper for the purpose of voting in person, or after he has applied for a ballot paper for that purpose and before he has left the polling station, a candidate or his polling agent declares to the presiding officer that he has reasonable cause to believe that the applicant has committed an offence of personation and undertakes to substantiate the charge in a court of law, the presiding officer may order a police officer to arrest the applicant, and the order of the presiding officer shall be sufficient authority for the police so to do.

(2) A person against whom a declaration is made under this rule shall not by reason thereof be prevented from voting.

(3) A person arrested under the provisions of this rule shall be dealt with as a person taken into custody by a police officer for an offence, without a warrant.

Transfer of  
voting.

**39.** (1) Where any person whose name appears in the register for elections for any polling station is appointed as an election officer or polling agent for some other polling station in the same constituency, he may apply to the returning officer for a transfer of his name to the list for the polling station to which he is assigned to work on polling day.

(2) Where any person whose name appears in the register for elections for any polling station in a constituency is appointed as an election officer or a polling agent in another constituency, he may apply to the returning officer of the constituency in which his name is on the register for a transfer of his name to the list for the station to which he is assigned.

(3) An application for a transfer under sub-rules (1) or (2) shall be in the prescribed form (Form 9) and signed and delivered personally to the returning officer not later than five days before polling day.

(4) The returning officer may issue a transfer certificate in the prescribed form (Form 10) entitling a person to vote at the polling station indicated in the certificate to any election officer or polling agent whose name appears on the register for elections and who satisfies him as to the assignment to the aforementioned polling station on polling day.

(5) The returning officer shall give notice in the prescribed form (Form 11) in writing to every candidate for the constituency of any such transfer and to the presiding officer of the polling station at which such person whose name is so transferred would have been entitled to vote.

(6) Every person whose name is transferred from any register for elections to any other register for elections shall vote, if he votes at all, in the polling station of which he is appointed an election officer or polling agent, as the case may be.

(7) The returning officer who signed a transfer certificate, which is directed to another constituency, shall forward, in time for the poll, a ballot paper in an envelope marked "transfer ballot" to the presiding officer for use by the holder of the certificate of transfer.

(8) Where the transfer certificate, issued pursuant to sub-rule (2), is produced at the station to which it is directed and the presiding officer is satisfied with the identity of the holder thereof and the voting procedures have been followed, the holder of the certificate shall place the ballot paper into an envelope and seal the envelope and hand the envelope to the presiding officer.

(9) The presiding officer shall place the envelope with the ballot paper in another envelope marked with the name of the constituency where the vote belongs.

(10) The presiding officer shall make a list of the names transferred, referred to as "the transfer list", and shall keep the transfer certificates of the persons so voted.

(11) Every returning officer who receives any transfer vote envelopes shall despatch each such envelope, together with the transfer certificate, promptly at the commencement of the counting of the votes, to the returning officer of the constituency concerned.

(12) Every presiding officer who issues to any person whose name has been transferred from any register for elections to any other register for elections any ballot paper at any polling station other than the polling station to which that person's name has been transferred, commits an offence and on conviction is liable to a fine not exceeding five thousand dollars and six months imprisonment.

Voting procedure.

40. (1) A ballot paper shall be delivered to a voter who applies therefor, and immediately before delivery —

- (a) the ballot paper shall be stamped with the official mark, either embossed or perforated;
- (b) the number, name and description of the elector as stated in the copy of the register for elections shall be called out;
- (c) a mark shall be placed in the register for elections against the number of the elector to denote that a ballot paper has been received but without showing the particular ballot paper which has been received; and
- (d) in the case of a person applying for a ballot paper as proxy, a mark shall also be placed against his name in the list of proxies.

(2) The voter, on receiving the ballot paper, shall forthwith proceed into one of the compartments in the polling station and there secretly mark his paper and fold it up so as to conceal his vote, and shall then show to the presiding officer the back of the paper, so as to disclose the official mark, and after the provisions of rules 41, 42, 43 and rules 44 to 46, as the case may be, have been complied with, put the ballot paper so folded up into the ballot box in the presence of the presiding officer.

(3) The voter shall vote without undue delay, and shall leave the polling station as soon as he has put his ballot paper into the ballot box.

**41.** (1) Subject to the provisions of rule 45, the presiding officer shall refuse to deliver any ballot paper to any elector unless he is satisfied that there does not appear —

Use of black  
electoral ink.

- (a) upon the appropriate digit of such elector; or
- (b) in the case of an elector who the presiding officer is satisfied is suffering from an injury to the appropriate digit, upon any of the digits of such elector;

any mark of black electoral ~~ink~~.

(2) For the purpose of satisfying himself in the manner required by sub-rule (1) of this rule, the presiding officer shall in the presence of the poll clerk and of the sworn agents of the candidates or the candidates in the polling station, as the case may be, inspect ~~the~~ appropriate digit of each elector or all of the digits of each elector, as the case may require.

(3) Every presiding officer who refuses to deliver any ballot paper to any elector under the provisions of this rule shall make an entry in the poll book setting out the facts in relation to such refusal.

(4) Every person who applies as an elector for any ballot paper at any time when there is upon any of his digits any mark of black electoral ink shall be guilty of personation ~~within~~ the meaning of the Act.

**42.** (1) The presiding officer shall before permitting any elector to put his folded ballot paper in the ballot box in accordance with rule ~~40~~(2), if the elector has an appropriate digit, satisfy himself that there does not appear upon such digit any substance which in his opinion is likely to prevent the adhesion of black electoral ink and cause the elector to immerse such digit in the black electoral ink:

Immersion of  
digit.

Provided that where the presiding officer is satisfied that the elector is suffering ~~from~~ some injury to ~~his~~ appropriate digit which is of such nature as to render it undesirable for ~~him~~ to immerse

such digit in the black electoral ink the presiding officer may require him to immerse in such black electoral ink any other digit upon which the presiding officer is satisfied that there is no substance which is likely to prevent the adhesion of black electoral ink.

(2) If any elector on being required so to do fails or refuses to immerse his appropriate digit in black electoral ink the presiding officer shall take possession of and destroy the ballot paper of such an elector and make an entry in the poll book setting out the particular in relation to the destruction of such ballot paper:

Provided that nothing in this rule shall prohibit an elector who has failed or refuses to immerse his appropriate digit in black electoral ink from returning to the polling station in order to vote as an elector and to immerse his appropriate digit in black electoral ink.

"Appropriate digit".

43. (1) In rules 41 and 42 "appropriate digit" means in the case of an elector —

- (i) who has a right hand upon which there are any digits that finger of the right hand which is nearest to the right thumb, or if the elector has no right thumb the right thumb socket, or if the elector has a right thumb but has no fingers on the right hand, the right thumb and upon which digit there does not appear any sign of red electoral ink;
- (ii) who has no right hand or who has a right hand but has no digits upon such hand, the finger on the left hand which is nearest to the left thumb, or if the elector has no left thumb to the left thumb socket, or if he has a left thumb but no fingers upon his left hand the left thumb and upon which digit there does not appear any sign of red electoral ink;

"digit" includes both fingers and thumb;

"black electoral ink" means the black ink whether composite or consisting of two or more separate solutions, whose specification and properties make it suitable for use for election purposes, supplied by the Commission for use in accordance with these rules.



44. (1) Subject to the provisions of rule 48, the presiding officer shall refuse to deliver any ballot paper to any person voting as proxy for an elector unless he is satisfied that there does not appear —

**Proxy voting.**

- (a) upon the appropriate digit of such proxy; or
- (b) in the case of a proxy who the presiding officer is satisfied is suffering from an injury to the appropriate digit, upon any of the digits of such proxy, any mark of red ink.

(2) For the purpose of satisfying himself in the manner required by sub-rule (1), the presiding officer shall, in the presence of the poll clerk and of the sworn agents of the candidates or the candidates in the polling station, as the case may be, inspect the appropriate digit of each proxy or all of the digits of each proxy, as the case may require.

(3) Every presiding officer who refuses to deliver any ballot paper to any proxy under the provisions of this rule shall make an entry in the poll book setting out the facts in relation to such refusal.

(4) Every person who applies as a proxy for any ballot paper at any time when there is upon any of his digits any mark of red electoral ink shall be guilty of personation within the meaning of the Act.

45. (1) The presiding officer shall before permitting any person as proxy to put his folded ballot paper in the ballot box in accordance with rule 40(2) if the proxy has an appropriate digit, satisfy himself that there does not appear upon such digit any substance which in his opinion is likely to prevent the adhesion of red electoral ink and cause the proxy to immerse such digit in the red electoral ink:

**Use of red  
electoral ink.**

Provided that where the presiding officer is satisfied that the proxy is suffering from some injury to his appropriate digit which is of such a nature as to render it undesirable for him to immerse such digit in the red electoral ink the presiding officer may require him to immerse in such red electoral ink any other digit upon which the presiding officer is satisfied that there is no substance which is likely to prevent the adhesion of the red electoral ink.

(2) If any proxy on being required so to do or refuses to immerse his appropriate digit in the red electoral ink the presiding officer shall take possession of and destroy the ballot paper of such a proxy and make an entry in the poll book setting out the particulars in relation to the destruction of such ballot paper.

Provided that nothing in this rule shall prohibit a proxy who has failed or refused to immerse his appropriate digit in the red electoral ink from returning to the polling station in order to vote as a proxy and to immerse his appropriate digit in red electoral ink.

Proxy's  
"appropriate  
digit".

46. In rules **44** and **45** "appropriate digit" means in the case of a proxy —

- (i) who has a left hand upon which there are any digits that finger of the left hand which is the nearest to the left thumb, or if the proxy has no left thumb to the left thumb socket, or if the proxy has left thumb, but has no fingers on the left hand, the left thumb and upon which digit there does not appear any sign of black electoral ~~ink~~;
- (ii) who has no left hand or who has a left hand but has no digits upon such hand, the finger on the right hand which is nearest to the right thumb, or if the elector has no right thumb, to the right thumb socket, or if he has a right thumb but no fingers upon his right hand, the right thumb and upon which digit there does not appear any sign of black electoral ink;

"digit" includes both fingers and thumb;

"red electoral ink" means the red ink, whether composite or consisting of two or more separate solutions, whose specification and properties make it suitable for use for election purposes, supplied by the Commission for use in accordance with these rules.

Penalty for  
presiding officer.

