

ELECTORAL LAW EXTRACTED FROM THE BELIZE'S CONSTITUTION

And

REPRESENTATION OF THE PEOPLE ORDINANCE

ELECTION AND BOUNDARIES COMMISSION.

88.- (1) There shall be an Elections and Boundaries Commission.

(2) The members of the Commission shall be a Chairman and four other persons appointed by the Governor General.

(3) No person shall be qualified to be appointed as a member of the Commission if he is a member of the National Assembly, or if he holds or is acting in any public office.

(4) If any member of the Commission dies or resigns or if the Governor General is satisfied that any such member has become incapable of discharging his functions as such the Governor General shall, subject to the provisions of this section, appoint another person in his place.

(5) Subject to the provisions of this section the office of a member of the Commission shall become vacant -

a. at the expiration of five years from the date of his appointment; or

b. if any circumstances arise that, if he were not a member of the Commission, would cause him to be disqualified for appointment as such:

Provided that in the event of the absence of the Chairman or any member of the Commission from Belize or his inability to act as Chairman or member of the Commission as the case may be the Governor General may appoint another person to act in his place.

(6) A member of the Commission may be removed from office by the Governor General if the Governor General is satisfied of the member's inability to discharge the functions thereof (whether arising from infirmity of mind or body or any other cause) or for misconduct in the performance of those functions.

(7) The Commission may regulate its own procedure and, with the approval of the Governor General, confer powers or impose duties on any public officer or authority of the Government for the purpose of the discharge of its functions.

(8) The Commission shall be responsible for the direction and supervision of the registration of voters and the conduct of elections, and all matters connected therewith.

(9) In the exercise of its functions under this Constitution the Commission shall not be subject to the direction or control of any other person or authority and shall, consistently therewith, act in accordance with the Representation of the People Ordinance 1978.

ELECTORAL DIVISIONS

89.- (1) For the purposes of the election of members of the House of Representatives, Belize shall be divided into eighteen electoral divisions, the names and boundaries of which are set out in Schedule 1 to the Representation of the People Ordinance 1978.

(2) Each electoral division shall be represented in the House of Representatives by one elected member.

INCREASE OF ELECTORAL DIVISIONS.

90.- (1) The Elections and Boundaries Commission shall, after considering the distribution of the population throughout Belize, make proposals from time to time for dividing Belize into electoral divisions in such a way that -

a. each electoral division shall have as nearly as may be an equal number of persons eligible to vote, but in any case shall have not less than two thousand, no more than three thousand, such persons, and

b. the total number of electoral divisions shall be not less than eighteen nor more than twenty nine.

(2) In fixing the boundaries of electoral divisions the Commission shall have regard to the transport and other facilities of the division, and to its physical features.

(3) The proposals of the Commission made pursuant to this section shall be laid before the National Assembly by the Chairman of the Commission, and the electoral divisions specified in those proposals shall be the electoral division of Belize for the purposes of any law for the time being in force relating to the election of members of the House of Representatives when and shall not be such electoral divisions until, enacted as law by the National Assembly.

(4) When the number of elected members of the House of Representatives has reached twenty nine, the National Assembly shall by a law enact such provisions to be followed thereafter by the Elections and Boundaries Commission for proposing to the National Assembly the number and boundaries of electoral divisions as may seem appropriate to the National Assembly in place of subsection (1) of this section.

REDIVISION OF ELECTORAL DIVISIONS

91.- Any redivision of electoral divisions effected in accordance with section 90 of this Constitution shall, in respect of the election of members of the House of Representatives, come into operation at the next general election held after such redivision and not earlier.

CONDUCT OF VOTING

92.- At any general election -

a. every citizen of Belize who has attained the age of eighteen years and who satisfies the requirements of the Representation of the People Ordinance 1978 shall have the right to vote;

b. no person shall be entitled to more than one vote; and

c. votes shall be cast in a secret ballot.

CONDUCT OF ELECTIONS, ETC.

93.- Subject to the provisions of sections 88 to 92 inclusive of this Constitution, the provisions of the Representation of the People Ordinance 1978 shall apply to the franchise, registration of voters, the administration of the electoral system, offenses relating to the electoral system, the conduct of elections, and all matters connected therewith.

LAWS OF BELIZE

REPRESENTATION OF THE PEOPLE

Part I

Preliminary

1. This Ordinance may be cited as the Representation of the People Ordinance.

2.

1. In this Ordinance, unless the context otherwise requires-

"candidate" means a person who is nominated as a candidate at an election or is declared by himself to be or acts as a candidate for election to any seat in the House of Representatives;

"Central Register" means the register of electors established under the provisions of this Ordinance;

"Chief Elections Officer" means the person responsible for the registration of electors and the conduct of election in accordance with the provisions of this Ordinance, appointed under section 10;

"Commission" means the Elections and Boundaries Commission established under section 9;

"District" means an administrative district as declared and defined by section 2 of the District Administration Ordinance;

"division" means an electoral division specified in the First Schedule to this Ordinance;

"divisional register" means the register for the time being in force in respect of a division;

"divisional representative" means a person duly elected to represent a division in the House of Representatives;

"duly registered" means registered in accordance with the provisions of this Ordinance;

"election" means an election for the purpose of electing a member of the House of Representatives; and includes a general election;

"election officer" includes the Chief elections Officer, an assistant Chief Elections Officer, a registering officer, a revising officer, a returning officer, an election clerk, a presiding officer, a poll clerk, a counting clerk, and any other person having a duty to perform under this Ordinance, to the faithful performance of which duty he has sworn or affirmed;

"elector" in relation to an election means a person who pursuant to this Ordinance has been registered as an elector to vote at that election.

"electoral division" means the form applicable to the circumstances and which is set out in the Fifth Schedule to this Ordinance;

"Form" means the form applicable to the circumstances and which is set out in the Fifth Schedule of this Ordinance;

"general election" means the general election of divisional representatives after a dissolution of the House of Representatives;

"House of Representatives" means the House of Representatives constituted by section 3 of the Belize Constitution Ordinance;

"member" means a member of the House of Representatives;

"Minister" means the minister responsible for elections;

"proper register" and "proper registering officer" means the register of elections for the electoral division in which the elector is qualified to vote, and the registering office in charge of that register respectively;

"public office" means any office of emolument in the public service;

"public officer" means the person holding or acting in any public office;

"public service" means the service of the Crown in a civil capacity and includes the office of a judge of the Supreme Court and member of the Police Force and the Governor's staff;

"register" or "register of electors" means the register of electors for any particular electoral division;

"Registrar" means the Registrar of the Supreme Court of Belize, and includes a Deputy or other officer, authorised in that behalf;

"signature" includes any mark or thumb impression;

"voter" means a person who votes or applies to vote at an election.

2. Any reference to "this Ordinance" shall where the context permits include a reference to any rules or regulations made thereunder.
 3. Where any register, notice or other document is by or under this Ordinance required to be published it shall be done in the absence of any provision in this Ordinance to the contrary, by-
 - a. publishing it in the *Gazette*; or
 - b. making copies thereof available for inspection at the office of the Chief Elections Officer and that of the Registrar; or
 - c. by affixing such register, notice or other document to the Courthouse of Courthouses in the district to which the register, notice or other document relates, or such other conspicuous place in that electoral division as the person publishing considers necessary; or
 - d. by advertising it in a newspaper circulating in the area to which such register, notice or other document relates, or by specifying in such an advertisement the places at which such register, notice or document is available for inspection; or
 - e. by placards or handbills; or
 - f. by such other manner approved by the Commission as the person publishing thinks is best calculated to afford information to the persons who should receive such information.
 4. Where any act or thing is directed to be done within a specified time after "the date of the publication" of any register notice or other document, that time shall be computed from the date on which the register notice or other documents is first published in any one of the methods set out in subsection (3).
 5. Generally, a person's place of residence is where he lives and which he has adopted as his habitation or home and to which when away therefrom he intends to return. Specifically, where a person normally sleeps in one place and has his meals or is employed in another place the place of residence is where the person sleeps. Temporary absence from a place of residence does not cause a loss or change of a place of residence. The question of residence shall be determined by reference to all the facts of each case.
 6. Any person who is required under this Ordinance to take such an oath and who objects to being sworn and states as the ground of such objection either that he has no religious belief or that the taking of an oath is contrary to his religious belief, shall be permitted to make his solemn affirmation instead of taking an oath in all places and for all purposes where a oath is required and that affirmation shall have the same force and effect as if it had been an oath.
3. The governor may at any time by proclamation published in the *Gazette*, either generally or in respect of any division, alter, vary or extend all or any of the dates on which or the periods

within which any act or thing is to be done under this Ordinance.

4. Where any difficulty arises in the carrying out of the provisions of this Ordinance or any rules or regulations made thereunder, the Commission may give such directions as it thinks fit for the better carrying out of the provisions of this Ordinance or rules or regulations made thereunder; and any person acting in pursuance thereof shall be deemed to be acting in accordance with the provisions of this Ordinance or the rules or regulations.

Part II

Franchise and Registration

5. Every person who on the date of his application to be registered-

- a. is 18 years of age or over; and
- b. is a British subject who has ordinarily resided in Belize for a period of not less than twelve months immediately preceding that date; or who is domiciled in Belize and is ordinarily resident therein on that date; and
- c. is resident for a period of not less than two months immediately preceding that date in the electoral division in which he seeks registration,

shall, unless otherwise disqualified, have the right to vote at an election of a divisional representative for that electoral division if such person-

- (i) is registered as an elector in the proper register; and
- (ii) is, subject to section 8 (2), in possession of an identification card issued to him by the Chief Elections Officer.

6.

(1) Every person who possess the qualifications mention in section 5 shall be eligible, subject to the provisions of this Ordinance and rules made thereunder, to be registered as an elector and to be issued with an identification card.

(2) The rules contained in the Second Schedule shall apply for the purposes mentioned in subsection (1).

(3) Rules made under this section may provide for punishment for offences that are committed in connection with the registration of electors and the issue of identification cards.

7. A person shall be disqualified to be registered or being registered to vote at an election and shall not be registered if such person-

- a. is less than 18 years of age; or
- b. is by virtue of his own act, under any acknowledgment of allegiance, obedience or adherence to any foreign power or State which is not a member of the Commonwealth; or

- c. is under a sentence of death imposed on him by the Supreme Court or any court in any part of the Commonwealth or is serving a sentence of imprisonment exceeding twelve months, imposed on him by such court or substituted by a competent authority or some other sentence imposed on him by such court or is under such a sentence of death or imprisonment the execution of which has been suspended; or
- d. is certified to be insane or otherwise adjudged to be of unsound mind or is a patient in any establishment maintained wholly or mainly for reception and treatment of persons suffering from mental illness or mental defectiveness by virtue of or under any law in force in Belize; or
- e. is an undischarged bankrupt; or
- f. is disqualified for registration as an elector by virtue of any law in force in Belize, whether or not by reason of his having been convicted of an offence relating to elections.

8.

- 1. No person shall seek registration or be entitled to have his name entered or retained in more than one register or more than once in the same register.
- 2. No person may-
 - a. at a general election vote as an elector in more than one electoral division;
 - b. at any election vote as an elector more than once in the same electoral division;
 - c. at any election vote without first producing the identification card that had been issued to him or proving to the satisfaction of the presiding officer that although he has been registered he has not been issued with an identification card or that the identification card issued to him has been lost or destroyed:
Providing that the presiding officer shall-
 - (i) state to the candidates or their agents then present in the polling station, his reasons for permitting an elector to vote without first providing his identification card;
 - (ii) record his reasons and sign the record so made;
 - (iii) maintain a list of the names and registration numbers of voters voting without producing their identification cards showing the number of the ballot paper issued to each of them;
 - d. at any election vote without having been marked with the indelible ink provided for that purpose;
 - e. at any election vote without answering the questions which may be put to voters if asked of him by the presiding officer.

(3) If any person at an election votes otherwise than as a proxy in more than one electoral division or applies for another ballot paper or ballot papers for the purpose of so voting he shall be guilty of an offence.

(4) The provisions of paragraphs (a), (b), (c) and (d) of subsection (2) shall not apply to a person voting as proxy.

Part III
Elections and Boundaries Commission

9.

(1) There shall be an Elections and Boundaries Commission.

(2) The members of Commission shall be a chairman and four other persons appointed by Governor by instrument under the public seal, after consultation with the Premier.

(3) No person shall be qualified to be appointed as a member of the Commission if he is a member of the Nation Assembly, or if he holds or is actin in any office of emolument in the public service.

(4) If any member of the commission dies or resigns or if the Governor is satisfied that any member has become incapable of discharging his functions as such the Governor shall, subject to the provisions of this section, appoint another person in his place.

(5) Subject to the provisions of this section the office of a member of the Commission shall become vacant-

- a. at the expiration of five years from the date of his appointment; or
- b. if any circumstances arise which if he were not a member of the Commission would cause him to be disqualifies for appointment as such;

Provided that in the event of the absence of the chairman or any member of the Commission form Belize of his inability to act as such chairman or member of the Commission as the case may be the Governor appoint another person to act in his place.

(6) A member of the Commission may be removed from office by the Governor if the Governor is satisfied of the member's inability to discharge the functions thereof (whether arising from infirmity of mind or body or any other cause) or for misconduct in the performance of those functions.

(7) The Commission may regulate its own procedure and, with the approval of the Governor, confer powers or important duties on any public officer or authority of the Government for the purpose of the discharge of its functions.

(8) At any meeting of the Commission the quorum shall be any three members of the Commission and if a quorum is present the Commission shall not be disqualified from the transaction of business by reason of any vacancy among its members and any proceedings of the Commission shall be valid, notwithstanding that some person who was not entitled so to do took part therein. If the chairman shall be absent the members present shall appoint one of their number to act as chairman at that meeting.

(9) The Commission shall be responsible for the direction and supervision of the registration of voters and the conduct of elections. And all matters connected therewith.

(10) Subject to the provisions of this section the Commission shall exercise general direction and supervision over the administrative conduct of elections and enforce on the part of all election officers fairness, impartiality and compliance with the provisions of this ordinance.

(11) The Commission shall within three months of the close of the calendar year submit to the Governor an annual report of its activities along with any recommendation it may wish to make.

(12) The Commissioners shall be paid such remuneration as may be determined by the Governor after consultation with the Premier.

(13) In the exercise of his functions under this section, the Governor shall act on the advice of the Minister.

Part IV

Administrative Provisions

10.

(1) The Governor shall appoint a Chief Elections Officer.

(2) For the purpose of the discharge of its functions, the Commission may confer any of its powers and impose any of its duties on the Chief Elections Officer and without limiting the generality of the foregoing may subject to such direction as it may issue from time to time impose upon the Chief Elections Officer the following duties and functions-

- a. the duty to make such arrangements and do such other things as are necessary for the compilation and maintenance of the divisional registers, and the Central Register and for the issue of identification cards to electors, in accordance with the provisions of this Ordinance and for that purpose to make such arrangements for the preparation and the issue of the necessary forms and documents and the collocation and preservation of such records as may be necessary;
- b. the duty to issue to registering officers, revising officers, returning officers, presiding officers, and other election officers such direction as he may deem necessary to ensure the effective execution of the provisions of this Ordinance.

(3) There may be appointed one or more Assistant Chief Elections Officers to assist the Chief Elections Officer in the exercise of his powers, the performance of his functions and the discharge of his duties under this Ordinance or any rules or regulations made thereunder.

11.

(1) For the purpose of the registration of electors and the issue of identification cards to them,

the Commission shall by notice in the *Gazette* appoint a registering officer in respect of each electoral division and may from time to time appoint one or more persons to be assistant registering officers. A person so appointed to be an assistant registering officer shall have all the powers and may perform all the duties of the registering officer he is appointed to assist and any reference in this Ordinance to a registering officer shall unless the context otherwise requires be deemed to include a reference to every person so appointed as an assistant registering officer.

(2) AN appointment made by the Commission under subsection (1) may be revoked by it at any time.

(3) The Chief Magistrate of the Belize District or a magistrate nominated by him shall be the revising officer of each district shall be the revising officer for those divisions falling within that district.

12.

(1) For the purposes of holding an election the Commission shall, from time to time and as occasion demands, appoint a person to be a returning officer for each division, and may appoint one or more persons to assist the returning officer in the performance of his duties. A person so appointed to assist any returning officer shall have all the powers and may perform all the duties of the officer he is appointed to assist and any reference in this Ordinance to a returning officer shall unless the context otherwise requires be deemed to include a reference to every such person.

(2) The Chief Elections Officer shall, with the approval of the Commission, appoint an election clerk for each division. If at any time between the issue of a writ for an election and the declaration of the result of that election the returning officer dies or becomes incapable of performing his duties as such, the election clerk shall forthwith report that fact to the Chief Elections Officer and shall discharge all the duties and exercise all powers of the returning officer until some other returning officer is appointed or the returning officer ceases to be incapable of performing his duties, as the case may be.

(3) An appointment made under subsection (1) and (2) may be revoked at any time.

13. The Chief Elections Officer shall, with the approval of the Commission, as the occasion demands, appoint such number of enumerators, photographers, presiding officers, polling clerks, counting clerks and other officers for the purpose of this Ordinance.

14. Any person appointed in any capacity to exercise or perform any power or duty conferred or imposed upon him by or under this Ordinance shall take and subscribe to an oath in Form 1 or Form 1A before a justice of the peace to act in that capacity faithfully and without partiality, fear, favor or affection and to keep secret whatever information relating to the manner in which any person voted, might come to his knowledge while acting in that capacity.

15.

(1) The Chief Elections Officer shall immediately after his appointment as Chief Elections Officer publish in the *Gazette* the address of his office.

(2) The Chief Elections Officer shall, as soon as may be after the appointment of the registering officers, revising officers and returning officers of the electoral divisions, publish in the Gazette the address of the office of every such officer at which the members of the public can transact their business with such officer.

(3) A notice giving the address of the office of the registering officer and revising officer of an electoral division shall also be exhibited in conspicuous places in the electoral division.

Part V

Electoral Divisions

16.

(1) For the purposes of the election of members of the House of Representatives, Belize shall be divided into electoral divisions, the names and boundaries of which are set out in the First Schedule.

(2) Subject to the provisions of the Belize Constitution Ordinance the Governor may upon the advice of the Minister and by proclamation vary the number of the electoral division set out in the First Schedule.

(3) Each electoral division shall be represented in the House of Representatives by one elected member.

17.

(1) Each electoral division may be a polling area.

(2) Subject to the provisions of subsection (1), each electoral division may be subdivided into such number of polling areas as the Chief Elections Officer with the approval of the Commission considers necessary with such boundaries and description as he may by notice published in the *Gazette* appoint.

(3) In determining the boundaries of any polling area the Chief Elections Officer shall have regard to geographical considerations and such other factors as may affect the facility of communication between various places within the polling area.

18.

(1) The Commission shall, when called upon to do so, act as a Delimitation Commission.

(2) The Governor upon the advice of the Minister, shall call upon the Commission to act as a Delimitation Commission.

19.

(1) The Delimitation Commission shall divide Belize or any part of Belize into such number of electoral divisions and in such manner as may be communicated to it by the Governor upon the advice of the Minister and shall assign names thereto.

(2) Each electoral division shall have as nearly as may be an equal number of persons eligible to vote:

Provided that in fixing the boundaries of an electoral division the Delimitation Commission shall have regard to the transport and other facilities of the division, and to its physical features.

20. In the event of a difference of opinion among the members of the Delimitation Commission, the opinion of the majority of members thereof shall prevail and shall be deemed to be the decision of the Commission. Where each member of the Commission is of a different opinion, the opinion of the chairman shall be deemed to be the decision of the Commission.

21. The chairman of the Delimitation Commission shall communicate the decision of the Commission to the Governor, who shall by proclamation publish the names and boundaries of the electoral divisions as determined by the Commission; and the divisions specified in the proclamation for the time being in force shall be the electoral divisions of Belize for all the purposes of this Ordinance and of any law for the time being in force relating to the election of members of the House of Representatives.

22. Any redivision of the electoral divisions effected by the Delimitation Commission established under this Ordinance shall, in respect of the election of members to the House of Representatives, come into operation at the next general election held after such redivision and not earlier.

Part VI

Elections

23.

(1) For the purpose of every general election of members of the House of Representatives and for the purpose of the election of members to fill vacancies caused by death, resignation or otherwise the Governor shall issue writs of election under the Public Seal of Belize, addressed to the returning officers of the respective divisions for which members are to be returned.

(2) Such writs shall be forwarded to the Commission for transmission to the several returning officers.

(3) Each writ shall be according to Form 2 and shall specify the day and place of nomination of candidates, the day on which, if necessary, the poll shall be taken being not less than fifteen and not more than twenty-one days thereafter, and the day on which such writ is returnable to the Commission for transmission to the Governor.

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

24.

(1) On the Governor issuing a writ, the Chief Elections Officer shall give notice thereof, and of the day and place fixed for the nomination of candidates, by publication in the *Gazette* and on or more newspapers at least ten clear days before the day fixed for such nomination, and the returning officer shall give further notice of the issue of such writ and of the time and place fixed for the nomination of candidates by causing notices according to Form 3 to be published.

(2) nomination papers shall be provided by the returning officer and shall be according to Form 4.

25.

(1) The proceedings at an election shall be conducted in accordance with the election rules contained in the Third Schedule.

(2) Returning officers at elections shall do all such acts and things as may be necessary for effectually conducting elections in the manner provided by the election rules.

Part VII

Offences

26.

(1) Where the Chief Elections Officer or a registering officer requires any chief occupant or occupier of any premises of which he is in charge to give information required by him for the performance of his functions under this Ordinance or any rules made here under, and where that occupant or occupier willfully fails to give the information required from him or gives information which he knows to be false or which he does not believe to be true, he is guilty of an offence.

(2) A person who without reasonable excuse fails to obey any request or summons made or issued to him to be [resent at the inquiry into any application or objection is guilty of an offence.

(3) A person who without reasonable excuse neglects, fails or refuses to return the identification card of himself or any other person when directed to do so by any registering officer or the Chief Elections Officer, within the time given therefor in the direction, is guilty of an offence.

(4) A person who without lawful authority forges, destroys, mutilates, defaces, removes, or makes any alteration in-

- a. an unused, completed, incomplete or canceled registration record card or any duplicate of the same; or;
- b. a certificate as to registration; or
- c. an identification card; or
- d. any other documents published or prescribed under this Ordinance,

is guilty of an offence.

(5) Any person who is guilty of an offence under this section, is liable on summary conviction to a fine not exceeding one thousand dollars or to a term of imprisonment not exceeding one year or to both.

27.

(1) A person who-

- a. is not a British Subject; or
- b. has not attained the age of eighteen years; or
- c. does not have the requisite residential qualifications for inclusion in the register of electors,

and who willfully makes any claim to be included in the register of electors is guilty of an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding one year.

28. A person who objects under this Ordinance or any rules or regulation made thereunder to the inclusion of any other person in any list or register relating to electors prepared under this Ordinance or any rules or regulations made thereunder upon any ground which he knows or has reasonable cause to believe to be false is guilty of an offence and is liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding one year.

29. A person who knowingly makes a false statement for the purpose of being registered as an elector is guilty of an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding two years.

30.

(1) A registering officer who willfully or without reasonable excuse omits to register the name of any person qualified to be registered is guilty of an offence and is liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months or to both.

(2) A registering officer convicted of an offence under subsection (1) shall, in addition to any penalty prescribed by that subsection, forfeits his right to payment for his services as a registering officer and, subject to subsection (3), shall be incapable during a period of seven years from the date of his conviction-

- a. of being qualified as an elector or of voting at any election; and
- b. of being elected a member of the House of Representatives.

(3) Where an appeal is made against a conviction for an offence under subsection (1), the incapacity provided for by subsection (2) in the event of any such conviction, shall continue until the appeal is determined, and thereafter if the conviction is not quashed

such incapacity shall remain in force for a period of seven years from the determination of the appeal unless the court hearing the appeal directs that the period of seven years shall run from the date of conviction.

31.

(1) Any person who being employed under the provisions of this Ordinance in connection with the preparation of any register-

- a. knowingly falsely certifies any register to be correct; or
- b. willfully enters in any register the name of any person not qualified; or
- c. willfully omits from any register the name of any person entitled to be entered therein,

shall be liable on summary conviction to a penalty not exceeding five hundred dollars or to a term of imprisonment not exceeding six months.

(2) Section 30 (2) and (3) shall apply to any person convicted under the provisions of this section.

32.