47. Subject to the provisions of rule **48** of these rules, a presiding officer who fails or neglects to perform any duty imposed upon him by rule 41, 42, 44 or **45** of these rules commits an offence against this rule and shall be liable on summary conviction

to a fine not exceeding one thousand dollars and to imprisonment not exceeding six months.

48. The application of rules 41, 42, 44, 45 and 47 of these rules shall not apply in relation to any elector or proxy who has no hands or who has only one digit, and is entitled to vote both as an elector and as a proxy and who has already voted in one such capacity.

**Non-application  
of rules.**

49. (1) The presiding officer, on the application of a voter who is incapacitated by blindness or other physical cause from voting in the manner directed by these rules shall, in the presence of the polling agents, cause the vote of the voter to be marked on a ballot paper in the manner directed by the voter, and, the voter having complied with the other provisions of these rules, the ballot paper to be placed in the ballot box.

**Votes marked by  
presiding officer.**

(2) The name and number on the register of electors of every voter whose vote is marked in pursuance of this rule, and the reason why it is so marked, shall be entered on a list (in these rules called "the list of votes marked by the presiding officer").

In the case of a person voting as a proxy for an elector, the number to be entered together with the name of the voter shall be the name of the elector.

50. (1) If a voter makes an application to the presiding officer to be allowed on the ground of blindness to vote with the assistance of another person by whom he is accompanied, in these rules referred to as "the companion", the presiding officer shall require the voter to declare orally whether he is so incapacitated by his blindness as to be unable to vote without assistance.

**Voting by blind  
persons.**

(2) If the presiding officer is satisfied that the voter is so incapacitated and is also satisfied by a written declaration made by the companion, in these rules referred to as "the declaration made by the companion of a blind voter", that the companion is a qualified person within the meaning of this rule and has not previously assisted any other blind person to vote at the election, the presiding officer shall grant the application, and thereupon anything which is by these rules required to be done to or by the said voter in connection with the giving of his vote may be done to the voter, or with the assistance of, the companion.

(3) For the purpose of this rule, a **person** shall be qualified to assist a blind voter to vote, if that person is either —

- (a) a person who is entitled to vote as an elector in that constituency at the election; or
- (b) the father, mother, brother, sister, husband, wife, son or daughter of the blind voter and has attained the age of eighteen years.

(4) The name and number in the register of electors of every voter whose vote is given in accordance with this rule and the name and address of the companion shall be entered by the presiding officer on a list in these rules referred to as "the list of the blind voters assisted by companions."

In the case of a person voting as a proxy for an elector, the number to be entered together with the name of the voter shall be the number of the elector.

(5) The declaration made by companion —

- (a) shall be in the Form 8 in the Appendix hereto;
- (b) shall be made before the presiding officer at the time when the voter applies to vote with the assistance of a companion and shall forthwith be given to the presiding officer who shall attest and retain it.

(6) No fee or other payment shall be charged in respect of the declaration.

**Tendered ballot  
papers.**

51. (1) If a person, representing himself to be —

- (a) a particular elector named on the register and not named in the absent voters' list: or
- (b) a particular person named in the list of proxies as proxy for an elector, applies for a ballot paper after another person has voted in person either as the elector or his proxy, the applicant shall, on **satisfactorily** answering the questions **permitted** by law to be asked at the poll, be entitled, subject to the following provisions of this rule, to mark a ballot paper

in these rules referred to as "a tendered ballot paper"  
in the same manner as any other voter.

(2) A tendered ballot paper shall —

- (a) be of a colour differing from the other ballot papers;
- (b) instead of being put into the ballot box, be given to the presiding officer and endorsed by him with the name of the voter and his number in the register of electors, and set aside in a separate packet.

(3) The name of the voter and his number on the register of electors shall be entered on a list in these rules referred to as the "tendered votes list."

(4) In the case of a person voting as proxy for an elector, the number to be endorsed or entered together with the name of the voter shall be the number of that elector.

52. A voter who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper may, on delivering it to the presiding officer and proving to his satisfaction the fact of the inadvertence, obtain another ballot paper in the place of the ballot paper so delivered in these rules referred to as "a spoilt ballot paper" and the spoilt ballot paper shall be immediately cancelled.

**Spoilt ballot  
papers.**

53. (1) Where the proceedings at any polling station are interrupted or obstructed by riot or open violence, or by the occurrence of any earthquake, hurricane, flood, fire, outbreak of pestilence or other calamity, the presiding officer shall adjourn the proceedings until the following day subject however to any further application of this rule in the event of interruption or obstruction on that day and shall forthwith give notice to the returning officer.

**Adjournment of  
poll.**

(2) Where the poll is adjourned at any polling station —

- (a) the hours of polling on polling day to which it is adjourned shall be the same as for the original day; and
- (b) references in this Act to the close of the poll shall be construed accordingly.

(3) Where the poll is adjourned under sub- rules (1) and (2) the presiding officer shall either —

- (a) secure and seal the polling station, having first ascertained that no persons remain upon the premises; or
- (b) having first sealed each ballot box with his own seal, remove the ballot boxes and all other papers relating to the poll to some other secure place and in such latter event the polling agent of any candidate may upon request accompany and remain with such papers at such secure place until the resumption of the poll.

Close of poll.

54. (1) As soon as practicable after the close of the poll, the presiding officer shall, in the presence of the polling agents, make up into separate packets, sealed with his own seal and the seal of such polling agents as desired to affix their seals —

- (a) each ballot box in use at the station, sealed so as to prevent the introduction of additional ballot papers and unopened, but with the key attached;
- (b) the unused and spoilt ballot papers placed together;
- (c) the tendered ballot papers;
- (d) the marked copies of the register for elections and of the list of proxies;
- (e) the counterfoils of used ballot papers and the certificates as to employment on duty on the day of the poll;
- (f) the tendered votes list, the list of blind voters assisted by companions, the list of voters marked by the presiding officer, a statement of the number of voters whose votes are so marked by the presiding officer under the head "physical incapacity", the declarations made by the companion of blind voters, and the poll book, and shall, accompanied by two police officers, deliver the packets personally to the returning officer to be taken charge of by him:

Provided that a polling agent of each candidate may, upon request, accompany the presiding officer from the polling station until he delivers the packets to the returning officer.

(2) The marked copies of the register for elections and of the list of proxies shall be in one packet but shall not be in the same packet as the counterfoils of the used ballot papers and the certificates as to employment on duty on the day of the poll.

(3) The packet shall be accompanied by a statement (in these rules referred to as "the ballot paper account") made by the presiding officer showing the number of ballot papers entrusted to him, and accounting for them under the heads of ballot papers issued and not otherwise accounted for, unused, spoilt and tendered ballot papers.

55. (1) The returning officer shall make arrangements for counting the votes in the presence of the counting agents as soon as practicable after the close of the poll, and shall give to the counting agents notice in writing of the time and place at which he will begin to count the votes, and shall designate a portion of such place to be a reserved area, within which the actual counting of votes will take place.

Attendance at  
counting of votes

(2) No person other than —

- (a) the returning officer and his clerks;
- (b) the candidates and their spouses; and
- (c) the counting agents,

may be present within the reserved area at the counting of the votes, unless permitted by the returning officer to attend.

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

(4) In particular, where the votes are counted by sorting the ballot papers according to the candidate for whom the vote is given and then counting the number of ballot papers for each

candidate, the counting agents shall be entitled to satisfy themselves that the ballot papers are correctly sorted.

**The count.**

56. (1) The returning officer shall not count any tendered ballot paper.

(2) The returning officer, while counting and recording the number of ballot papers and counting the votes, shall keep the ballot papers with their faces upwards and take all proper precautions for preventing any person from seeing the numbers printed on the back of the ballot papers.

(3) The returning officer shall verify each ballot paper account by comparing it with the number of ballot papers recorded by him, and the unused and spoilt ballot papers in his possession and the tendered votes list opening and resealing the packets containing the unused and spoilt ballot papers and the tendered votes list and shall draw up a statement as to the result of the verification, which any counting agent may copy.

(4) The returning officer shall so far as practicable, proceed continuously with the counting of the votes.

(5) The returning officer shall open the transfer votes envelopes and count the votes along with the votes of a polling station chosen at random for the purposes of protecting the secrecy of the vote.

**Recount.**

57. (1) A candidate, if present when the counting or any recount of the votes is completed, may require the returning officer to have the votes re-counted.

(2) No step shall be taken on the completion of the counting or any re-count of the votes until the candidates at the completion thereof have been given a reasonable opportunity to exercise the right conferred by this rule.

**Rejected ballot papers.**

58. (1) Any ballot paper —

- (a) which does not bear the official mark;
- (b) on which votes are given for more than one candidate;



- (c) on which any thing is written or marked by which the voter can be identified; or
- (d) which is unmarked or void for uncertainty, shall, subject to the provisions of sub-rule (2) be void and not counted.

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

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

shall not by reason thereof be deemed to be void if an intention that the vote shall be for one or other of the candidates clearly appears, and the way the paper is marked does not of itself identify the voter and it is not shown that he can be identified thereby.

(3) The returning officer shall endorse the word "rejected" on any ballot paper which under this rule is not to be counted, and shall add to the endorsement the words "rejection objected to" if an objection is made by a counting agent to his decision.

(4) The returning officer shall draw up a statement showing the number of ballot papers rejected under the several heads of —

- (a) want of official mark;
- (b) voting for more than one candidate;
- (c) writing or mark by which voter could be identified;
- (d) unmarked or void for uncertainty, and any counting agent may copy the statement.

59. The decision of the returning officer on any question arising in respect of a ballot paper shall be final, but shall be subject to review on an election petition. Decision on ballot Papers

60. (1) Where, after the counting of the votes, including any recount, is completed, an equality of votes is found to exist be- Equality of votes

tween any candidates and the addition of a vote would entitle any of these candidates to be declared elected then the returning officer shall forthwith make a declaration under rule 64 that an equality of votes has been ascertained and that no candidate has been elected and shall endorse the writ to that effect and deliver the certified writ to the Supervisor of Elections.

(2) Upon receipt of the writ certified as in sub-rule (1) the Supervisor shall declare that a fresh election for that constituency shall be held and all proceedings with reference to that election shall be commenced afresh in all respects as if the writ had been received on the day on which the Supervisor of Elections makes the declaration:

Provided that no fresh nomination shall be necessary in the case of a person standing nominated and with an equality of vote.

**Voter education programmes.**

**61.** (1) The Commission shall, pursuant to section 6 of the Act, develop a programme of voter education and awareness with respect to electoral matters in Antigua and Barbuda.