(1) Subject to subsection (2), every person who is the holder of any liquor licence granted under the provisions of any Ordinance authorising the sale of intoxicating liquor in any premises maintained solely for that purpose shall take all necessary steps to cause such premises to be closed to the public upon election day between the hour appointed for the opening of the poll and the hour appointed for the closing of the poll.

(2) Every person who is the holder of any hotel licence, special hotel licence, restaurant licence or licence to sell liquor in any premises not solely maintained for that purpose, granted under the provisions of any Ordinance authorising the sale of intoxicating liquor shall take all necessary steps to prevent the sale of intoxicating liquor at any time upon election day between the hour appointed for the opening of the poll and the hour appointed for the closing of the poll.

(3) Any person who contravenes this section is guilty of an offence punishable on summary conviction to a fine not exceeding six months.

33.

(1) Every employer shall, on polling day, allow to every voter in his employ a reasonable time during the prescribed period of voting as in this section provided, shall on summary conviction be liable to a fine not exceeding two thousand dollars or to imprisonment for a period not exceeding one year.

(2) Any employer who, directly or indirectly refuses to grant , or by intimidation, undue influence or in any other way, interferes with the granting of reasonable time to any voter in his employ during the prescribed period of voting as in this section provided, shall on

summary conviction be liable to a fine not exceeding two thousand dollars or to imprisonment for a period not exceeding one year.

34. Every election officer who-

- a. makes, in any record, return or other document which he is required to keep or make under this Ordinance, any entry which he knows or has reasonable cause to believe to be false or does not believe to be true; or
 - b. permits any person whom he knows or has reasonable cause to believe not to be a blind person or an incapacitated person to vote in the manner provided for the blind persons or incapacitated persons, as the case may be; or
 - c. refuses to permit any person whom he knows or has reasonable cause to believe to be a blind person or an incapacitated person to vote in the manner provided for blind persons or incapacitated persons, as the case may be; or
 - d. willfully prevents any person from voting at the polling station at which he knows or has reasonable cause to believe such person is entitled to vote; or
 - e. willfully rejects or refuses to count any ballot paper which he knows or has reasonable cause to believe is validly cast for any candidates in accordance with the provisions of this Ordinance; or
 - f. willfully counts any ballot paper as being cast for any candidate, which he knows or has reasonable cause to believe was not validly cast for such candidates,
- is guilty of an offence against this section and on conviction on indictment liable to be imprisoned for any term not exceeding five years.

35.

(1) No person shall furnish or supply any loudspeaker, bunting, ensign, banner, standard or set of colours, or any other flag, to any person with intent that it shall be carried, worn or used as political propaganda, on polling day, and no person shall, with any such intent, carry, wear, or use, any such loudspeaker, bunting, ensign, banner, standard or set of colours, or any other flag, on polling day.

(2) No person shall furnish or supply any flag, ribbons, label or like favour to or for any person with intent that it be worn or used by any person within any division on polling day, as a party badge to distinguish the wearer as the supporter of any candidates, or of the political or other opinions entertained or supposed to be entertained by such candidate, and no person shall use or wear any flag, ribbon, label, or other favour as such badge, within any division on polling day.

(3) Nothing contained in either subsection (1) or subsection (2) of this section shall be deemed to extend to the furnishing or supplying of any banner bearing only the name of any candidate or any political party or only such name preceded by the words "Vote for" or similar words or of any rosette or to the use of any such banner on any vehicle or of any such rosette.

(4) No person shall on polling day do any of the following acts within any division in which a poll is being taken-

- a. organise, hold or participate in any meeting, or organise, lead or participate in any procession, of five or more persons;
- b. accost, or solicit or canvass his vote from any elector who has already joined the line of voters waiting to vote at any polling station.

(5) Any person who contravenes any of the provisions of this section shall be liable on summary conviction to a fine not exceeding two hundred and fifty dollars or to imprisonment for any term not exceeding six months.

36.

(1) The following persons shall be deemed guilty of bribery within the meaning of this Ordinance-

- a. every person who, directly or indirectly by himself or by any other person on his behalf, gives, lends or agrees to give or lend, or offers, promises, or promises to procure or endeavour to procure, any money or valuable consideration to or for any voter, or to or for any person on behalf of any voter, or to or for any other person, in order to induce any voter to vote or refrain from voting, or corruptly does nay such act as aforesaid on account of any voter having voted or refrained from voting ant any election;
- b. every person who, directly or indirectly by himself or by any other person on his behalf, gives or procures, or agrees to give or procure or to endeavour to procure, any office, place, or employment to or for any voter, or to or for any person on behalf of any voter, or to or for any other person, in order to induce any voter to vote or refrain from voting, or corruptly does nay such act as aforesaid on account of any voter having voted or refrained from voting ant any election;
- c. every person who, directly or indirectly by himself or by any other person on his behalf, makes any such gift, loan, offer, promise, procurement or agreement as aforesaid to or for any person in order to induce that person as an elected member of the House of Representatives or the vote of any voter at any election;
- d. every person who, upon or in consequence of any gift, loan, offer, promise, procurement, or agreement, procures, or engages, promises or endeavours to persuade the return of any person as an elected member of the House of Representatives or the vote of any voter at any election;
- e. every person who advances or pays, or causes to be paid, any money to or for the use of any other person, with the intent that that money, or any part thereof, shall be expended in bribery at any election, or who knowingly pays, or causes to be paid any money to any person, in discharge or repayment of any money wholly or in part expended in bribery at any election;

- f. every voter who, before or during any election, directly or indirectly, by himself or by any other person on his behalf, receives, agrees, or contracts for, any money, gift, loan or valuable consideration, office, place or employment, for himself or for any other person, for voting or agreeing to vote, for refraining or agreeing to refrain from voting at any election.
- g. every person who, directly or indirectly by himself or by any other person on his behalf receives any money or valuable consideration on account of any person having voted or refrained from voting or having induced any other person to vote or refrain from voting at any election.

(2) No person shall be guilty of bribery under subsection (1) who gives to any other person any article not exceeding four dollars in value.

37. The following persons shall be deemed guilty of treating within the meaning of this Ordinance-

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

38. Every person who, directly or indirectly, by himself or any other person on his behalf-

- a. makes use, or threatens to make use, of any force, violence or restraint, or inflicts or threatens to inflict, any temporal or spiritual injury, damage, harm, or loss upon or against any person, in order to induce or compel that person to vote or refrain from voting or on account of that person having voted or refrained from voting, at any election, or
- b. by abduction, duress, or any fraudulent contrivance impedes or prevents the free exercise of the franchise of any voter, or thereby compels, induces or prevails upon any voter either to give or refrain from giving his vote at any election, is guilty of undue influence within the meaning of this Ordinance.

39. Every person who at any election applies for a ballot paper or tenders a vote, in the name of another person whether the name is the name of a person living or dead, or a fictitious person or who having voted at an election, applies for a ballot paper or tender a vote at the same election own name, to which he is not entitled or which he is not entitled to tender by any law in force or by this Ordinance, is guilty of impersonation.

40.

(1) Every person who is guilty of bribery, treatings, or undue influence shall be guilty of a corrupt practice, and is liable on summary conviction thereof, to imprisonment, for any term

not exceeding one year, or to a fine not exceeding five hundred dollars or to both.

(2) Every person who is guilty of personations or of aiding, abetting, counseling, or procuring the commission of the offence of personation, shall be guilty of a corrupt practice, and is liable, on summary conviction thereof, to imprisonment for any term not exceeding two years.

41. Every person who

- a. votes, or induces, or procures any person to vote, at any election, knowing that he or that other person is prohibited by the Ordinance, or by any law in force, from voting at that election; or
- b. before or during any election knowingly publishes any false statement of the withdrawal of a candidate at the election for the purpose of promoting or procuring the election of another candidate; or
- c. before or during any election, for the purpose of affecting the return of any candidate at such election makes or publishes any false statement of fact in relation to the personal character or conduct of such candidate; or
- d. between the date of notification by the Chief Elections Officer of the issue by the Governor of a writ for the purposes of an election and the day after polling at such election, whether in a general election or in a bye-election acts in a disorderly manner with intent to prevent the transaction of the business of a public meeting called for the purpose of promoting the election of a candidate as a member to serve in the House of Representatives, shall be guilty of an illegal practice, and is liable on summary conviction to a fine not exceeding one thousand dollars, and in default, to imprisonment for any term not exceeding twelve months.

42. (1) Every person who-

- a. Forges or counterfeits or fraudulently defaces or fraudulently destroys any nomination paper, or delivers to the presiding officer any nomination paper, knowing the same to be forged or
- b. forges or counterfeits, or fraudulently defaces or destroys any ballot paper or the official mark on any ballot paper; or
- c. without due authority supplies a ballot paper to any person; or
- d. fraudulently puts into any ballot box any paper other than the ballot paper which his is authorised by law to put in; or
- e. fraudulently takes out of a polling station any ballot paper; or
- f. without due authority destroys, takes, opens, or otherwise interferes with any ballot box or packet of ballot papers then in use for the purpose of any election,

shall be guilty of a misdemeanour, and shall be liable if he is a presiding officer or clerk

employed at the polling station, to a fine not exceeding two thousand dollars, or to imprisonment for any term not exceeding five years, and, if he is any other person, to a fine, on summary conviction, not exceeding one thousand dollars, or to imprisonment for any term not exceeding three years.

(2) In any indictment or other prosecution for an offence in relation to the nomination papers, ballot boxes, ballot papers, and marking instruments at an election, the property in such papers, boxes and instruments may be stated to be in the returning officer at such election.

43.

(1) Every officer, clerk, and agent in attendance at a polling station shall maintain and aid in maintaining the secrecy of the voting in that station, and shall not communicate to any person, except for some purpose authorised by this Ordinance, before the poll is closed, any information as to the name or number on the register of voters of any voter who has or has not applied for a ballot paper or voted at that station, and no person whoever shall interfere or attempt to interfere with a voter when marking his vote or otherwise attempt to obtain in the polling station any information as to the candidate for whom any voter there is about to vote or has voted, or as to the number on the back of the ballot paper given to any voter there.

(2) Every clerk and agent in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting and shall maintain and aid in maintaining the secrecy of the voting and shall not attempt to ascertain at the counting the number on the back of any ballot paper or communicate any information obtained at the counting as to the candidate for whom any vote is given in any particular ballot paper.

(3) No person shall directly or indirectly induce any voter to display his ballot paper after he has marked it, so as to make known to any person the name of the candidates for or against whom he has so marked his vote.

(4) Any person acting in contravention of this section shall be liable, on summary conviction to a fine not exceeding one thousand dollars and in default of payments, to imprisonment for a term not exceeding one year.

44.

(1) Subject to the provisions of subsection (2), during the hours when the poll is open upon election days no persons shall assemble or congregate within one hundred yards of any building in which is situate any polling station.

(2) This section shall not apply-

- a. to any voters who are waiting to poll their votes at such polling station and who obey any instructions which may be given by the presiding officer or any consChronology for the purpose of forming a queue with other electors also so waiting; or
- b. to any person who may under the provisions of this Ordinance lawfully enter of remain in such polling station.

(3) Every person who contravenes or fails to comply with any of the provisions of this section is guilty of an offence against this section and is liable on summary conviction thereof to a fine not exceeding five hundred dollars or to imprisonment for six months or to both.

45. Every person who is convicted of bribery, treating, undue influence, or personation, or of aiding, counselling or procuring the commission or the offence of personation shall (in addition to any other punishment) be incapable during a period of seven years from the date of conviction-

46. Every person who is convicted of any illegal practice shall, in addition to any other punishment, be incapable during a period of six years from date of conviction-

- a. of being registered as a voter or voting at any election of a member of the House of Representatives;
- b. of being a member of the National Assembly or if elected or appointed before his conviction, of retaining his seat as such member:

Provided that in the event of any appeal the incapacity shall continue until the appeal is determined and thereafter, unless the conviction is quashed, remain in force for a period of six years from the date of conviction.

47. Any attempt to commit any offence created by this Ordinance shall be punishable in the same manner as the offence itself.

48. Any person who aids or abets the commission of any offence created by this Ordinance shall, where there is no provision for the punishment of such aiding and abetting, be guilty of that offence and shall be punishable in the same manner as the offence itself.

Part VII

Disputed Elections

49. The election of a candidate as a member is avoided by his conviction for any corrupt or illegal practice.

50.