(2) The Commission shall ensure that its education programmes are designed to meet the needs of Antigua and Barbuda and are politically non-partisan in form, content and presentation. To the extent possible, the materials for such programmes shall be local or regional.

(3) Voter education programmes shall include awareness programmes in respect of voter registration programmes. The Commission shall consult with the local electronic and print media houses about their assistance and participation in such programmes.

(3) The Commission may work with non-governmental organisations involved in electoral work locally or international.

**Broadcast & newspaper publications.**

**62.** (1) The Commission shall seek to foster fair and balanced reporting on electoral matters by the electronic and print media, particularly during periods of campaigning for elections.

(2) The Commission shall, in allocating free time and space made available by the publicly owned media, take account of all relevant factors.

(3) The Commission shall ensure that media organisations acknowledge their obligation to provide equitable access and opportunity to all political parties and independent candidates, (where applicable) without discrimination, to purchase space in newspapers and prime time on radio and television stations to promote their respective views during an election campaign period.

63. In its report to the Minister on section 83 of the Act in accordance with section 6 (5) (b) of the Act, the Commission shall comment on any incomplete report submitted under subsection 83(3) and on any penalty imposed under subsection 83(6). campaign financing.

#### Part IV

#### FINAL PROCEEDINGS IN CONTESTED AND UNCONTESTED ELECTIONS

64. (1) In a contested election, when the result of the poll has been ascertained, the returning officer shall forthwith either — Declaration of results.

- (a) (i) declare to be elected the candidate to whom the majority of votes has been given; and
- (ii) return his name to the Chairman of the Commission; or
- (b) (i) declare that there has been an equality of votes and that no candidate has been elected; and
- (ii) return the fact that there has been an equality of votes to the Chairman of the Commission, and in either case give public notice of his name or names and of the total number of votes given for each candidate together with the number of rejected ballot papers under head shown in the statement of rejected ballot papers.

(2) In an uncontested election, the Statement of Persons Nominated, in addition to showing the person standing nominated, shall also declare that person elected, and the returning officer shall forthwith return his name to the Clerk to Parliament and the Chairman of the Commission.

ANTIGUA 36 *The Representation of the People* No. 11 of 2002.  
AND  
BARBUDA *(Amendment) Act 2002.*

**Return to writ**

65. (1) The returning officer shall return the name of the member elected by endorsing on the writ a certificate in Form I in the Appendix hereto.

(2) Any provision of the Constitution, any rule or law or enactment as to the effect of, or manner of dealing with, the return of a member to serve in the House of Representatives shall apply to the certificate.

(3) The returning officer shall deliver the writ with the certificate endorsed thereon to the Supervisor of Elections.

**Records of returns**

66. (1) The Supervisor of Elections shall from the certificate on each writ returned to him enter the name of the member in a book to be kept by him at his office.

(2) The Supervisor of Elections shall also enter in the book any declaration of equality of votes, any double return and any alteration or amendment made by him in the certificate endorsed on any writ.

(3) The book shall be open to public inspection at reasonable times and any person may, on payment of a reasonable fee, take copies from the book.

**Return etc, of candidates' deposits.**

67. (1) Subject to the provisions of sub-rules (4) of this rule, the deposit made under rule 12 shall either be returned to the person making it or his personal representatives or be forfeited to the Government of Antigua and Barbuda.

(2) Except in the cases hereinafter mentioned in this rule, the deposit shall be returned as soon as practicable after the result of the election is declared.

(3) If a candidate is not shown as standing nominated in the statement of persons nominated, or if the poll is countermanded or abandoned by reason of his death, the deposit shall be returned as soon as practicable after the publication of the statement or after his death, as the case may be.

(4) Subject to the last foregoing sub-rule the deposit shall be forfeited if a poll is taken and, after the counting of the votes by the returning officer (including any re-count) is completed, the candidate is found not to have polled more than one-eighth of the total number of votes polled by all the candidates.

**PART V****DISPOSAL OF DOCUMENTS**

**68.** (1) On the completion of the counting at a contested election the returning officer shall seal up in separate packets the counted and rejected ballot papers. Ballot paper  
account

(2) The returning officer shall then in the presence of the counting agents verify each ballot paper account by comparing it with the number of ballot papers recorded by him, and the unused and spoilt ballot papers in his possession and the tendered votes list (opening and resealing the packets containing the unused and spoilt papers and the tendered votes list) and shall draw up a statement as to the result of the verification, which any counting agent may copy.

(3) The returning officer shall not open the sealed packets of tendered ballot papers or of counterfoils and certificates as to employment on duty on the day of the poll, or of marked copies of the register of electors and lists of proxies.

**69.** (1) The returning officer shall then forward to the Commission the following documents, that is to say — Delivery of  
documents to  
Commission.

- (a) the packets of ballot papers in his possession;
- (b) the ballot paper accounts and the statements of rejected ballot papers and of the result of the verification of the ballot papers accounts;
- (c) the tendered votes lists, the lists of blind voters assisted by companions, the lists of votes marked by the presiding officer and the statements relating thereto, and the declarations made by the companions of blind voters;
- (d) the packets of counterfoils and certificates as to employment on duty on the day of the poll;
- (e) the packets containing marked copies of registers and of lists of proxies, endorsing on each packet a description of its contents, the date of the election to which they relate, and the name of the constituency for which the election was held.

(2) The returning officer shall forward the documents by delivering them personally to the Supervisor of Elections.

(3) The Supervisor of Elections shall, on receiving the documents give a receipt to the person delivering them, and shall register them in the books of his office specifying the date and time of receipt.

(4) Any receipt to be given for the documents shall show the date and time of receipt.

Production of  
document.

**70.** (1) An Order —

- (a) for the inspection or production of any rejected ballot papers in the custody of the Commission; or
- (b) for the opening of a sealed packet of counterfoils and certificates as to the employment on duty on the poll or the inspection of any counted ballot papers in his custody may be made by the High Court (whether sitting as an election court or not) if satisfied by evidence on oath that the Order is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers, or for the purpose of an election petition.

(2) An order for the opening of a sealed packet of counterfoils and certificates or for the inspection of any counted ballot papers in the said custody may be made by an election court.

(3) An Order made under this rule may be made subject to such conditions as to persons, time, place and mode of inspection, production or opening as the court making the order may think expedient:

Provided that in making and carrying into effect an order for the opening of a packet of counterfoils and certificates or for the inspection of counted ballot papers, care shall be taken that the way in which the vote of any particular elector has been given shall not be disclosed until it has been proved that his vote was given and that the vote has been declared by a competent court to be invalid.

(4) Any power given under this rule to the High Court may be exercised by any judge of the Court otherwise than in open court,

(5) Where an order is made for the production by the Supervisor of Elections of any document in his possession relating to any specified election, the production by him or his agent of the document ordered, in such a manner as may be directed by that order shall be conclusive evidence that the document relates to the specified election; and any endorsement on any packet of ballot papers so produced shall be *prima facie* evidence that the ballot papers are what they are stated to be by the endorsement.

(6) Save as by this rule provided, no person shall be allowed to inspect any rejected or counted ballot papers in the possession of the Commission or to open any sealed packets of counterfoils and certificates.

**71.** (1) The Commission shall retain for five years all documents relating to an election forwarded to the Supervisor of Elections in pursuance of these rules by a returning officer, and then, unless otherwise directed by order of the High Court, shall cause them to be destroyed.

Retention of documents

(2) The said documents, except ballot papers, counterfoils and certificates as to employment on duty on the day of the poll, shall be open to public inspection at such time and subject to such conditions as may be prescribed by the Commission.

(3) The Supervisor of Elections shall on request, supply copies of or extracts from the documents open to public inspection on payment of such fees and subject to any conditions as may be sanctioned by the Commission.

**72.** These rules may be cited as the Election Rules.

Citation.

#### APPENDIX TO ELECTION RULES

**Note—** The forms contained in this Appendix may be adapted so far as circumstances require.

FORM No. 1

Form of Writ for Elections

Representation of the People Act, CAP. 379 (section 30)

Election Rules rules 6 and 7

Elizabeth the Second, by the Grace of God, Queen of Antigua and Barbuda and of Her other Realms and Territories, Head of the Commonwealth, to the Returning Officer for the Constituency,

Greetings:

Whereas by Section 61 (1) of the Constitution it is provided that a general election of Members of the House of Representatives shall be held at such time within three months after dissolution of Parliament as the Governor-General, acting in accordance with the advice of the Prime Minister, shall appoint:

AND WHEREAS Parliament was dissolved on the.....day of .....20.....

AND WHEREAS the.....day of.....20..... has been appointed as the date on which the said general election shall be held;

AND WHEREAS the.....day of ,.....2 0 . . has been appointed as the day for the nomination of candidates to contest the election;

AND WHEREAS the.....day of ,.....20..... has been appointed as the day upon which, if necessary, the poll shall be taken;

AND WHEREAS the.....day of ,.....2 0 . . has been appointed as the on which the writ shall be returned to me.

NOW THEREFORE I,.....Governor-General of Antigua and Barbuda command you that, due notice being first given, you do cause election to be made according to law of a Member to serve in the House of Representatives for the said Constituency and that you do cause the name of such member when so elected, whether he be present or absent, to be certified to me on the date above mentioned.

Given under my hand and the Public Seal this.....day of.....and in the .....Year of Our Reign, and in the Year of Our Lord 20.....

.....  
Governor-General.



**Label or direction of writ**

**To the Returning Officer for the.....Constituency**

**A Writ of a new Election of a Member for the said Constituency**

**Endorsement**

Receive the within Writ on the.....day of....., 20.....

(Signed).....  
*Returning Officer.*

**Certificate endorsed on writ**

I hereby certify, that the Member elected for the Constituency in pursuance of the  
within written writ is.....of.....

(Signed).....  
*Returning Officer.*

**FORM No. 2**

**Form of notice of election**

**Representation of the People Act, CAP-379**

**Election Rules rule 8**

**ELECTION FOR THE.....CONSTITUENCY**

1. An election is to be held of a Member to serve in the House of Representatives for the said Constituency.
2. Nomination papers may be delivered by the candidate or his proposer or second-order to the returning officer at.....b e t hours of 8 a.m. and 6p.m. on the.....day of....., 20.....
3. Forms of nomination papers may be obtained at the times and place aforesaid. The returning officer will at the request of any elector prepare for signature a nomination paper.
4. If the election is contested, the poll will take place on the day of ..... , 20.....