(1) The election of a candidate as a member shall be declared to be void on an election petition on any of the following grounds which may be proved to the satisfaction of the election judge-

- a. that by reason of bribery, treating, intimidation or misconduct, or other circumstances, whether similar to those before enumerated or not., the electors were prevented from electing the candidate who they preferred;
- b. noncompliance with the provisions of this Ordinance relating to election if it appears that the election was not conducted in accordance with the principles laid down in such provisions and that such noncompliance affected the result of the

election;

- c. that bribery or treating was committed in connection with the election by the candidate or with his knowledge or consent or by any agent of the candidate;
- d. that the candidate personally engaged a person as his election agent, or as a canvasser or agent, knowing that such person had within seven years previous to such engagement had been found guilty of bribery or treating by an Election Judge;
- e. that the candidate was at the time of his election a person disqualified for election as a member.

(2) No election shall be declared invalid by reason of any act or omission by the returning officer or any other person in breach of his official duty in connection with the election or otherwise of the provisions of this Ordinance if it appears to the judge or the court having cognizance of the question that the election was so conducted as to be substantially in accordance with the law as to elections and that the act or omission did not effect its result.

51.

(1) Every election petition shall be tried by the Chief Justice or by a judge of the Supreme Court nominated by the Chief Justice for the purpose.

(2) The Chief Justice or the judge so nominated is in this Ordinance, referred to as the "Election Judge."

(3) For the purpose of summoning or compelling the attendance of witnesses at the trial of an election petition, the Election Judge should have the same power, jurisdiction, and authority as are possessed and exercised by the judge of the Supreme Court in the trial of a civil action and witnesses shall be sworn in the same manner, as near as circumstances will admit, as in the trial of such an action and shall be subject to the same penalties for the giving of false evidence.

(4) The Election Judge shall be attended on the trial of an election petition in the same manner as if he were a judge of the Supreme Court.

(5) Unless otherwise ordered by the Chief Justice, all interlocutory matters in connection with an election petition may be dealt with and decided by any judge of the Supreme Court.

52. An election petition may be presented to the Supreme Court by any one or more of the following persons-

- a. some person who voted or had a right to vote at the election to which the petition relates;
or
- b. some person claiming to have been a candidate at such election

53. All or any of the following relief to which the petitioner may be entitled may be claimed in

an election petition-<p.

- a. a declaration that the election is void;
- b. a declaration that the return of the person elected was undue;
- c. a declaration that any candidate was duly elected and ought to have been returned;
- d. where the seat is claimed for an unsuccessful candidate, on the grounds that he had a majority of lawful votes, a scrutiny.

54.

(1) A petitioner shall join as respondents to his election petition-

- a. where the petition, in addition to claiming that the election of any returned candidate is void or was undue, claims a further declaration that he himself or any other candidate has been duly elected, all the contesting candidates, other than the petitioner, and where no such further declaration is claimed, the returned candidate; and
- b. any other candidate or person against whom allegations of any corrupt or illegal practice are made in the petition.

(2) Any candidate not already a respondent to an election petition shall, upon application in that behalf, made by him to the Election Judge, be entitled to be joined as a respondent to such petition:

Provided that no candidate shall be entitled to be joined of his own motion as a respondent to such petition under the preceding provisions of this section unless he has given such security for costs as the Election Judge may determine.

55. An election petition-

- a. shall state the right of the petitioner to petition within section 52 of this Ordinance;
- b. shall state the holding and result of the election;
- c. shall contain a concise statement of the material facts on which the petitioner relies;
- d. shall set forth full particulars of any corrupt or illegal practice that the petitioner alleges, including as full a statement as possible of the names of the parties alleged to have committed such corrupt or illegal practice and the date and place of the commission of such practice and shall also be accompanied by an affidavit in support of the allegation of such corrupt or illegal practice and the date and place of the commission of such practice;
- e. shall conclude with a prayer as, for instance, that some specified person should be declared duly returned or elected, or that the election should be declared void, or as the case may be, and shall be signed by all the petitioners:

Provided, however, that nothing in the preceding provisions of this section shall be

deemed or construed to require evidence to be stated in the petition.

56.

(1) The Election Judge may, upon such terms as to costs or otherwise as he may deem fit, allow the particulars of any corrupt or illegal practice specified in an election petition to be amended or amplified in such manner as may in his opinion be necessary for ensuring a fair or effective trial of the petition, so, however, that he shall not allow such amendment or amplification if it will result in the introduction of particulars of any corrupt or illegal practice nor previously alleged in the petition.

(2) Every election petition shall be tried as expeditiously as possible and every endeavor shall be made to conclude the trial of such petition within a period of two months after the date of the presentation of such petition. The Election Judge shall make his order deciding such petition without undue delay after the date of the conclusion of the trial of such petition.

57. At the conclusion of the trial of an election petition the Determination of the Election judge shall determine whether the member whose return Election or election is complained of, or any other, and what other person, was judge. duly returned or elected, or whether the election was void, and shall certify such determination in writing under his hand. Such certificate shall be kept in the custody of the Registrar of the Supreme Court to be dealt with as provided in section 62.

58. At the conclusion of the trial of an election petition the Election judge shall also make a report under his hand setting out- judge as to whether any corrupt or illegal practice has or has not been proved to have been committed by or with the knowledge and consent of any candidate at the election, or by his agent, and the nature such corrupt or illegal practice, if any; and the names and descriptions of all persons, if any, who have been proved at the trial to have been guilty of any corrupt or illegal practice:

Provided, however, that before any person, not being a party to an election petition nor a candidate on behalf of whom the seat is claimed by an election petition, is reported by an Election **judge** under this section, the Election judge shall give such person an opportunity of being heard and of giving and calling evidence to show why he should not be so reported. Such report shall be kept in the custody of the Registrar of the Supreme Court, to be dealt with as provided in section 62.

59.

(1) An appeal to the Court of Appeal shall lie on any question of law, but not otherwise, against the determination of an Election judge under section 57; or any other decision of an Election judge which has the effect of finally disposing of an election petition. corrupt or illegal practice.

Appeal on question of law against determination under section 57 and any other decision of

(2) Any such appeal may be preferred, either by the petitioner or Election judge which by the respondent in the election petition, before the expiry of a finally period of one month next succeeding the date of the determination or disposes of election decision against which the appeal is preferred.

(3) Notice of the filing of a petition of appeal, accompanied by a copy of the petition, shall, within ten days of the filing thereof be served by the appellant on the other party or each of the other parties to the election petition and on the Attorney-General. Such service on a party may be effected in any manner prescribed for the service of the notice and copy of an election petition.

(4) Every appeal under this section shall, as far as practicable be given priority over other business of that Court. The Court may give all such directions as it may consider necessary in relation to the hearing and disposal of each appeal.

(5) The Attorney-General shall be entitled to appear or be represented in any appeal under this section.

60.

(1) At the time of the filing of a petition of appeal, or within three days afterwards, security for the payment of all costs, charges and expenses that may become payable by the appellant shall be given on behalf of the appellant.

(2) The security shall be to an amount of twelve hundred dollars and shall be given by recognisance to be entered into by any number of sureties not exceeding four approved by the Registrar or by deposit of money in the Supreme Court or partly in one way and partly in the other.

(3) If the security as in this section provided is not given by the appellant, no further proceedings shall be had on the appeal, and the respondent may apply to the Court of Appeal for an order directing the dismissal of the appeal and for the payment of the respondents costs. The cost of hearing and deciding such application shall be paid as ordered by the Court of Appeal and in default of such order shall form part of the general costs of the appeal.

(4) The deposit of money by way of security for the payment of the costs, charges and expenses payable by the appellant shall be made by payment to the Registrar of the Supreme Court. A receipt shall be given by the Registrar for the same.

(5) The Registrar shall file a carbon copy of such receipt and keep a book open to the inspection of all parties concerned in which shall be entered from time to time the amount and the appeal to which it is applicable.

(6) The security so deposited shall, if and when the same is no longer needed for securing the payment of the costs, charges and expenses payable by the appellant, be returned or otherwise disposed of as justice may require by order of the Registrar.

(7) Such order may be made after such notice of intention to apply and proof that all just claims have been satisfied or otherwise sufficiently provided for as the Registrar may require.

(8) Such order may direct payment to the party to whose name the same is deposited or to any person entitled to receive the same.

61.

(1) The Court of Appeal may, upon any appeal preferred under section 59 affirm, vary or reverse the determination or decision of the Election judge to which the appeal relates.

(2) Where the Court of Appeal reverses on appeal the determination of the Election judge under section 57 that Court shall decide whether the member whose return or election was complained of in the election petition, or any other, and if so what person, was duly returned or elected, or whether the election was void, and a certificate of such decision shall be issued by that Court.

(3) The Court of Appeal may, in the case of any appeal under section 59 order that the election petition to which the appeal relates shall be tried anew in its entirety or in regard to any matter specified by that Court and give such directions in relation thereto as that Court may think fit.

(4) The Court of Appeal may make any order which it may deem just as to the costs of the appeal and as to the costs of and incidental to the presentation of the election petition and of the proceedings consequent thereon, and may by such order reverse or vary any order as to costs made by the Election judge.

(5) The decision of the Court of Appeal on any appeal shall be final and conclusive.

62.

(1) Where no appeal is preferred against the determination of an Election Judge under section 59 within the period specified in that behalf, or where in any appeal that is so preferred the Court of Appeal confirms the determination of the Election Judge, the Registrar shall transmit to the Governor the certificate of the Election Judge issued under section 57 together with the report of the Election Judge made under section 58.

(2) Where the determination of the Election Judge is reversed by the Court of Appeal, the Registrar shall transmit to the Governor the certificate of the decision of that court issued under section 61 together with-

(a) the report of the Election Judge made under section 58 if it is in the opinion of the Court of Appeal not affected by the decision in the appeal; or

(b) if the Election Judge considers it necessary, a report in respect of the matters referred to in section 58 made by the court in accordance with the provisions of that section.

63.

(1) Upon the transmission to the Governor of the certificate of the determination of an Election Judge or of the decision of the Court of Appeal as required by section 62-

(a) the determination or the decision, as the case may be, shall take effect; and

(b) the return or the election shall be confirmed or altered or where the election has been declared void, the Governor shall within one month of the receipt of the certificate, by notice in the *Gazette*, order the holding of an election in the electoral

decision concerned, as the case may require, in accordance with such certificate .

(2)

(a) The Governor shall, upon receipt of the report of the Election Judge or of the Court of Appeal transmitted to him under section 62, cause a copy of the report to be published in the *Gazette*.

(b) Where the report referred to in paragraph (a) is to the effect that a corrupt or illegal practice has been committed by any person, that person shall be subject to the same incapacities as if at the date of the said report he had been convicted of that practice.

(c) Where the report referred to in paragraph X is to the effect that such corrupt or illegal practice was committed with the knowledge and consent of a person who was a candidate at an election or by his agent, that person shall be subject to the same incapacities as mentioned in paragraph (6).

(3) It shall be the duty of every registering officer forthwith to peruse every such report which is published in the *Gazette* as provided in subsection (2), and forthwith to delete from the register of election assigned to him the name of every person appearing from the report to be incapable of voting at an election.

64.-

(1) Every election petition shall be presented within twenty-one days of the date of publication of the result of the election in the *Gazette*: Provided that

- a. an election petition questioning the return or the election upon the ground of a corrupt practice and specifically alleging a payment of money or other act to have been made or done since that date by the member whose election is questioned or by an agent of the member or with the privity of the member or his election agent in pursuance or in furtherance of such corrupt practice may, so far as respects such corrupt practice, be presented at any time within twenty-eight days after the date of such payment or act;
- b. an election petition questioning the return or the election upon an allegation of an illegal practice may be presented at any time within twenty-eight days after the date of such payment or other act if the election petition specifically alleges a payment of money or other act to have been made or done since the said day by the member whose election is questioned or by an agent of the member or with the privity of the member or of his election agent in pursuance or in furtherance of the illegal practice alleged in the petition.

(2) An election petition presented in due time may, for the purpose of questioning the return or the election upon an allegation of a corrupt or illegal practice, be amended with the leave of a judge of the Supreme Court within the time within which an election petition questioning the return or the election upon that ground may be presented.

65. No elector who has voted at any election shall, in any proceeding to question the election, be required to state for whom he has voted.

66.

(1) Subject to this section the procedure and practice on election petitions shall be regulated by the rules contained in the Fourth Schedule.

(2) If any matter of procedure or practice on an election petition shall arise which is not provided for by this Ordinance or by such rules, the procedure or practice followed in England on the same matter shall, so far as it is not inconsistent with this Ordinance or any such rules and is suitable for application to Belize be followed and shall have effect.