(Signed).....  
*Returning Officer.*



**NOTE**

1. The attention of candidates and electors is drawn to the rules for filling up nomination papers and other provisions relating to nomination contained the Election Rules in the First Schedule to the Representation of the People Act.
2. A person's electoral number is his number in the register to be used at the election except that before publication of the register his number (if any) in the electoral lists for that register shall be used
3. An elector may not subscribe more than one nomination paper for the same election.

**FORM No. 4**

**Consent to Nomination**

**Representation of the People Act, Cap. 379**

**Election Rules rule 11**

I, ....., of....., hereby consent to my nomination as a candidate for election as a member of the House of Representatives for the Constituency of.....

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

.....  
*Signature of Witness.*

.....  
*Signature of Candidate.*

**FORM No. 5**

**Form of Ballot Paper**

**Representation of the People Act, Cap. 379**

**Election Rules rule 22**

**Form of Front of Ballot Paper**

<p><b>Counterfoil No.</b></p> <p><i>(The Counterfoil is to have a number to correspond with that on the back of the ballot paper.)</i></p>	1.	<p><b>BROWN</b></p> <p>(JOHN EDWARD Brown of 52 West Street, St John's, Merchant)</p>	Symbol	
	2.	<p><b>BROWN</b></p> <p>(THOMAS WILLIAM Brown, of Sidney Hill Parham, Salesman.)</p>	Symbol	
	3.	<p><b>JONES</b></p> <p>(William David Jones, of Welsh Harbour, Unemployed.)</p>	Symbol	
	4.	<p><b>SMITH</b></p> <p>(Mary Smith, of 72 High Street, All Saints, Married woman.)</p>	Symbol	

**Form of Back of Ballot Paper**

No.

Election for the

Constituency on the.....day of..... 20.....

Note: The number on the back of the ballot paper is to correspond with that on the Counterfoil.

**Directions as to printing the ballot paper**

1. Nothing is to be printed on the ballot paper except in accordance with these instructions.

2. So far as practicable, the following arrangements shall be observed in the printing of the ballot paper:

- (a) no word shall be printed on the face except the particulars of the candidates;
- (b) no line shall be printed on the face except the horizontal lines separating the particulars of the candidates from one another and the vertical

lines separating those particulars from the numbers on the left-hand side and the spaces on the right where the symbols are placed and where the vote is to be marked:

- (c) the whole space between the top and bottom of the paper shall be equally divided between the candidates by the lines separating their particulars.
3. The surname of each candidate shall in all cases be printed itself in large capitals, and his full particulars shall be set out below it and shall be printed in ordinary type except that small capitals shall be used —
    - (a) if his surname is the same as another candidate's, for his other names; and
    - (b) if his other names are also the same as the other candidate's, either for his residence or for his description unless each of them is the same as that of another candidate with the same surname and other names.
  4. The specification of the paper used for the printing of the ballot paper shall be consistent with good election practice.
  5. A voters's registration number shall *not* be written on the counterfoil of the ballot paper delivered to that voter.

**FORM No. 6**

**Poll Book**

**Representation of the People Act, Cap.379  
Election Rules rule 31 (3)**

Particulars of voters						Particulars of persons applying for Ballot papers after another person has voted as such person				
Name of voter	Occupation	Address	Questions if any, Voter is required to answer	Record of how voter replied	Record that voter has voted*	Name	Questions if any, Voter is required to answer	Record of how voter replied	Objections if any made on behalf of any candidate	Remarks

\* When a ballot paper is put into the ballot box insert word "voted"



the said election) (I am the.....of the said voter and have attained ~~the age~~ of eighteen years), and that I have not previously assisted any blind person to vote at the said election.

(Signed) A.B. ....this.....day of..... 20.....

I, the undersigned, being the presiding officer for the polling station for the Constituency, hereby certify that the above declaration, having been first read to the above-named declarant, was signed by the declarant in my presence.

(Signed) G.H. ....this.....y of.....20.....

NOTE If the **person making** the above declaration knowingly and wilfully **makes** therein a statement false in a material particular, he **will** be committing an offence.

**FORM 9**

**Application for Transfer of Vote**  
**Representation of the People Act, CAP. 379**  
**Election Rules rule 39 (3)**  
**Election in the**

.....  
*Constituency*

I, (Surname).....  
*(Block Letters)*

(Other Names).....  
*(Block Letters)*

am registered as an elector in the register for elections for (address in fill in block letters)

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

I have been assigned as an election officer\* (state particular task)...../  
polling agent\* at.....polling station in the constituency of.....and  
I am unlikely to be able to go to the polling station allotted to me.

I therefore hereby apply to the Returning Officer for the above-mentioned Con-  
stituency for a transfer certificate to enable me to vote at the aforesaid polling  
station to which I am assigned.

Signature of applicant.....

Date.....20.....

\* Delete whichever is inapplicable.

Note: This application must be made in person no later than five days before polling.

---

**FORM 10**

**Transfer Certificate**

**Representation of the People Act, CAP. 379**

**Election Rules rule 39(4)**

**Election in the**

.....  
Constituency

I certify that (name).....  
who is numbered.....in the register for elections for the constituency named  
above, has been assigned as an election officer\* (state task)...../  
polling agent\* on polling day to.....polling station  
in.....constituency.

Signature.....

*Returning Officer.*

Date.....20.....

\*Delete whichever is inapplicable.



**FORM 11**

**Notice to Presiding Officer and Candidates**

**Representation of the People Act, Cap. 379**

**Election Rules rule 39(5)**

**Election in the**

.....  
Constituency

Notice is hereby given to:

Presiding Officer of..... polling station; and to the Candidates contesting the election in this Constituency as following:.....

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

.....  
that the under-mentioned person, whose name and number listed below, appears in the register for elections has been issued with a certificate of transfer of his or her

vote to.....polling station in

.....Constituency, where he is assigned to work on polling day; .

Name.....  
*(Block Letters)*

Number.....  
*(In the register for elections)*

Signature.....  
*Returning Officer*

**FORM 12**

**Oath for Election Officers**

**Representation of the People Act, Cap. 379 (section 14)**

**Election Rules rule 4(1)**

"I.....of.....swear by Almighty God that I will **perform** faithfully the duties imposed on me under the Representation of the People Act without partiality, favour or affection."

Sworn at.....this.....day of.....20.....

Before me,

.....  
*Magistrate.*

---

**FORM 13**

**Affirmation for Election Officers**

**Representation of the People Act, Cap. 379 (section 14)**

**Election Rules rule 4(1)**

"I.....of.....do solemnly and sincerely declare and **affirm** that I will perform faithfully the duties imposed on me under the Representation of the People Act without partiality, favour or affection."

Affirmed at.....this.....d a y of.....20.....

Before me,

.....  
*Magistrate.*

**SECONDSCHEDULE****REGISTRATION REGULATIONS****Part I****GENERAL**

1. These regulations may be cited as the Registration Regula- Citation  
tions.

2. (1). In these regulations, unless the context otherwise re- Interpretation  
quires—

- (a) "the Act" means the Representation of the People Act;
- (b) "proxy" means a person entitled to vote as proxy at an election; and
- (c) "the registration officer" means a registration officer appointed for a particular constituency.

(2) A reference in these regulations to a **regulation** shall be construed as a reference to a regulation contained in these regulations.

(3) A reference in these regulations to the record and list of absent voters and proxies shall be taken as referring to the records and lists prepared for the elections.

**Part II****REGISTRATION**

3. (1) The register shall be prepared in separate parts for each Registration unit  
registration unit in the constituency.

(2) A registration unit shall be such portion or portions of the constituency as the Commission has declared to be an electoral district in each constituency.

(3) The Commission may increase or decrease the number of registration units and ~~may~~ vary the boundaries of any registration unit.

(4) The Commission shall establish a central register for Antigua & Barbuda, which shall consist of the duplicates of the registration record cards of all persons registered.

**Separate letters  
for registration.**

4. There shall be prepared a separate letter or letters in the register for each registration unit and such letters or letter shall be deemed to form part of an elector's number in the register.

**Order of names.**

5. (1) The names in each registration unit shall be arranged in alphabetical order of surnames of electors and if more than one elector has the same surname, the names shall be arranged in alphabetical order of their other names.

(2) The names in the register shall be numbered so far as is reasonably practicable consecutively; and there shall be a separate series of numbers (beginning with the number one) for each polling district.

(3) Each name in the register shall be followed by the address, occupation and gender of the person whose name appears.

**Rules respecting  
residency.**

6. (1) The place where a person resides within Antigua and Barbuda at any material time or during any material period shall be **determined** by reference to the facts of the case.

(2) For the purposes of the Act, a person can reside in one place **only**.

(3) A person resides at the place where that person chooses to make his home by reason of family or personal relations, or for other domestic or personal reasons.

(4) A **person** who is detained in any institution or hospital by virtue of any enactment shall not, by reason only of that detention, be treated as residing there.

(5) The place where a person resides shall not change by reason only of the fact that the person:

(a) is occasionally or temporarily absent from that place;  
or

(b) is absent from that place for any period because of his service; or

- (c) is absent from that place for any period because of his occupation or employment or that of his spouse; or
- (d) is absent from that place for any period because he or his spouse is a student, even if such absence involves occasional or regular residence at another place or other places.

(6) A person who is registered in a constituency and moves to reside in another constituency shall notify, using the prescribed form, the chief registration officer of his new address and other relevant information not less than one month after the change of address.

(7) On receipt of a notice under subsection (6) the Chief Registration Officer shall:

- (a) Cause the names of the person to be included in the register for the constituency in which he resides; and
- (b) Cause the names of the person to be removed from the register of the constituency in which he was previously registered.

7. To indicate the manner in which an elector is entitled to vote at an election, there shall be placed by such person and at such time as may be prescribed by the Election Rules, against the name of any elector on behalf of whom a proxy is entitled to vote the letter "p" in any copy of the register, or part thereof, provided for a polling station.

**Marking of names.**

8. (1) The electors' lists shall be prepared in separate parts for each registration unit in the constituency.

**Form of electors' lists.**

(2) The electors' lists for a registration unit shall consist of- List A- a copy of the register in force for the unit; List B- a list of new electors, that is to say, persons who have applied for registration as electors in respect of addresses for which they are not registered in the register in force; and List C- a list to be prepared by the registration officer of persons who have ceased to be qualified as electors or whose qualifications have been altered, that is to say, persons who being registered in the register in

force, have ceased to be qualified for registration in such registration unit:

Provided that in respect of the first list to be prepared with respect to the re-registration of electors supervised by the Commission after the coming into force of these regulations the foregoing provisions of this sub-regulation shall not apply and there shall be one list consisting of the names of electors who have applied to be placed on the register in accordance with the provisions of the Act:

And further provided that where the area of a registration unit differs from the area of that unit as constituted for the purposes of the register in force, the registration unit may be treated as having the same area as it had for the purposes of the register in force.