67. Except on an election petition, the decision of a returning officer whether or not 3 ballot paper shall be rejected or not, shall not be questioned.

PART IX

Miscellaneous

68-

(1) The Minister may make regulations for the better carrying out of the provisions of this Ordinance and without prejudice to the generality of the powers so conferred, he may make regulations

- a. with respect to the incurring of expenses and the making of payments by or on behalf of a candidate, whether before, during or after an election, on account of or in respect of the conduct or management of such election;
- b. requiring the appointment of an election agent through or by whom all such expenses or payments shall be incurred or made;
- c. fixing the maximum amount of expenses that may be incurred or paid, whether before, during or after an election, on account, or in respect of the conduct or management of such election;
- d. fixing the time within which all election expenses shall be paid and barring all claims in respect thereof not made within the prescribed time;
- e. requiring a return of expenses and prescribing the form in which the same shall be made and verified;
- f. prescribing the fees and allowances to be paid to officers, enumerators and scrutineers; and for any matter that may be incidental or connected with the provisions of this Ordinance.

(2) Contraventions of any regulations made under subsection (1)(a) to (e) shall be deemed illegal practices, and provisions may be made in the said regulations for the punishment, on summary conviction, of persons committing or taking part in the commission of such illegal practices by-

- a. a fine, not exceeding two hundred and fifty dollars; and
- b. disqualification from voting at any election under this Ordinance and from being elected or appointed as a Member of the House of Representatives for six years from the date of his conviction.

(3) All regulations made under the provisions of this section shall be laid before the House of Representatives for approval and the House may, by resolution, rescind or approve (whether after amendment by the House or not) the regulations and upon approval, the regulations as approved shall be published in the *Gazette* and shall on the date of publication have the force of law.

69.

(1) The Minister may make rules providing for matters as may be necessary or expedient for carrying the purposes of this Ordinance into effect and in particular and without limiting the generality of the foregoing may make rules adding to, rescinding, varying or amending—

- a. any of the rules contained in the Second, Third and Fourth Schedules;
- b. any of the forms contained in the Fifth Schedule.

(2) Rules made under this section may provide that a person who commits any breach of the rules shall be guilty of an offence and upon summary conviction for such offence shall be liable to a fine of five hundred dollars or to a term of imprisonment not exceeding six months or to both.

(3) Any rule made pursuant to this section shall be laid before the National Assembly as soon as may be after the making thereof and if the Assembly by resolution request that the rule be rescinded that rule shall be rescinded by the Minister but without prejudice to the validity of anything done thereunder.

70. All expenses properly incurred by, and all remuneration and travelling allowances payable to officers under this Ordinance, shall be defrayed out of the Consolidated Revenue Fund.

71.

[1] In reckoning time for the purposes of this Ordinance, Sunday, Christmas Day, Good Friday and any bank holiday shall be excluded.

(2) Where anything required by this Ordinance to be done on any day falls to be done on

Sunday or on any excluded day, that thing may be done on the next day, not being an excluded day.

72. Any person who is guilty of an offence under this Ordinance or any rules or regulations made hereunder for which no penalty has been prescribed shall on summary conviction be liable to a fine not exceeding five hundred dollars or to imprisonment for a period not exceeding six months or to both.

FIRST SCHEDULE

[Section 16]

ELECTORAL DIVISIONS

Belize City

THE FREETOWN DIVISION, comprising all that portion of Belize City which lies within an area bounded on the north and east by the sea, and by the portion of Barrack Road from its junction with Eve Street to its junction with Victoria Street; on the south by Victoria Street to its junction with New Road and by a portion of New Road to its junction with Douglas Jones Street and by Douglas Jones Street to Haulover Creek and by Haulover Creek to the western boundary of Belize City.

THE PICKSTOCK DIVISION, comprising all that portion of Belize City which lies within an area bounded on the north by New Road from its junction with Douglas Jones Street to Victoria Street and by Victoria Street to its junction with Barrack Road; on the east by Barrack Road to its junction with Hydes Lane and by Hydes Lane to Haulover Creek; on the south by Haulover Creek to Douglas Jones Street; and on the west by Douglas Jones Street to its junction with New Road.

THE FORT GEORGE DIVISION, comprising all that portion of Belize City which lies within an area bounded on the north and east by the sea; on the south by Haulover Creek; on the west by Hydes Lane to its junction with Barrack Road and by Barrack Road to its junction with Eve Street.

THE ALBERT DIVISION, comprising all that portion of Belize City which lies within an area bounded on the north by the waterway extending from the western boundary to Collet Canal near Kut Avenue, and by Collet Canal to its junction with Southside Canal and by Southside Canal to its junction with Haulover Creek; on the east by Haulover Creek and the sea to Yarborough Lagoon; on the south by Yarborough Lagoon and the sea to the western boundary

of Belize City; and on the west by the western boundary of the aforesaid waterway.

THE COLLET DIVISION, comprising all that portion of Belize City which lies within an area bounded on the north by the Haulover Creek; on the east by Southside Canal to a point where it meets King Street, and by King Street to Collet Canal, and by Collet Canal to its junction with the waterway near Kut Avenue; on the south by the said waterway to the western boundary of Belize City; and on the west by the western boundary of Belize City to Haulover Creek.

THE MESOPOTAMIA DIVISION, comprising all that portion of Belize City which lies within an area bound on the north by King Street from Collet Canal to the Southside Canal; on the east and south by Southside Canal; on the west by Collet Canal to the point where it meets King Street

Belize Rural

THE BELIZE RURAL NORH DIVISION, comprising all that portion of land in the northern section of the Belize District from a point on the western boundary of the District midway between the western road and Big Falls; thence on a direct line to Sebastian Bridge on the Mussel Creek Road; thence north-east in a direct line to the northern boundary of St. James' Boom on the Belize River; thence in a south-easterly direction on a direct line to the junction of the Boom Road and the Northern Road; thence due east in a direct line to the sea; thence northward along the coast to the northern boundary line of the Belize District.

THE BELIZE RURAL SOUTH DIVISION, comprising all that portion of land in the southern section of the Belize District from a point on the western boundary of the District midway between the western road and Big Falls; thence on a direct line to Sebastian Bridge on the Mussel Creek Road; thence northeast in a direct line to the northern boundary of St. James' Boom on the Belize River; thence in a southeasterly direction on a direct line to the junction of the Boom Road and the Northern Road; thence due east in a direct line to the sea; thence southward along the coast to the southern boundary of the Belize District and including all the Cayes within the Belize District.

Corozal

THE COROZAL NORTH DIVISION, comprising all that portion of land in the northern section of the Corozal District from a point on the sea coast at the northern end of Carillo's Cocal immediately south of Corozal Town; thence in a straight line due west for a distance of two miles; thence in a straight line in a south westerly direction to the southernmost point in the village of San Pedro; thence in a straight line due west to the right bank of the Rio Hondo; thence following the Rio Hondo to the sea; thence following the sea coast southward to the point of commencement.

THE COROZAL DIVISION, comprising all that portion of land in the southern section of the Corozal District, from a point on the coast at the northern end of Carillo's Cocal immediately south of Corozal Town; thence in a straight line in a south-western direction to the southernmost point in the village of San Pedro; thence in a straight line due west to the Rio Hondo; thence southward along the Rio Hondo to the Corozal District boundary; thence following the boundary of the district in a south-easterly direction to the sea; thence northward and westward along the sea coast to the point of commencement.

Orange Walk

THE ORANGE WALK NORTH DIVISION, comprising all that portion of land in the northern section of the Orange Walk District from a point where the Orange Walk-Belize boundary crosses the Belize-Corozal road; thence in a north-westerly direction to a point on the left bank of the New River, approximately a mile above Tower Hill Bridge; thence north-westward in a direct line to the southernmost point in the village of Chan Pine Ridge; thence in a north-westward direction in a straight line to the northernmost point in the village of Yo Creek; thence in a north-westward direction in a straight line to the northernmost limits of San Antonio; thence in the same direction to the Rio Hondo; thence following down the Rio Hondo to the Corozal-Orange Walk District boundary; thence allowing the northern boundary of the District south-eastward to its junction with the Belize District boundary; thence westward along the Belize-Orange Walk boundary back to the point of commencement

THE ORANGE WALK SOUTH DIVISION, comprising all that portion of land in the southern section of the Orange Walk District from a point where the Orange Walk-Belize boundary crosses the Belize-Corozal Road; thence in a north-westerly direction to a point on the left bank of the New River approximately a mile above Tower Hill Bridge; thence north-westward in a direct line to the southernmost point in the village of Chan Pine Ridge; thence in a north-westward direction in a straight line to the northernmost point in the village of Yo Creek; thence in a north-westward direction in a straight line to the northernmost limits of San Antonio; thence in the same direction to the right bank of the Rio Hondo; thence southward and westward along the Rio Hondo and Blue Creek to the Western Frontier Line; thence southward along the Western Frontier to its intersection with the Orange Walk-Cayo District boundary; thence eastward along the Cayo-Orange Walk District boundary to its junction with the Orange Walk-Belize boundary; thence northward and northeastward along the Orange Walk-Belize District boundary back to the point of commencement.

Cayo

CAYO NORTH DIVISION, comprising all that portion of the Cayo District commencing at a point on the Western Frontier Line, two and a half miles north of Garbutt's Falls; thence due east to the western branch of the Belize River; thence by an imaginary line half a mile west of the Cayo-Benque Road to a point due west of the two-mile post on the Benque Road; thence due east to the two-mile post; thence in a north easterly direction to the point where the south-eastern boundary of the town of San Ignacio crosses the eastern branch of the Belize River; thence due east to a point which lies due south of Teafeettle Creek Foridge on the Belize-Cayo Road; thence due north to Teafeettle Creek Foridge; thence along Teafeettle Creek to Belize River; thence due north-west for a distance of two miles; thence due north to the Cayo Orange Walk District boundary; thence westward along the Cayo-Orange Walk boundary to the Western Frontier Line; thence due south to the point of commencement.

CAYO SOUTH DIVISION, comprising all that portion of Cayo District commencing at a point on the Western Frontier Line, two and a half miles north of Garbutt's Falls; thence due east to the western branch of the Belize River; thence by an imaginary line half a mile west of the Cayo-Benque Road to a point due west of the two-mile post on the Benque Road; thence due east to the two-mile post; thence in a north- easterly direction to the point where

the south-eastern boundary of the town of San Ignacio crosses the eastern branch of the Belize River; thence due east to a point which lies due south of Teafeettle Creek Bridge on the Belize-Cayo Road; thence due north-west for a distance of two miles; thence due north to the Cayo-Orange Walk District boundary to the Belize River; thence along the Cayo boundary to its junction with the Belize boundary line; thence south and west following the Cayo District boundary to the Western Frontier Line; thence northward along the frontier line to the point of commencement.

Stann Creek

DANGRIGA TOWN, commencing at a wooden post at the north-west corner of Block 695 (Grant 11/1907) in the Stann Creek Carib Reserve and running in a straight line due east to the sea coast, then in a south-easterly direction along the sea coast for a distance of 6360 feet approximately to where North Stann Creek (river) enters the sea; then in a southerly direction along the sea coast for a distance of 4800 feet approximately to the southern boundary of the parcel of land on the sea coast now or formerly the property of James Lecruit (Grant 8/1900); then in the direction due west for a distance of 345 feet approximately to a concrete pillar; then continuing west for a distance of 351 feet 9 inches to another concrete pillar; then continuing west for a distance of 1440 feet approximately; then in a direction due north for a distance of 2150 feet approximately to a concrete pillar at the south-east corner of Block 586 (Grant 6/1950) in the Stann Creek Carib Reserve; then continuing north for a distance of 2350 feet approximately to the north bank of North Stann Creek; then upstream along the north bank of North Stann Creek for a distance of 1475 feet approximately to a point approximately 500 feet due south of the south-east corner of Block 190 (Grant 14/1950); then in a direction due north for a distance of 3170 feet approximately to a point on the southern boundary of Block 695 in the Stann Creek Carib Reserve; then due west for a distance of 79714 feet to a concrete pillar; then due north for a distance of 848 10 feet to the wooden post at the standing point.