(3) Any person whose name appears upon List A and whose name does not appear upon List C shall be deemed to have made due application for registration under the Act and these regulations.

**Appointment of scrutineers.**

9. (1). Every political party that is represented in the House of Representatives shall be entitled to nominate not more than two scrutineers in connection with any registration exercise pursuant to section 18 (1) of the Act in every registration unit in each constituency.

(2) Every independent member of the House of Representatives shall be entitled to nominate not more than two scrutineers in connection with any registration exercise in every registration unit in the constituency, which he represents.

(3) Each political party or independent member, as the case may be, shall appoint its scrutineers and shall, within three days after the appointment, inform the Chief Registration Officer in writing of the names of the persons whom it has appointed.

(4) Each political party referred to in sub-regulation (1) and each independent member in sub-regulation (2) may appoint not more than two scrutineers to monitor registration of voters at each place, where continuous registration is designated to take place pursuant to regulation 28.

(5) Notwithstanding the provisions of sub-regulations (1), (2) and (4) hereof, only one scrutineer appointed by each party or independent member shall be present when registration is being undertaken.

10. (1) The duty of each scrutineer is to monitor the registration proceedings in the registration unit for which he is appointed. **Duties of scrutineer**

(2) Every **scrutineer** appointed may accompany the registration officer for the registration unit for **which** he is appointed as a scrutineer during the course of any investigation being conducted under section 12 (4) and may accompany any person authorized by the registration officer to conduct such investigation.

(3) No scrutineer shall, when accompanying any registration officer, ask any question of or make any remark to any person upon any premises entered by him with a view to ascertaining or to influencing the political views of such person or any other person upon those premises.

(4) Every **scrutineer** who acts in contravention of the foregoing provision **commits** an offence and on summary conviction before a Magistrate is liable to a fine not exceeding one thousand dollars.

(5) The registration officer shall inform the scrutineers of the time and place of commencement of registration each day. In the event that the registration officer fails to notify the scrutineer registration shall not proceed. The failure of any scrutineer to be present at the appointed time shall not prevent the registration exercise from proceeding.

(6) The Commission shall pay scrutineers such fees as may be prescribed by the Minister from time to time.

11. (1). The Commission shall, in appointing registration officers pursuant to section 20 of the Act, ensure that every person takes an oath or **affirmation**, in the prescribed form (Forms N/0/00 in the Annex hereto), to perform faithfully the duties imposed under the Act without partiality, fear, favour or affection. **Registration officers.**

(2) The Commission shall not appoint any person who is a political party official, a Minister of Government, Parliamentary Secretary, a member of the House of Representatives, a Senator

or a former Parliamentarian who has ceased to be a Parliamentarian for less than ten (10) years or a candidate for election to the House of Representatives to be an election officer.

(3) The Commission shall not appoint to the office of registration officer any person who has not completed to the satisfaction of the Commission a course of training in the duties of that office.

(4) A Political Party official means an executive member of a political party.

**Registration  
Procedure.**

12. (1). On or after the day fixed for the commencement of registration of electors, every person eligible for registration as an elector may make an application for registration in the prescribed form (Forms A/AA in the **Annex**) to the registration officer of his registration unit in his constituency.

(2) The applicant **shall place** his signature and date on the application and produce his birth or baptismal certificate or certificate of naturalization or passport or **driver's** licence containing his photograph and such other evidentiary document as may be required by the registration officer to authenticate the statements in the application. Provided that where an applicant is unable to place his signature on the application he shall place his thumbprint only.

(3) The official photographer shall take three copies of photograph of every person at the same time as that person makes an application for registration and shall attach the photographs to the application after affixing the official stamp at the back of each such photograph.

(4) The registration officer shall, subject to **directions** of the Commission, conduct investigations and hold inquiries as he thinks fit to satisfy himself as to the applicant's eligibility or otherwise to be registered as an elector. For that purpose he may summon witnesses or order the production of any document that he may deem necessary and receive and record any evidence adduced.

(5)(a) Where the registration officer is not satisfied with the applicant's claim to register as an elector, he shall issue to that applicant a notice of disallowance in the prescribed form (**Forms BBB/BBBB** in the **Annex**).



- (b) Where the registration officer disallows an application for registration he shall record his reasons for the disallowance and a statement of his reasons shall be **set out** in the notice of disallowance.
- (6)(a) Any person who is aggrieved by a decision of the registration officer may within 7 days from the date of the notice of disallowance deliver to the registration officer concerned a statement of appeal, to be heard at the same time as objections made against the registration of electors.
- (b) The registration officer shall maintain a book showing the names, addresses and other particulars of every applicant whose application for registration has been disallowed by him.

13. (1) Where the registration officer is satisfied that the **applicant** is eligible to be registered he shall cause to be prepared, in respect of that person: **Manner of registration.**

- (a) a registration record card in duplicate in the prescribed form (Form G in the Annex);
- (b) an identification card in the prescribed form (Form H in the Annex); and
- (c) a certificate as to registration in triplicate in the prescribed form (**Form I** in the Annex).

(2) The registration officer shall prepare, in respect of every person whose registration record card has been completed, a certificate of registration in triplicate, of which the original shall be in ink and the duplicate and triplicate by means of carbon paper. The certificate shall state that the applicant's registration record card has been completed and signed by him.

(3) The registration officer shall retain the original of the certificate attaching it to the photograph, and shall deliver the duplicate of the certificate to the applicant.

(4) The registration officer shall, as soon as practicable, and in any case **within** seven days after the completion of the applicant's registration card, forward to the Chief Registration Officer the

registration record card, the certificate as to registration, and two copies of the photograph. The Chief Registration Officer may give instructions to the registration officer as to the manner in which the documents shall be forwarded to him.

(5) Where a photograph of an applicant has been spoilt or misplaced, the registration officer may require him to have his photograph retaken as many times as may be necessary to obtain a satisfactory photograph of that person.

(6) The Chief Registration Officer shall, on receipt of the registration record card, copies of the photograph and the certificate as to registration in respect of any person:

- (a) cause copies of the photograph of the applicant to be attached to the original and duplicate of the registration record card of that person;
- (b) return the original of the registration record card to the registration officer.

(7) The registration officers shall file the registration record cards of electors in the registration units in a binder designed for that purpose. The Commission may specify the manner in which the registration record cards may be filed.

(8) The Chief Registration Officer shall place in an alphabetical or numerical series or a combined alphabetical and numerical series the duplicate of the registration record cards received by him from the registration officers.

**Publication of  
electoral lists**

**14.** (1). The registration officer shall publish the electors' lists by —

- (a) making a copy thereof available for inspection at his office and by posting it at a place in the constituency to which the public have access;
- (b) as soon as practicable making copies of the part of the electors' lists relating to each electoral district available for inspection at such places to which the public have access in or near that electoral district;

- (c) publishing a notice ( to be combined with the notice of claims and objections referred to in regulation 15) specifying the said place or places.

(2) The electors' lists shall be published on or before the 15th day after the last day for applications for registration under the provisions of subsections 18(1) of the Act, and shall be kept published until the publication of the register prepared from those lists.

(3) **Supplementary** lists shall be published pursuant to sub-regulation 28(5) by the Commission under section 18(2) of the Act.

15. The registration officer shall at the time of publishing the electors' lists publish a notice in the prescribed form (Forms E/EE in the Annex) specifying the manner in which and the time within which claims and objections in respect of electors' lists may be made.

**Notice of claims & objections**

16. A claim or objection in respect of the **electors'** lists or supplementary lists of electors, which is delivered to the registration officer or the Chief Registration Officer, as the case may be, after the 31st day after the last day for application for registration under the provisions of subsections 18 (1) of the Act shall be disregarded: Provided that an objection to a claim shall not be disregarded if it is delivered to the registration officer within three days after the claim has been entered in the list of claims

**Time for making claim, etc.**

17. (1) A **claim** shall be in the prescribed form (Forms C/CC in the Annex) and may be made by a person on his own behalf or by any registered elector in that constituency on his behalf.

**Form of claims and objection.**

(2) An objection shall be in the prescribed form (**Forms D/DD** in the Annex) and may be made by any person eligible to apply to be registered for that constituency.

(3) Claims and objections shall be made available for **public** inspection in the registration officer's office until completion of the hearing of claims and objections.

18. (1) The registration officer shall keep separate lists of claims and objections and shall on receipt of a claim or objection, forthwith enter in the appropriate list the name and qualifying

**Disposal of claims etc.**

address and description of the claimant or the person in respect of whom the objection is made.

(2) If the registration officer is of the opinion —

- (a) that the particulars given in a claim or objection are insufficient, he may ask for further information and the claimant or objector as the case may be shall provide the information within seven (7) days. If the information is not provided within the time specified the Registration Officer shall dismiss the claim;
- (b) that a claim may be allowed without a hearing, he may allow the claim, provided that no objection is made thereto, and shall so inform the person making the claim,
- (c) that the objector is not entitled to object, he may disallow the objection and shall so inform the objector;
- (d) that a claim or objection cannot be allowed because —
  - (i) the matter has not been concluded by the decision of a court, or
  - (ii) the particulars given in a claim or objection do not entitle the claimant or objector to succeed, he may send to the person making the claim or objection a notice stating his opinion and the grounds thereof and that he intends to disallow the claim or objection unless that person gives him **notice** within three days from the date of **delivery** of the first mentioned notice that he wishes the claim or objection to be heard and, if he receives no such notice within the said time, he may disallow the claim or objection.

(3) The registration officer, shall, unless he allows the claim or disallows the objection under sub-regulation (2) hereof, send a notice (Form F in the Annex), in the case of a claim, to the person making the claim, and in the case of an objection, to the objector

and the person objected to, stating the time and place at which he proposes to hear the claim or objection; and the notice sent a person objected to shall also state the name and address of the objector and the grounds of the objection.

(4) The registration officer shall make available for inspection at his office until completion of the hearing of claims and objections the lists of claims and objections.

19. The registration officer shall hear and determine all claims and objections and make the necessary alterations to the electors' lists. Hearing claims & objections.

20. (1) The registration officer shall give notice in the *Gazette* of the time and place where claims and objections will be heard. Procedure at hearings.  
The notice shall be published in one or more of the newspapers published or circulating in Antigua & Barbuda, and by posting it on the outer doors of the Court House, Treasury, post offices and police stations in Antigua & Barbuda, and such other places within the constituency as he thinks best suited so that the notice may be brought to the attention of the public.

(2) On the hearing of a claim, the person making the claim, on the hearing of an objection, the objector and the person objected to and, on the hearing of either, any person who appears to the registration officer to be interested shall be entitled to appear and be heard.

(3) The right to appear and be heard includes the right to lodge with the registration officer any written representations that he may wish.

(4) Any person entitled to appear and be heard may do so either in person or by counsel or by any other person on his behalf.

(5) If the objector appears neither in person nor by counsel, nor by some person duly authorized by him in that behalf the objection shall be overruled, and the name of the person objected to shall be retained in the electors' list for that constituency.

(6) The Registration Officer on the hearing of a claim or objection may adjourn the same to such time and as often as may be necessary.

(7) All hearings shall be held in public.

(8) Any alteration to the electors' lists which is required:

(a) to carry out the revising officer's decision with respect to any claim or objection;

(b) to correct any clerical error; or

(c) to correct any misnomer or inaccurate description, shall be made by the registration officer.

**Appeals to Commission**

**21.** (1) Any person aggrieved by a decision of the registration officer may appeal to the Commission for a determination of the matter.

(2) An appeal under sub-rule (1) shall be lodged with the registration officer within 5 days from the decision by him and he shall notify the Commission and submit the case, along with a summary of the evidence placed before him, within 7 days after receiving the notice of appeal, to the Commission.

(3) The Commission shall, by notice to the appellant, set a day, being 7 days, or such longer period as the Commission thinks fit, from the date of the submission of the appeal to the registration officer, for the hearing of the case.

(4) The appellant may appear before the Commission in person or by counsel or by any other person on his behalf.

(5) The Commission shall notify the appellant of the determination of the appeal.

(6) Any person aggrieved by a decision of the Commission may appeal to a judge of the High Court in accordance with regulation 22.

**Appeals to High Court.**

**22.** (1) A person desiring to appeal against the decision of the Commission shall give notice of appeal to the Commission and to the opposite party (if any) when the decision is given, or within seven days thereafter, specifying the grounds of appeal.

(2) The Commission shall within twenty-one days file any such notice in the High Court without fee or stamp duty together

in each case with a statement of the material facts which in the view of the Commission have been established in the case and of the Commission's decision upon the whole case and on any point which may be specified as a ground of appeal.

(3) Where it appears to the Commission that any notices of appeal given to the Commission are based on similar grounds, the Commission shall inform the High Court of the fact for the purposes of enabling the Court (if it thinks fit) to consolidate the appeals or select a case as a test case.

(4) The hearing of such appeal shall be heard as nearly as possible in the same manner as appeals from the Magistrate's Court save that the matter shall be heard by a single judge.

23. (1) The Chairman of Commission shall, after the claims and objections have been disposed of by the Commission and the alterations have been made to the electors' lists of the polling divisions of each constituency, sign and certify such lists and cause them to be printed and bound separately in respect of each constituency. **Certification of register.**

(2) The certified lists shall be deemed to be the Register of Electors for the respective constituencies and shall remain in force until the next lists of electors have been prepared and certified in accordance with the provisions of the Act and these regulations.

(3) The Commission shall keep a copy of the certified Register of Electors of all the constituencies and shall transmit one certified copy to the returning officer for the constituency to which it relates.

(4) If as a result of an appeal from a decision of the Commission, or for other sufficient cause, the insertion of any name in the Register of Electors or the deletion of any name therefrom shall be necessary, such insertion or deletion shall be made by the Commission who shall number any name inserted with the same number as the preceding name followed by a letter or letters.

24. (1) The Commission shall make a copy of the register available to each registration officer for publication at his office and by making copies of the part of the register relating to each **Publication of register.**

electoral district available for inspection as soon as practicable at the place at which copies of the part of the electors' lists relating to that electoral district have been made available for inspection.

(2) The register shall be kept published until the coming into force of the next register.

Free copies of register.

25. The registration officer shall on request supply without fee —

(a) four copies of the register for the **constituency** and four copies of lists **B** and **C** of electors' lists **thereof**, so long as the lists are kept published, to any person **who satisfies** the **registration** officer that he requires them for use in connection **with** his own or some other **person's** prospective **candidature** at an election for that constituency: **Provided** that not more than one person in respect of the **same candidature** shall be so **supplied**; and

(b) two copies of the register for the **constituency** to each candidate at an **election** for ~~that~~ constituency and two to the returning officer.

Sale of register.

26. The registration officer shall supply to any person copies of any part or parts of the register in force or of any **electors' lists** there for so long as there are **sufficient** copies available **after** allowing for the number which may be required for the purposes of any election (including the **purposes** of **regulation 25**) on payment of **such** fee per copy as may be **determined** by the **Commission**.

Identification cards.

27. (1) An **identification** card bearing **the name, date of birth, address, occupation, gender, photograph, thumbprint and signature** where the applicant made **his signature shall be issued** pursuant to section 26 of the Act, **to each person upon completion** of his registration. **Provided that where an applicant is unable to place his signature on the application he shall place his thumbprint only.**

(2) The recipient of the **identification card shall sign the duplicate registration certificate or place his thumbprint thereon before handing it to the person delivering the identification card. If**



the prospective recipient refuses or otherwise fails to sign or place his thumbprint on the duplicate **registration certificate**, the person delivering the identification card shall not deliver it to **him**.

(3) Any **person** who loses his identification card or whose identification card is rendered unusable, may apply, in **the prescribed** form (Form J in **the Annex**), to **the Registration Officer** for the constituency **in** which he resides, for a substitute document, that is to say a special identification card, approved by **the Commission**.

(4) **Where** an application is made under sub-regulation 3 the **registration officer** shall if satisfied that the identification card is lost or has **been** rendered unusable issue a **special** identification card to the applicant upon payment by the applicant of the fees **prescribed by** the Commission.

(5) Any **person** who steals, defaces, destroys or mutilates an identification card **commits** an offence and on conviction is liable to a **fine** not exceeding one thousand **dollars** or imprisonment for two months.

(6) An identification card **shall** be valid for ten **years**.

(7) On the expiration of an identification card an elector shall apply to the Registration Officer for the constituency in which he resides for a replacement.

28. (1) Continuous registration of electors who are qualified under the Act **shall** take place in accordance with these **regulations** immediately after the publication of the register of electors pursuant to subsection **18(1)** of the Act with respect to the registration of electors for each constituency consequent on the **re-registration** of electors supervised by the Commission. Continuous registration.

(2)(a) **Continuous** registration shall be undertaken at such place or places and at the times **fixed** by the **Commission**.

(b) **Scrutineers** appointed by political parties or independent members pursuant to sub-regulation 9(4) shall not intervene in the registration proceedings in

a manner which disrupts the conduct of the continuous registration at the premises of the Commission or at any other place.

(3) Each applicant for registration under the continuous registration system shall appear in person with the documents, namely birth or baptismal certificate, passport or driver's licence containing his photograph or any other document required by the registration officer to authenticate the statements in the application.

(4) The Commission shall, at the end of each month, make available to every political party represented in the House of Representatives and to every independent member of that House, the name and address of each person registered during that month.

(5) The Commission shall publish the supplementary list of electors registered under the continuous registration system monthly and shall cause to be prepared and published as soon as possible thereafter and in any case not later than the fifteenth day of the following month a supplementary list of electors registered in accordance with the provisions of the Act and these regulations.

(6) The procedures applicable to claims and objections made hereunder are subject to rules 17 to 22.

(7) As soon as claims and objections have been dealt with or the period for making claims and objections has expired, the supplementary list shall be included in the revised register.

**Maintenance of  
register.**

29. (1) The Commission shall cause the register of electors to **be** properly maintained at all times by the timely inclusion of persons who have registered under the continuous registration process.

(2) The Commission shall establish procedures to ensure that **deceased** persons, persons who have changed address and persons who have changed their names, through marriage or otherwise, and persons who have become disqualified, by whatever means, are removed from the register in a timely manner.

30. The registration officer may require any householder or person owning or occupying any premises within the area for which he acts or the agent of any such person to give information required for the purposes of his registration duties.

**Householders in area.**

31. (1) Where the **Commission** makes any alterations of polling districts, the Commission may also direct that —

**Altered polling districts.**

- (a) the register in force be adapted to the alteration; and
- (b) if the alteration takes place between the publication of any electors' lists and the coming into force of the register prepared from those lists, the form of that register shall be in accordance with the alterations.

(2) Except as otherwise provided by this regulation an alteration of polling districts shall not be effected until the **coming** into force of the first register prepared **from** the electors' **lists** published after the alteration is made.

32. (1) The registration officer shall, at the same time as he publishes the electors' lists, prepare and publish the corrupt and **illegal practices** list (if any) required by section 29K of the Act by **making** a copy thereof available for inspection at the same places as he makes available copies of the electors' lists or any part thereof.

**Corrupt etc. practices list**

(2) A person named in the corrupt and illegal practices list may claim to be omitted therefrom and any person may object to the omission of any person from such list and the regulations dealing with claims and objections shall apply in the same manner as they apply to a claim or an objection in respect of the electors' lists.

(3) A claim **may** be made by a person either on his own **behalf** or by another elector in that constituency on his behalf and shall give particulars of the grounds on which the person concerned should be omitted, and objection **to** the omission of any person shall give the name and address of the objector and the person in respect of whom the objection is made and the grounds on **which** such person should be entered in the corrupt and illegal practices list including particulars of the alleged report of any election court.

(4) The registration **officer** shall make such alterations to the corrupt and illegal practices list **as** are required to **carry** out the Commission's decision on any claims or objections or to correct any clerical error, misnomer or inaccurate description.

(5) Where it appears that a **person** not **named** in the **corrupt** and illegal practices list should be entered therein, he shall send to that person a notice that he intends to enter him therein and shall give him an opportunity within ten days **from** the date of such notice of objecting and being heard in accordance with the provisions of regulation 17, 18, 19 and 20, and after the said ten **days** he shall make such alteration **as** seems to him to be necessary.

(6) **The** registration officer shall publish the revised corrupt and illegal practices list (**if any**) at the same time **as** he publishes the register and in the **same manner** as he publishes each part of the register.