STANN CREEK RUFLAL DIVISION, comprising all areas in the Stann Creek District (that is to say, commencing at the mouth of Mangrove Creek; thence upstream along the course of Mangrove Creek and the southern branch thereof to its source; thence in a straight line to the source of the westernmost tributary of Indian Creek; thence in a straight line in a southerly direction to the southern side of Humming Bird Highway at a point 70 chains east of St. Margaret's Creek bridge measured along the Highway; thence by the southern side of the Humming Bird Highway in an easterly direction to its highest point in the Humming Bird Gap; thence in a south south-easterly direction to the top of the peak known as Arthur's Seat; thence in a south-westerly direction along the Main Divide of the Maya Mountains which forms the watershed between Sibun and Belize River systems on the west and North Stann Creek, Sittee River and Monkey River systems on the east as far as its junction with the spur which forms the southern watershed of Marse Nest Branch of Swasey Branch of the Monkey River; thence southward along the left bank of Swasey Branch to the north-western corner of a block of land numbered 214 and shown on Plan No 652 in the Lands and Survey Department; thence due east to Big Creek; thence along Big Creek to the sea; thence northward along the coastline to the point of commencement including all the Cayes south of a line drawn east from the mouth of Mangrove Creek and north of a line drawn east from the mouth of Monkey River except Glovers Reef Cayes and excluding the Dangriga Town Division.

THE TOLEDO NORTH DIVISION, comprising all that portion of land in the

northern section of the Toledo District from a point commencing on the sea coast at Pork and Doughboy Point; thence in a straight Line in a westerly direction to the mouth of Jacinto Creek on the Rio Grande; thence in a straight line in a westerly direction to the mouth of Black Creek on the D{oho River; thence westward along the course of Moho River to the Western Frontier Line; thence anorthward along the Western Frontier Line to the boundary line of the Cayo Districttttt; thence eastward along the boundraies of the Cayo and Stann Creek Districts to the sea coast at the mouth of Big Creek; thence southward along the coast to the point of commencement, including the Cayes in the Toledo District.

THE TOLEDO SOUTH DIVISION, comprising all that portion of land in the southern section of the Toledo District from a point commencing on the at the mouth of the River Sarstoon; thence along the course of the river to the concrete pillar on the north bank thereof which marks the position of the Western Frontier Line to the crossing of Moho River; thebce eastward along the course of the Moho River to the mouth of Black Creek; thence on a straight line in an easterly direction to the rossing of Jacinto Creek on the Punta Gorda-San Antonio Road; thence in a straight line in an easterly direction to the mouth of Jacinto Creek on the Rio Grande; thence in a straight line in an easterly direction to the sea coast at Pork and Doughboy Point; thence southward along the coast to the point of Commencement..

SECOND SCHEDULE
[Section 6 (2) and 69]
REPRESENTATION OF THE PEOPLE REGISTRATION RULES

1. These rules may be cited as the Representation of the People Registration Rules.

Part I
First Registration

2.

(1) Any person who on the relevant date or the date fixed under Rule 4, whichever be the later is qualified to be an elector may apply to the proper registering officer to be registered as an elector.

(2) The Governor shall upon the advice of the Minister, and by proclamation published in the *Gazette* specify a date to be a relevant date for the purposes of paragraph (1).

3. Each electoral division shall be a registration area, and there shall be a registering officer for each registration area and such number of other officers as may be necessary assist the registering officer for each registration areal and such number of other officers as may be necessary to assist the registering officer in the discharge of his functions under these rules.

4.-

(1) For the purpose of the compilation of the First registers the Governor may upon the advice of the Minister, and by order published the *Gazette* fix the date on or before which any person eligible to be registered as an elector shall make his application therein

(2) The Chief Elections Officer shall thereupon publish a notice in the manner set out in Form 5 requiring every person qualified to be registered as an elector to make his application to the registering Officer of the division in which the applicant resides.

(3) The registering Officer shall make such arrangements as he deems necessary for the acceptance of any application that may be made pursuant to the notice referred to in paragraph (2).

5.-

(1) On or before the date fixed by the Governor under rule 4 every person eligible to be registered as an elector may make an for registration in Form 6A, to the registering Officer of his electoral division.

(2) Where any person eligible to apply suffers from any physical incapacity he shall notify the registering Officer of his incapacity and the registering Officer shall make such arrangements as he deems fit to obtain the application of that person.

(3) The applicant shall place his signature and date the application and shall produce such evidence as may be required by the registering Officer, to authenticate the statements in the application. No person shall be registered as an elector unless he shall have with his own hand placed his signature on the application for registration.

6.-

(1) The registering Officer may if he thinks fit, for the purpose of enabling persons to be registered as electors have a house to house inquiry made in the division, or any part thereof for which he is the registering Officer as to the persons entitled to be registered as electors in his division and may make provision for the acceptance of their application for registration following upon such inquiry.

(2) Where any house to house inquiry is to be held under the provisions of paragraph (1) of this rule the registering Officer shall apply to the Chief Elections Officer who with the approval of the Commission shall appoint such number of enumerators as he shall consider necessary for the purpose of carrying out such inquiry.

(3) Any person who in the course of any such inquiry hands over his application for registration shall be deemed to have made his application to the proper registering Officer in accordance with the provisions of these rules.

(4) Nothing in Paragraph (1) or paragraph (2) or paragraph (3) shall preclude any person who has not already made an application for registration from submitting an application for registration in accordance with rule 5 of these rules.

(5) Where an application has been made by a registering officer to the Chief Elections Officer for the appointment of enumerators and the Chief Elections Officer has with the approval of the Commission appointed such number of enumerators as he may consider necessary for the electoral division in which the registration officer is the proper registering officer the Chief Elections Officer shall divide such electoral division into as many areas

as there are enumerators for such division and appoint one enumerator to conduct a house to house inquiry in each area.

(6) Every political part which is represented in the National Assembly

at the time of any house to house inquiry may appoint one person, herein after called a scrutineer, to accompany each enumerator during such inquiry.

(7) Where an enumerator visits any house in the area for which he has been appointed he may

(a) accept an application for registration from any person who is in the house at the time of such and who is ordinarily resident in the electoral division in which the house stands whether that person resides in the house or not; and

(b) leave at any house any number of application forms as may appear to him necessary for persons who are resident in the house but who are not present at the time of his visit.

(8) During the course of his enumeration an enumerator shall not speak to or question any person whom he finds at any house he visits other than for the purpose of deciding whether or not that person may be registered and for deciding how many application forms to leave at the house.

(9) A scrutineer shall not question any person who is found in any house during the course of an enumeration.

7.-

(1) It shall be the duty of the chief occupant of every house, if required to do so, to furnish the registering officer of his division within 14 days of the date of such request with the names of every person living in that house who to the best of his knowledge is qualified to be registered and for that division.

(2) For the purposes of paragraph (1)

"chief occupant means" the person who is responsible for the payment of rent for the entire house to the landlord if such house is a rented house or the person who owns that house; or any person who for the time being is in charge of the house;

"house" means a dwelling house and includes any structure or any building or a part of a building used as a residence, and where a building is let in separate apartments flat or lodgings such apartments, flats and lodgings.

8.-

(1) The registering officer shall subject to directions as the Chief Elections Officer may give in that behalf cause investigations to be made and hold inquiries as he deems necessary 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.

(2) A registering officer before registering any person as an elector may, where he IS in doubt as to the age or nationality of the person, require that person to produce

(a) either a certificate of birth or other evidence that the person has attained the age of eighteen years; and

(b) a certificate of naturalization or other proof that he is a British subject.

9.-

(1) Where the registering officer is not satisfied with the applicant's claim to registration as an elector, he shall issue to that applicant a notice of disallowance in Form 7.

(2) Where a registering 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.

(3) Any person who is aggrieved by the decision of the registering officer under paragraph (1) may within ten days on the date of the notice of disallowance deliver to the registering officer and the revising officer of the division concerned a statement of appeal to be heard at the same time as objections made against the registration of electors.

(4) The registering officer shall maintain a book showing the names, addresses and other particulars of every applicant whose application for registration has been disallowed by him under this rule.

10. Where the registering officer is satisfied that the applicant is eligible to be registered he shall cause to be prepared, in respect of that person, in accordance with the provisions of the succeeding rules

(a) a registration record card in duplicate in Form 8;

(6) an identification card in Form 9;

(c) a certificate as to registration (in triplicate) in Form 10; and

(d) a name index card in Form 11.

11. The registering officer may require any applicant for registration to give him such information as will facilitate him in the discharge of his functions under these rules.

12. The registration record card shall bear a serial number. The particulars in the original shall be Filled in ink; the duplicate by means of carbon paper, and the card shall be signed by the registering officer on completion.

13. The identification card in respect of the applicant shall be completed by the registering officer and signed by him.

14. The name index card shall be completed and signed by the registering officer. It shall be maintained in the office of the registering officer in

alphabetical order.

15.-

(1) The registering officer shall then require the applicant to the entries in the registration record card, to place his signature on both the original and duplicate relating to him and also on the identification card.

(2) Where the applicant cannot read the entries therein, the registering officer shall read them out to the applicant and if he agrees that the entries accurately reflect the information supplied by him his agreement shall be recorded by the registering officer and the applicant shall place his signature on it.

16.-

(1) In respect of every person whose registration record card has been completed, the registering officer shall prepare a certificate as to a registration, in triplicate, of which the original shall be in ink and the duplicate and triplicate by means of carbon paper, stating that the applicant's registration record card has been completed and signed by him. It shall also direct the applicant to have hi photograph taken by the official photographer.

(2) The original and the duplicate of the certificate as to registration shall be delivered by the registering officer to the applicant.

17.-

(1) A person to whom a certificate as to registration has been issued under rule 16 shall within seven days from the date of the certificate present the original and the duplicate to the official photographer, who shall cause such person to place his signature in ink on the original of the said certificate.

(2) The official photographer shall thereafter take the photograph of that person and then add his signature in ink to the original and duplicate of the certificate. He shall return the duplicate to that person and retain the original with him, attaching to it the photograph of that person.

(3) An application for the registration of a person shall not be deemed to be completed until his photograph has been taken in accordance with the provisions of paragraphs (1) and (2) of this rule.

(4) The official photographer shall transmit to the registering officer who issued the certificate, without delay and in any case within seven days, the original of the certificate presented to him under paragraph (1) and three copies of the photograph taken by him of the person who presented it.

(5) The registering officer shall on receipt of the documents from the photographer forward them forthwith, and in any case within seven days, to the Chief Elections Officer along with the registration record card and the identification card relating to that application. The Chief Elections Officer may give instructions to the registering officer as to the manner in which the documents shall be boarded to him.

(6) Where a person has presented himself to the photographer but his photograph has been spoilt or misplaced the registering officer may require him to have his photograph retaken as many times as may be required to obtain a satisfactory photograph of that person.

18.-

(1) On receipt of the registration record card, the identification card, copies of the photograph, and the certificate as to registration in respect of any person, the Chief Elections Officer shall

(a) cause copies of the said photograph of the applicant to be attached to the identification card, and to the original and duplicate of the registration record card of that person;

(b) thereafter cause the identification card to be laminated; and

(c) return the original of the registration record card and the identification card to the registering officer.

(2) Where a document required to be sent to the Chief Elections Officer under the provisions in paragraph (1) is not received by him or is lost or there is any error or insufficiency therein the Chief Elections Officer may require the registering officer to cause the same to be remedied.

19.-

(1) On receipt of the originals of the registration record card and the identification cards from the Chief Elections Officer the registering officer shall file the registration record cards of the election in the division in a binder designed for that purpose, in a manner to be prescribed by the Chief Elections Officer.

(2) The binder referred to in paragraph (1) shall be capable of being locked in such manner as the Chief Elections Officer may determine so that no registration record cards filed therein may be determined or any registration record card inserted except by the application of force.

20. The Chief Elections 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 registering officers and perfected in his office by the affixing of the photographs of the applicants.

21.-

(1) The registering officer shall, on or before a date to be specified in consultation with the Chief Elections Officer by the Governor by order published in the *Gazette*, prepare and publish a register substantially in Form 12 (hereinafter referred to as a first register) showing the serial number of the registration record card, the names, occupation, address and other particulars of all persons in respect of whom registration record cards have been prepared and to whom identification cards are to be issued.

(2) Not later than seven days after the first registers have been published the registering officer shall publish a notice specifying the places where those registers are available for inspection.

22.-

(1) Any person who desires any particulars concerning him in the register to be rectified shall be entitled within fourteen days of the date of such publication to apply in Form 13 to the registering officer to have the particulars rectified. The registering officer shall from time to time publish or exhibit in conspicuous places in the electoral division a notice containing the name and address of each applicant, if any, for rectification.