(7) The corrupt and **illegal practices** list **as first** published and **as** revised shall be kept published for the same length of **time** as the register of electors.

## **PART II**

### **ABSENT VOTERS AND PROXIES**

**Absent voters.**

33. (1) An application to be treated **as** an absent voter shall be made in the prescribed form (Form K in the **Annex**) and shall be made in person before the returning officer.

(2) An application to be treated **as** an absent voter shall be allowed by the returning officer **if the** application is accompanied by a certificate in the prescribed form (Form L in the **Annex**) signed by the Commissioner of Police, Commanding Officer of Antigua and Barbuda Defence Force, or the Chairman of the **Commission**, as the case may be, certifying that the applicant will by virtue of his official duties be unable to vote in person on

polling day and such certificates shall be retained by the returning officer and forwarded by him to the presiding officer in charge of the polling station at which the proxy is entitled to vote.

(3) An application to be treated as an absent voter shall be disregarded for the purposes of an election if it is received by the returning officer after the third day before the day of the poll at that election.

34. (1). Subject to the provisions of this regulation, the record and list of absent voters and of proxies appointed shall be in the prescribed form (Form M in the Annex). The letter "p" shall be placed opposite the name of the absent voter in the register of electors.

List of absent voters.

(2) As soon as the absent voters and proxies list has been prepared, the returning officer shall publish it by making a copy of it available for inspection at his office.

(3) As soon as practicable after the preparation of the absent voters' and proxies' list, the returning officer shall, on request and without fee, supply to each candidate a copy of the absent voters' list.

35. An appointment of a proxy shall be valid only for the election immediately following the date on which the proxy is appointed.

Validity of proxies.

#### BART IV

#### FORMS AND NOTICES

36. The prescribed forms are such as shall be prescribed by regulation. Forms substantially to the like effect may be used for the purposes stated therein with such variations as the circumstances may require.

Forms.

37. (1) Any application, notice, claim or objection which is required by these regulations to be made to the registration officer or returning officer or the Commission shall be in writing and sent by post or delivered to his office or to the address specified by him for the purpose.

Sending notice.

(2) Where the registration officer or returning officer or Commission is required by these regulations to notify any person, such notification shall be in writing and may be sent by post or delivered to the address furnished by that person for the purpose of such notification or of any record, or if there is no such address, to the last known place of abode of that person or, to his workplace, if this is known.

**Publication of documents.**

**38. (1)** Any failure to publish a document in accordance with these regulations shall not invalidate the document, but this provision shall not relieve the appropriate officer from any penalty for such failure.

(2) A document, which is made available for inspection in pursuance of these regulations, shall be made available during ordinary business hours.

(3) Where a document is made available for inspection, any person may make a copy of, or take extracts from, such document.

**Misnomer.**

**39. No** misnomer or inaccurate description of any person or place in any notice, electors' list, list of claims or objections, corrupt or illegal practices list, absent voters' and proxies' list, special list or register shall prejudice the operation of that document with respect to that person in any case where the description of the person or place is such as to be commonly understood.

**Penalties.**

**40. (1)** If any person fails to comply with or gives false information in pursuance of any such requirement of the registration officer as mentioned in regulations 29 and 30 he shall be liable on summary conviction to a fine not exceeding one thousand dollars and to imprisonment for three months.

(2) If any person without lawful authority destroys, mutilates, defaces or removes any notice published by the registration officer or Commission in connection with their duties or any copies of a document which have been made available for inspection in pursuance of those duties, he shall be liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment not exceeding two months.

**ANNEX**  
**REGISTRATION OF VOTERS**  
**FORMS**  
**FORM A**

Form of Application to be Registered as an Elector  
Representation of the People Act

[section 18(1) and regulation 12(1)]

Constituency of

To the Registration Officer

I, the undersigned, hereby declare that the following particulars are **true** and correct in all respects, and I apply for the **franchise** to which such particulars make me eligible:

- (1) My full surname is.....
- (2) My other names are.....
- (3) My full residential address is .....
- (4) My occupation is.....
- (5) I am eighteen years of age or over and was born on the..... day of  
.....at.....

(6) (a) I am a citizen of Antigua and Barbuda and resident in Antigua and Barbuda at this date of my application for registration and have been residing in the above mentioned constituency for one month or longer\*.

(b) I am a Commonwealth citizen, other than a citizen of **Antigua** and Barbuda, who for a period of three years immediately preceding this my application for registration, have been resident in Antigua and Barbuda and have been residing in the above mentioned constituency for one month or longer\*.

(\*Please strike out whichever is inapplicable.)

(7) I have not applied for registration in any other constituency.

Signature of Applicant.....

and

Thumbprint

Date .....20.....

**FORM AA**

**(CONTINUOUS REGISTRATION)**

Form of Application to be Registered as an Elector

Representation of the People Act

**[section 18(2) and regulation 12(1)]**

Constituency of .....

To the Chief Registration Officer

I, the undersigned, hereby declare that the following particulars are true and correct in all respects, and I apply for the franchise to which such particulars make me eligible:

- (1) My **full** surname is .....
- (2) My other **names** are.....
- (3) My **full** residential address is.....
- (4) My occupation is .....
- (5) I **am** eighteen years of age or over and was **born** on the.....day of  
.....at.....

**(9 (a) I am** a citizen of Antigua and Barbuda and resident in Antigua and Barbuda at this the date of my application for registration and have been residing in the abovementioned constituency for one month or longer\*.

(b) I **am** a Commonwealth citizen, other than a citizen of Antigua and Barbuda, who for a period of three years immediately preceding this my application for registration, have been resident in Antigua and Barbuda and have been residing in the abovementioned constituency for one month or longer\*.

(\*Please strike out whichever is inapplicable.)

(7) I have not applied for registration in any other constituency.

Signature of Applicant .....

and

Thumbprint

Date.....20.....



FORM B

Form of Receipt of Application to be Registered as an Elector

(For Administrative Requirements **only**)

Representation of the People Act, Cap. 379 section 18(1)

Registration Regulations      regulation 12

Constituency of.....

I, the Registration **Officer/Clerk** for the above named constituency hereby certify that I have today received a form of application for registration from .....of..... in respect of the above-named Constituency.

Dated this.....day of.....20.....

Registration **Officer/Clerk** for the  
.....Constituency.

---

FORM **BB**

(CONTINUOUS REGISTRATION)

Form of Receipt to be Registered as an Elector

(For Administrative Requirements **only**)

Representation of the People Act, Cap. 379 section 18(2).

Registration Regulations      regulation 12

Constituency of.....

I, the **Chief** Registration **Officer/Registration Officer/Clerk** for Antigua and Barbuda, hereby **certify** that I have today received a form of application for the registration from.....of..... in respect of the above-named Constituency.

Dated this.....day of.....20.....

.....  
*Chief Registration officer/Registration Officer/Clerk*

**FORM BBB**

Notice of Disallowance

Representation of the People Act, Cap. 379.

Registration Regulations regulation 12(6)  
Election in the

.....  
Constituency

I, Registration Officer for the above-named Constituency, hereby give notice that I am not satisfied with the application of.....  
of (address of applicant).....to register as an elector for the following reasons:

.....  
(Give statement of reasons here)

.....  
You have the right to appeal this decision in accordance with the Registration Regulations within seven days from the date of this Notice.

Signature.....  
*Registration Officer.*

Date.....20.....

---

**FORM BBBB**

**(CONTINUOUS REGISTRATION)**

Notice of Disallowance

Representation of the People Act, Cap. 379

Registration Regulations regulation 12(6)

I, hereby give notice that I, .....  
Chief Registration Officer for Antigua and Barbuda, Registration Officer for the.....,.....Constiency am not satisfied with the application of.....

(Address).....for  
registration as an elector for the following reasons:

.....  
(Statement of reasons for disallowance)

.....  
You have the right to appeal this decision in accordance with the Registration  
Regulations by delivering a statement of appeal to the Commission within seven  
days from the date of this notice.

Signature.....  
*Chief Registration Officer/Registration Officer.*

Date.....20.....

---

**FORM C**

Form of Claim to be Registered as an Elector  
Representation of the People Act, Cap. 379  
Registration Regulations (17)

Constituency of  
To the Registration Officer

Note: Any false declaration made by a person for the purpose of the claim will  
render such person liable to a penalty.

**PARTICULARS OF CLAIMANT**

1. Surname.....and  
*title (Mr. Mrs. etc.) (Block Letters)*

Other names.....  
*(Block Letters)*

2. Full residential address (in Block Letters) of claimant  
.....

3. Give date of **birth** and place of **birth** claimant.....

4. Is the claimant domiciled in Antigua and Barbuda at the date of making the claim?

(Yes or No).....

**N.B:** only persons born in Antigua and Barbuda need answer this question.

5. Is claimant resident at the said address at the date of making this claim?

(Yes or No).....

6. Has the claimant been resident in Antigua and Barbuda for a period of three years immediately preceding the date of making this claim?

(Yes or No) .....

**N.B:** Only persons born outside Antigua and Barbuda need answer this question.

7. Has the Claimant been resident at the said address for a period of one (1) month preceding the date of making this application?

**DECLARATION**

The particulars above are true and correct in all respect. The claimant is a Commonwealth citizen; and he claims the franchise to which such particulars make him eligible.

Signature/thumbprint of claimant or person making claim on behalf of claimant:

.....

Address of person making claim (if not the claimant):

.....

.....

Dated .....20.....

**FORMCC**

(Continuous Registration)

Form of Claim to be Registered as an Elector

Representation of the People Act, Cap. 379

Registration Regulations (17)

Constituency of.....

To the Chief Registration Officer/Registration Officer

Note: Any False declaration made by a person for the **purpose** of this claim will render such person liable to a penalty.

PARTICULARS OF CLAIMANT

**Surname**.....  
*(Title Mr. Mrs. etc.) (Block Letters)*

**Other names**.....  
*(Block Letters)*

2. Full residential address (in Block Letters) of claimant  
.....

3. Give date and place of birth of claimant.....  
.....

4. Is claimant domiciled in Antigua and Barbuda at the date of making **this** claim?  
(Yes or No).....

**N.B:** Only persons **born** in Antigua need answer this question.

5. Is the claimant resident at the said address at the date of **making** this claim?  
(Yes or No).....

6. Has the claimant been resident in Antigua and Barbuda **for** a period of three years immediately preceding the date of making this claim?

(Yes or No).....

**N.B:** Only persons born outside Antigua and Barbuda need answer this question.

7. Has the Claimant been resident at the said address for a period of one (1) month preceding the date of making this application?

**DECLARATION**

The particulars above are true and correct in all respects. The claimant is a Commonwealth citizen; and he claims the franchise to which such particulars make him eligible.

Signature of claimant or person making claim on behalf of claimant:

.....

Address of person making claim (if not the claimant):

.....

.....

Dated .....20.....

---

**FORM D**

**Form of Objection to an Entry in the Electors' Lists**

**Representation of the People Act, Cap. 379**

**Registration Regulations regulation 17(2)**

1. Form of objection

To the Registration Officer for the  
Constituency of.....

I hereby give you notice that I object  
to the entry of\*.....

.....

.....  
.....

as elector ( in accordance with the claim made in that behalf) +

The grounds of my objection are

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

I am entered in the electors' lists as an elector for the above Constituency as follows ++:—

.....  
.....

Signature.....

Address.....

Date.....200 .

\*Here insert extract from printed electors' lists, stating registration unit and name and address as given in claim.

+ Delete if inapplicable

++ Here insert extract from printed electors' lists, stating registration unit.

---

FORM DD

(CONTINUOUS REGISTRATION)

Form of Objection to an Entry in **the Electors' Lists**

Representation of the People **Act, Cap. 379**

Registration Regulations regulation **17 (2)**

Form of objection

To the Chief Registration Officer for Antigua and Barbuda

I hereby give you notice that I object to the entry of

\*.....

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

as an elector (in accordance with the claim made in that behalf) +

The grounds of my objection are

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

I am entered in the electors' lists as an elector for the above Constituency as follows++:-

.....  
.....

Signature .....

Address .....

Date.....20.....

- \* Here insert extract from printed electors' lists, stating registration unit, and name and address as given in claim.
- + Delete if inapplicable
- ++ Here insert extract from printed electors' lists, stating registration unit.

---

**FORM E**

Notice as to Making Claims and Objections

For the.....Constituency

Representation of the People Act, Cap. 379

Registration Regulations regulation 15

Notice is hereby given that claims and objections with respect to the electors' lists published on .....day of.....20..... shall be made to the Registration Officer for the constituency within the period commencing on.....day



of.....20.....between the hours of 9 a.m. and 4 p. m. and ending on  
.....day of.....20.....

Notice is also given that on the **hearing** of a claim the person making the claim, and on the hearing of an objection, the objector and the person objected to, and on the hearing of either any other person who appears to the Registration Officer to be interested, shall be entitled to appear and be heard either in person or by any other person on his behalf or by counsel.

Notice is also given that the right to appear and be heard includes the right to lodge with the Registration Officer any written representations that he may wish to make.

.....  
*Registration Officer,  
for the said Constituency*

---

**FORM EE**

(CONTINUOUS REGISTRATION)

Notice as to **Making** Claims and Objections

For the.....Constituency

Representation of the People Act, Cap. 379

Registration Regulations regulation 15

Notice is hereby given that all claims and objections to the electors' lists published on.....day of.....20.....shall be made to the Chief Registration Officer for Antigua and Barbuda during the period commencing on.....day of.....20.....between the hours of 9 a.m. and 4 p.m. and ending on.....day of.....20.....

Notice is also given that on the hearing of a claim the person making the claim, and on the hearing of an objection, the objector and the person objected to and on the hearing of either, any other person who appears to the Chief Registration Officer to be interested shall be entitled to appear and be heard either in person or by any other person on his behalf or by counsel.



.....

Notice is also given that the right to appear and be heard includes the right to lodge with the Chief Registration Officer any written representations that he may wish to make.

.....  
*Chief Registration Officer*  
*For Antigua and Barbuda/*  
*Registration Officer for the*  
.....*Constituency*

---

**FORM F**  
**Form of Notice to Persons Objected to**  
**Representation of the People Act, Cap. 379**  
**Registration Regulations regulation 18(3)**

Constituency of .....  
Name.....  
Address.....

You are hereby notified that an objection has been made by.....  
to your name appearing on the Electoral Register for the above-named constituency.

The registration officer will hear this objection on.....the.....day of  
.....20.....at.....a.m./p.m.

You should appear either in person or by counsel or by any other person on  
your behalf if you intend to refute the objection.

Failure to appear may result in the registration officer allowing the objection.

Grounds of objection.....  
.....  
.....

A copy of this notice has been forwarded to the objector.

.....  
*Registration Officer.*

Constituency of  
.....

**FORM G**

**Registration Record Card**

**Representation of the People Act, Cap. 379**

**Registration Regulations regulation 13(l)(a)**

Constituency of .....

Surname.....  
(Applicant)

Other names.....

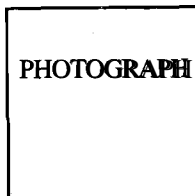
Address.....  
.....  
.....

Occupation.....

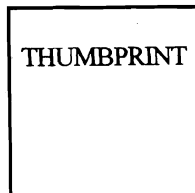
Date of Birth.....

Gender.....

Photograph.....



Signature/Thumbprint.....



.....

Date.....20.....

**FORM H**

**Identification Card**

**Representation of the People Act, Cap. 379, (section 26)**

**Registration Regulations regulations 13 (1) (b) & 27**

Constituency of.....

Surname.....

Other names.....

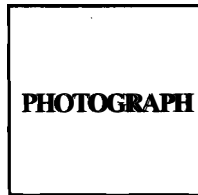
Address.....  
.....

Date of Birth.....

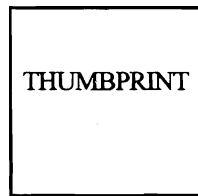
Gender.....

Occupation.....

Photograph.....



Signature/Thumb Print of Voter.....



**Signature of Registration Officer/Chief Registration Officer\***

.....  
\* Strike out whichever is inapplicable.

FORM I

Certificate of Registration

Representation of the People Act, Cap. **379**

Registration Regulations regulation **13** (i) (c)

Constituency of.....

I certify that (name).....

of (Address).....

.....

has been registered as an elector in the register of electors in the above-named constituency.

Signature.....

*Registration Officer/Chief Registration Officer.*

Date.....20.....

\_\_\_\_\_

FORM J

Special Identification Card

Representation of the People Act, Cap. **379**

Registration Regulations regulation **27(5)**

Constituency of.....

Special Identification Card issued to.....

*(Surname)*

.....

*(Other names)*

ANTIGUA 86  
AND  
BARBUDA

*The Representation of the People  
(Amendment) Act 2002*

No. 11 of 2002.

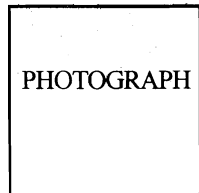
Address .....

Date of Birth .....

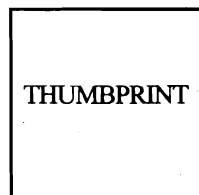
Gender .....

Occupation .....

Photograph .....



Signature/Thumbprint of applicant .....



Signature of Registration Officer/Chief Registration Officer \*

.....

\* Strike out whichever is inapplicable.

**FORM K**

**Application to be Treated as an Absent Voter**  
**Representation of the People Act, Cap. 379 (section 33)**  
**Registration Regulations regulation 33(l)**

I, (Surname).....  
(Block Letters)

Other Names.....  
(Block Letters)

am registered as an elector for — (address in full in block letters)  
.....  
.....  
.....

and I hereby apply to be treated as an absent voter at the coming election in the.....constituency on the.....day of.....20..... because I am likely to be unable to go in person to the polling station allotted to me, owing to my employment on polling day —

- \* (i) as a police officer;
- \* (ii) as a member of the Antigua and Barbuda Defence Force; or
- \* (iii) by the Commission in connection with the election in

.....constituency and I hereby apply for (Name of Proxy)  
.....

(Address) of .....

To be appointed proxy to vote for me at the election for the .....

Constituency on the.....day of.....20.....

Signature.....

Date....., 20.....

\* Delete whichever is inapplicable.

Note: This Application must be accompanied by the certificate of employment (Form H) duly completed by the appropriate officer.

**FORM L**

Certificate of Employment

Representation of the People Act, Cap. 379

Registration Regulations regulation 33(2)

Election in the

.....  
Constituency

I certify that (name).....  
who is numbered.....in the register for elections for the  
constituency named above, is likely to be unable to go in person to vote as an  
elector at the election on (date of poll) by reason of his employment on that date —

- \*(a) as a police officer;
- \*(b) as a member of the Antigua and Barbuda Defence Force;
- \*(c) by the Commission for a purpose connected with the election.

Signature.....  
\*Returning Officer/Commissioner of  
Police/Commanding Officer, Antigua  
and Barbuda Defence Force.

Date.....20.....

\*Delete whichever is inapplicable.



**FORM M**

**List of absent Voters and Proxies**

**Representation of the People Act, Cap. 379**

**Registration Regulations regulation 34(1)**

Election in the

.....  
Constituency

Name of Absent Voter	Address of Absent Voter	Name of Proxy	Address of Proxy

.....  
*Returning Officer.*

ANTIGUA 90 *The Representation of the People* No. 11 of 2002.  
AND *(Amendment) Act 2002*  
BARBUDA

**FORM N**

Oath for Registration Officers

Representation of the People Act, Cap. 379 (section 14)

Registration Regulations regulation 11(1)

"I.....of.....wear by Almighty God that I will perform faithfully the duties imposed on me under the Representation of the People Act without partiality, favour or affection."

Sworn at....., this.....day of.....20.....

Before me,

.....  
*Magistrate*

---

**FORM O**

Affirmation for Registration Officers

Representation of the People Act, CAP. 379 (section 14)

Registration Regulations regulation 11 (1)

"I.....**of**.....solemnly, sincerely, and truly declare and **affirm** that I will perform faithfully the duties imposed on me **under** the Representation of the People Act without partiality, favour or affection."

Affirmed at....., **this**.....day of.....20.....

Before me,

.....  
*Magistrate.*

No. 11 of 2002.

*The Representation of the People  
(Amendment) Act 2002.*

91

ANTIGUA  
AND  
BARBUDA

Passed the House of Representatives  
this 19th day of July, 2002.

Passed the Senate this 15th day  
of August, 2002.

B. Harris,  
*Speaker.*

M. Percival,  
*President.*

S. Walker,  
*Clerk to the House of Representatives.*

S. Walker,  
*Clerk to the Senate.*

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