(2) Any person whose name appears in the first register may object

(a) to any other person whose name also appears therein as not being entitled to have his name therein; or

(b) to the rectification in the register of the particulars relating to any applicant, and shall for that purpose deliver to the registering officer within fourteen days of the date of the publication of the first register notice of his objection in Form 14A and a copy in Form 14B to the person concerned therein.

(3) Within ten days after the expiration of the fourteen days mentioned in paragraphs (1) and (2) of this rule each registering officer shall forward to the revising officer of his division a list of the names of all persons who have made such application or whose names are being objected to together with a copy of the first register signed by him. If no applications or objections are received within the time prescribed in this rule the registering officer shall immediately upon the expiry of the prescribed time notify the revising officer in writing that there are no such applications or objections.

23.-

(1) Within fourteen days after the publication of the first register the Chief Election officer shall publish in the *Gazette* a list of all persons, listed by divisions, whose names appear in the first register and who are deceased or are disqualified by virtue of a conviction for any election offence.

(2) The Registrar of Births and Deaths shall afford such facilities to the Chief Elections Officer and his officers as are necessary to discharge the functions imposed on them by paragraph (1).

(3) Every person whose name appears in such register and who objects that he is not so deceased or disqualified shall give notice in writing to the registering officer of the division in which he resides in the form set out in Form 15 within ten days of the publication of such fact.

(4) Within seven days after the expiration of the ten days mentioned in paragraph (3) of this rule the registering officer shall forward to each revising officer the list of deceased and disqualified persons as published by him and all objections made to such list. If in any division there are no persons deceased or disqualified, or if there are persons deceased or disqualified but there are no objections to the list within the time prescribed in this rule, the registering officer shall notify the revising officer of such fact.

(5) Notwithstanding anything contained in paragraph (4) of this rule the

registering officer may, if he is satisfied that any objection is valid and before forwarding such list to the revising officer, remove the name of the objector from the list of deceased and disqualified person and forthwith inform such person in writing of such fact.

24.-

(1) An open court shall be held in each division by and before a revising officer for the purpose of revising the first register.

(2) The said court shall be held on such day as may be fixed by the revising officer being within four weeks after the receipt by him of the first referred to in rules 22 and 23 or of the notification mentioned therein, as the case may be.

(3) Six days notice, in the form set out as Form 16 of the holding of the court and the place at which the same is to be held shall be given in the *Gazette*, in one or more newspapers published in Belize and by posting the notice on the outer doors of the court houses in the districts.

25.-

(1) The revising officers shall in open court hear and determine any appeal against disallowance by a registering officer under rule 9, any application for rectification of any particular in any register and any objection to such an application and any objection to the retention or deletion of any name in the register for his division.

(2) Upon the production in court by the proper registering officer of the first register the revising officer shall go through the same and shall

(a) enter in the first register the name of every person who in his opinion is entitled to have his name entered therein;

(b) correct any mistake in the first register of which he is satisfied;

(c) strike out of the first register the name of every person who is proved to his satisfaction not to be entitled to have his name retained in such register; and

(d) strike out the name of every person whose name appears in the list of deceased and disqualified persons and who has not objected thereto or who has objected thereto but has not satisfied the revising officer that his objection is valid.

(3) Any person whose name appears on the list of deceased and disqualified persons furnished by the registering officers under the provisions of rule 23 and who has given notice of objection to the registering officer that he is not so deceased or disqualified may appear in open court and support his claim to have his name retained in the register.

(4) If in the case of an objection the objector does not appear to support his objection, the objection shall be overruled and the name retained on the register or list as the case may be.

(5) The revising officer shall write his initials against any name

struck out of the first register or inserted therein, and against any mistake or omission corrected therein, and shall when the register is finally settled sign his name to every page thereof.

(6) Every revising officer holding a court shall have power to adjourn the same to such time and as often as may be necessary and shall have the same powers for the keeping of order in his court as are given to a magistrate by the Inferior Court Ordinance.

26.-

{1) Every revising officer shall within one week after he has signed the first register of electors transmit it to the registering officer who shall upon receipt of it cause the names of the persons registered therein to be reproduced in a list in alphabetical order, and shall certify, sign and date the said list and the said list shall, subject to the determination of any pending appeal, be the register of election for his division.

(2) Subject to any pending appeal the registering officer shall, immediately on the receipt of the first register of election signed as correct by the revising officer make the necessary amendments in the registration record cards and the identification card relating to his division.

(3) Where the revising officer allows any appeal against a notice of disallowance under rule 9 and insert the name of the appellant in the relevant register the provisions of rules 10 to 20 shall mutatis mutandis apply in respect of that appellant.

(4) Where the registering officer cancels the registration of a person under this rule he shall note on the registration record card the reason for the cancellation, stamp or write the word "cancelled" on the face of the registration record card and the identification card of that person and retain the identification card for destruction.

(5) Immediately on the cancellation of a registration under this rule the registering officer shall inform the Chief Elections Officer of the name of the person whose registration has been cancelled, the reason therefore and the date of cancellation; and the Chief Elections Officer shall thereupon cause the duplicate of the appropriate registration record card to be cancelled in the manner set out in paragraph (4) hereof.

(6) The registering officer may before certifying any register rectify any clerical error which appears to him to have been made therein.

27.

(1) Every registering officer shall within seven days after he has signed and certified a register of electors of his electoral division transmit it to the Chief Elections Officer who shall upon the receipt of the several registers of electors of the several divisions countersign and date them and shall cause a copy of the same to be published.

(2) The registers so dated, signed and published shall, subject to the determination of any pending appeal, form the divisional registers and shall remain in force until new divisional registers are published as herein provided and they shall remain in the custody of the Chief

Elections Officer.

(3) A copy of the register so published or any document purporting to be a register and purporting to be signed by the Chief Elections Officer as being correct shall on production be admitted as evidence of the existence and the contents of any such register in all courts.

28.-

(1) The registering officer shall after the register of electors for identification his division has been certified by him under rule 26 cause to be delivered cards. to each person whose name appears therein and in respect of which name there is no appeal pending, a completed identification card relating to that person in exchange for the duplicate of the certificate as to registration of such person issued to him by the registering officer and endorsed by the official photographer.

(2) Before delivery of an identification card to him the recipient shall place his signature on the duplicate or if the duplicate is not produced, on the original of the certificate as to registration forwarded by the photographer along with the photograph.

(3) Where the person delivering the identification card is satisfied

a. that the person to whom he relates is unable to produce the duplicate of his certificate as to registration, and

b. that there is no doubt as to the identity of that person , he may issue the identification card to such person on that person placing his signature on the original certificate of registration and on his giving a receipt therein a in approved by the Chief Elections Officer.

29. Commencing from the 1st day of the month immediately following the publication pursuant to rule 27 of the divisional register, there shall be continuous registration of election in the manner set out in this part of these rules.

30.-

(1) Any person who becomes qualified to be registered as an elector may apply in Form 6S to the registering officer of the division in which he resides to be registered as an elector.

(2) The registering officer may, if he thinks fit and if required so to do by the Chief Elections Officer shall, for the purpose of enabling persons to be registered as electors have a house to house inquiry made in the division or any part thereof for which he is the registering officer as to the persons entitled to be registered as electors in his division and may make provision for the acceptance of their applications for registration upon such inquiry. The provisions of rules 6 and 7 shall apply to any inquiry made hereunder.

31. The registering officer shall conduct an investigation into the facts set out in each application received by him and shall on or before the 15th day of each month publish a notice setting out a list of the names of the persons whose applications he has decided, after investigation, satisfy the conditions necessary for registration, and stating his intention to register

such persons as electors in his division unless he receives objection thereto by the 25th day of that month. The notice shall also set a date on which a revising court will sit to hear and determine any objections received within the prescribed tie.

32. Where the registering officer decides, after investigation, that any person does not satisfy the conditions necessary to qualify as an elector he shall, on or before the 15th day of the month immediately following the receipt of the application, issue a notice of allowance in Form 7 and the provisions of rule 9 shall apply to such a notice.

33. Where the registering officer is satisfied that the applicant is eligible to be registered as an elector he shall follow the procedure set out in rules 10 to 16 and shall issue the certificate as to registration immediately upon his decision and in any event before the 15th day of that month.

34. The provisions of rules 17 to 20 shall apply to the certificate as to registration issued under section 33.

35.-

(1) Every person who is himself a registered elector may, within registration-the prescribed time, object to the registration in the register of the division to which the person objecting belongs, of any person whose name appears in the list published by the registering officer under rule 31 as not

being a person entitled to be so registered.

(2) Any person who makes any objection pursuant to paragraph (I) of this rule shall, within the prescribed time, deliver to the registering officer notice of his objection in Form 1 4A and a copy in Form 14B to the person concerned therein.

(3) The registering officer shall, on or before the 15th day of the months of February, May and August of any year, publish a list of the names of any persons to whose continued registration he objects for the reason that he believes that they were disqualified to be registered or did not, on the date of their applications for registration, possess the qualifications necessary for registration in his division.

36.-

(1) Where any objections are received within the time specified objections-in the notice published under rule 31, the registering officer shall prepare a list of the objections and the names of the persons who have made the same, and shall produce the same in open court.

(2) The registering officer shall add to the list so prepared by him the names of those persons who have delivered to him, within the prescribed time, a statement of appeal in terms of rule 9

(3) The registering officer shall, in the months of February, May and August of any year, add to the list of names so prepared the list of names published by him under paragraph (3) of rule 35.

37. On or before the last day of each month every revising officer shall hold an open court for the purpose of determining whether the persons who have

delivered to him a statement of appeal in terms of rule 9, and the persons whose registration is objected to, are persons entitled to be registered as electors within his division.

38. The court shall have power to adjourn to such time and as often as may be necessary:

Provided that the court shall complete its determination of the matters before it in any month before the 5th day of the month immediately following.

39. The court shall determine all appeals and all elections set out in the list before it and the revising officer shall-

(a) where he allows an appeal enter the name of the appellant in the list; and

(b) where he upholds an objection strike out the name of the person objected to, and shall in either case write his initials against each such name.

40 The court shall have the power to correct any clerical error or omission in the list before it, to administer oaths and to hear evidence relevant to the appeals and objections on oath The revisions officer shall initial any clerical error or omission connected in the list before hi

41 A certificate signed by the revising officer purporting to state his decision and his reasons for his decision shall in any proceedings be conclusive evidence thereof

42 Every revising officer shall at the conclusion of the proceedings in open court sign and deliver to the registering officer the list of names before the court showing which names have been added and which names have been struck out by the court.

43 -

(1) The registering officer shall, within thirty-eight hours of the receipt of the list from the revising officer, cause those names that have been retained in the list or added thereto by the revising court to be reproduced in a list in alphabetical order and shall sign, certify and date the said list.

(2) The registering officer shall immediately upon certifying a list under paragraph (1), forward to the Chief Elections Officer a signed and certified copy thereof and, subject to any pending appeal shall himself make the necessary changes in the binder of registration record cards maintained by him for his ion

(3) Where the revising officer allows any appeal against a notice of disallowance under rule 32 and inserts the name of the appellant in the relevant register, the provisions of rules 10 to 20 shall apply in respect of that appellant.

(4) The registering officer shall as soon as may be thereafter cause to be delivered to each person whose name appear on the list certified by him the completed identification card relating to such person in exchange for the duplicate of the certificate as to registration of such person issued to him by the registering officer and endorsed by the official photographer. The provisions of section 28 (2) and (3) shall apply mutatis

mutandis to the delivery of identification cards hereunder.

(5) The registering officer shall immediately upon the expiry of the time allowed for the lodging of an appeal to the Supreme Court cancel the registration of a person whose name has been struck out by a revising court unless he has received a notice of an appeal therefrom.

(6) Where the registering officer cancels the registration of a person whose name has been struck out by a revising court, he shall note on the registration record card of such person the reason for the cancellation, stamp or write the word "cancelled" on the face of the registration record card and retain the identification card of such Person for destruction.

(7) Immediately on the cancellation of a registration under this rule the registering officer shall inform the Chief Elections Officer of the name of the person whose registration has been cancelled, the reason therefor, and the date of cancellation, and the Chief Elections Officer shall thereupon cause the duplicate of the appropriate registration record card to be cancelled in the manner set out in paragraph (6) hereof.

44.—

(1) The Chief Elections Officer shall, upon receipt of the several lists forwarded to him under rule 43 (2), countersign and date them and cause a copy of the same to be published within seven days of the receipt

(2) Each list shall upon publication be incorporated in the register of the division to which the list relates and shall form part and parcel of that register.

PART 111

Annual Revision

45. On or before the 1st day of October in any year every registering officer shall publish a notice whereby he shall require all persons who are registered as electors in the register relating to his division and who may have objection to the retention in that register of the name of any other person entered therein prior to the 30th day of September of that year to state his objection thereto in Form 14A to the registering officer before the 1st day of November of that year.

46.—

(1) It shall be the duty of the registering officer of each division and to ascertain the names of persons who, being registered as electors, have since died or have become disqualified to be retained in that register of electors

(2) The registering officer shall on or before the 1st day of October in any year publish a list of the names of any persons he believes to be dead or disqualified and shall state therein his intention to strike out those

names from the register for his division.

(3) Any person whose name appears on a list published under paragraph (2) hereof and who is not dead or disqualified as stated therein may on or before the 1st day of November of that year state in Form 15 of his objection to the registering officer against the striking out of his name.

(4) The registering officer shall—

(a) where he has received no objection within the time prescribed therefor to the striking out of a name from the list published under paragraph (2) strike out the said name and shall cancel the registration of that person in the manner set out in rule 43 and inform the Chief Elections Officer about it; and the Chief Elections Officer shall cause the duplicate of the appropriate registration record card to be cancelled in the manner set out in that rule; and

(b) where he has received any objection within the time prescribed therefor and is not satisfied that the name should be retained in the register he shall prepare a list of all such objections and the names of the persons who have made the same and shall forward the said list to the revising officer.

47.—(1) Any person whose name appears in a divisional register may object to any other person whose name also appears therein as not being entitled to have his name retained therein or as being a person who is deceased.

(2) Every person so objecting shall, on or before the 1st day of November next ensuing give or cause to be given to the registering officer notice in Form 14A and, where the person objected to is not a deceased person, to that person, or leave or cause to be left at the usual place of abode of such person notice of that objection in writing in Form 14B.

(3) Immediately after the 1st day of November every registering officer shall prepare a list of all such objections and the names of the persons who have made it and shall cause a copy to be published in the *Gazette* for two consecutive weeks.

(4) The registering officer shall forward a copy of the list to the revising officer.

48.—(1) On or before the 20th day of November in each year an open court shall be held in each district town by the revising officer for the divisions falling within that district. Six days' notice, in the form set out as Form 16, of the holding of that court and the place at which it is to be held shall be given in the *Gazette*, in one or more newspapers published in Belize, and by posting the notice on the outer doors of the court houses and police stations in the district.

(2) The revising officer shall in open court determine the objections set out in the lists forwarded by the registering officer under rules 46 and 47 and shall strike out of the divisional register the name of any elector deceased or disqualified and write his initials against each name so struck

out and shall, when the register is finally settled, sign his name to every page thereof.

(3) The court shall have the power, subject to the provisions of paragraph (1), to adjourn to such time and as often as may be necessary: Provided that the court shall complete its determination of the matters before it in any

year by the 25th day of November of that year.

(4) The court shall have the power to correct any clerical error or omission in the list before it, to administer oaths and to hear evidence relevant to the appeals and objections on oath. The revising officer shall initial any clerical error or omission corrected in the list before him.

49--(1) Every revising officer shall within two days after he has signed the revised divisional register transmit it to the registering officer, who shall upon receipt of it cause the names of the persons retained therein to be reproduced in a list in alphabetical order according to streets or polling areas and shall certify, sign and date the said list and the list shall, subject to the determination of any pending appeal, be the register of electors for his division.

2. The provisions of rule 27 shall apply mutatis mutandis to the register prepared under paragraph (1).

(3) The registering officer shall immediately upon the expiry of the time allowed for the lodging of an appeal to the Supreme Court cancel the registration of a person whose name has been struck out by a revising court unless he has received a notice of an appeal therefrom.

(4) Where the registering officer cancels the registration of a person whose name has been struck out by a revising court he shall note on the registration record card of such person the reason for the cancellation, stamp or write the word "cancelled" on the face of the registration record card and the identification card of that person and shall retain the identification card for destruction.

(5) Immediately on the cancellation of a registration under this rule the registering officer shall inform the Chief Elections Officer of the name of the person whose registration has been cancelled, the reason therefor and the date of cancellation; and the Chief Elections Officer shall there upon cause the duplicate of the appropriate registration record card to be cancelled in the manner set out in paragraph (4) hereof.

PART IV

Appeals from Revising Officers

50.--

(1) Any person who is dissatisfied, on any point of law material to the case, with any decision of a revising officer to insert, retain or remove any name from any register, may either in person or by some person on his behalf give to the revising officer, not later than forty-eight hours after the decision is given, a notice of appeal in writing containing a short statement of the decision against which he is appealing.

(2) The revising officer shall within seven days state in writing the facts material to the matter in question which in his judgment have been established by evidence and his decision upon the whole case, for the opinion of the Supreme Court and this shall constitute an appeal under Part VIII of

the Supreme Court of Judicature Ordinance.

(3) The revising officer shall endorse on the case stated the name of the electoral division to which the same relates and the respective first names and surname and place of abode of the appellant and the respondent if any, and he shall sign and date the endorsement and transmit the case to the Registrar, and also deliver a copy of the case so endorsed to the appellant and respondent (if any) in the appeal if either requires the same.

(4) The Registrar upon receiving a stated case from a revising officer shall file a in the Supreme Court and upon application to the Chief Justice, obtain from him an appointment for the hearing of the appeal and shall give notice thereof to the appellant and respondent, not less than fourteen days before the date set for the hearing of the appeal

51. If any person feels aggravated by a revising officer's revising or neglecting to state a case, he may within fourteen days after such revisal or neglect apply to the Supreme Court upon affidavit of the facts and the Supreme Court shall thereupon summon the revising officer and also the respondent (if any) to show cause why an order should not be made directing the appeal to be entertained and a case to be stated.

52. Upon receipt of an application under section 51 the Supreme Power of Court may make an order to show cause and may make the same absolute with or without cause, as may be just and the revising officer on being sewed with any order absolute, shall state the case accordingly, and the case shall be stated and the appeal entertained and heard.

53.- (1) Every judgment or decision made by the Supreme Court shall be final and conclusive in the case upon the matter adjudicated upon.

(2) The registrar shall send a copy of such order to the registering officer of the relevant division.

54.- (1) The registering officer, on the receipt of the order from the Supreme Court shall, if the order is for the name of a person from the register of election .

- i. strike out the name from the register;
- ii. cancel the registration record card in the manner hereinbefore prescribed;
- iii. call for the return d the identification card for cancellation, if it had already been issued to the person;
- iv. cancel the identification card; and
- v. make the necessary alterations in the divisional register and other records.

{2) Where the Court orders the insertion of a name in any divisional register, the provisions of rules 10 to 20 shall mutatis mutandis apply in respect of that appellant and the registering officer shall

- i. notify the Chief Elections Officer of the said order and the necessary particulars thereof;

- ii. cause to be delivered to the person so added the completed identification card relating to such person in exchange for the duplicate of the certificate as to registration of such person issued to him by the registering officer and endorsed by the official photographer; and
- iii. make the necessary alteration in the divisional register and other records.

(3) The registering officer shall now the Chief Elections Officer without delay of the changes affected under paragraph (1), and the Chief Elections Officer shall make the necessary changes in the Central Register and other records.

55. The Chief Elections Officer shall where any names have been inserted on the orders of the Supreme Court cause a list of such names to be published as and when necessary.

56-(1) The person entitled to vote at the election of a divisional representative shall be those persons whose names appear on the register for that division.

(2) No right of voting at any election shall be affected by any appeal against the exercise of that right pending at the time of the issuing of the order directing an election to be held, but every person who could otherwise vote may exercise the right of voting at the election as effectually and every vote tendered thereat shall be as good, as if no appeal were pending, and the subsequent decision of that appeal shall not in any way alter or affect the poll taken at the election nor the return made thereat by the returning officer.

PART V **General Provisions**

57.-

(1) An elector who has changed his place of residence from one address to another in the same division shall give notice of such change of residence in Form 17 to the registering officer of the division concerned.

(2) Upon receipt of a notice referred to in paragraph (1), the registering officer shall, if he is satisfied as to the identity of the person giving the notice and the correctness of the other particulars contained therein, make such alteration on the registration record card of such person as may be necessary to record the change.

(3) When a person has given a notice under paragraph (1) and the registering officer is not satisfied as to the identity of the person giving the notice or the correctness of the particulars contained therein he shall cause an investigation to be made in connection therewith, and upon receipt of any report thereon, he shall, if he is then satisfied, make such alteration on the registration record card of such person as may be necessary.

(4) The registering officer, after correcting a registration record card in accordance with paragraph (2) or paragraph (3) shall where the person has changed his place of residence within the same division-

- a. alter the registration record card of such person to show the change of

residence;

- b. notify such change to the Chief Elections Officer who shall make the necessary corrections in the registration record card of such person in the Central register; and
- c. inform the person to whom such registration record card relates that such change has been noted.

58.-

(1) Where a registered person changes his place of residence from one division to another, he shall, after he has resided for a minimum period of time of two months at his new address give written notice thereof in Form 17, to the registering officer of the division in which he now resides as a result of his change of residence and thereupon, if the registering officer is satisfied of the correctness of the particulars in the notice, the registration record card of such person shall be transferred to the divisional register for that division in which he resides:

Provided that no elector may be transferred from one divisional register to another at any time after the issue of a writ for an election in the division concerned or within three months before the expiry of the term of office of the House of Representatives.

(2) Where a person who is registered as an elector for a division has ceased to reside in that division, he shall not on that account cease to be qualified to vote in that division unless and until his registration record card has been transferred therefrom to another division.

(3) Subject to paragraph (4), the provisions of paragraphs (3) and (4) of rule 57 shall apply mutatis mutandis to the registration record cards transferred under paragraph (1).

(4) Where a registered person has changed his place of residence from one division to another on such a number of occasions as to render the registration record card relating to that person incapable of accommodating any further alterations, the registering officer of the division to which that person has last moved shall examine the registration record card and shall, if he is satisfied that no further entries can conveniently be made thereon notify that person accordingly and shall re-register such person in the manner set out for the registration of persons qualified to be registered, but so that his registration number shall not be changed.

59.- Where a registered person changes his name in a manner recognized by the law for the time being he shall

- a. give notice thereof in Form 18 to the registering officer of the division in which he is registered;
- b. produce to the registering officer satisfactory evidence of such change; and
- c. surrender to the registering officer his identification card.

(2) If the registering officer is not satisfied as to the identity of the person giving the notice or as to his change of name he shall cause an investigation to be made in connection therewith.

(3) If upon receipt of the notice under paragraph (1), or of the report of the investigation, if any, made under paragraph (2), the registering officer is satisfied as to the identity of that person and his change of name, he shall re-register or cause that person to be re-registered in the manner set out for the registration of persons qualified to be registered but so that his registration number shall not be changed.

(4) Where, following upon an investigation made under paragraph (2), the registering officer is not satisfied

- a. that the person giving notice of a change of name is in fact the person to whom the identification card surrendered by him belongs, or
- b. that there has in fact been no legal change of name,

he shall refuse to make any amendment in the registration of electors concerned and shall return the identification card to the person legally entitled to it.

60.-

(1) The name, address and any other particulars of any elector in respect of whom a change is made under rules 57, 58 and 59 shall be published as so changed in the list of names published in terms of rule 44.

(2) The registering officer shall write his initials against any alteration made by him on any registration record card.

61.-

(1) Any clerical error or omission in a registration record card and any other error in any such case that has been caused by the inadvertence of a registering officer or the person seeking registration may be

corrected or inserted, as the case may require, by the registering officer who registered the person to whom the registration record card or identification card relates.

(2) Where the description of the address of a registered person has been altered by lawful authority, a registering officer may make the appropriate alteration on the registration record card of that person.

(3) A connection, insertion or alteration made under this rule shall be initialed by the registering officer and by the person to whom the card relates.

(4) The registering officer shall inform the Chief Elections Officer of any correction, insertion or alteration made under this rule and the Chief Elections Officer shall make or cause to be made the necessary changes in the appropriate duplicate registration record card.

62. Where a person is popularly known or called by a name which is other than that appearing on his certificate of birth and is registered under such popular name, or where a person at the time that he is seeking data of registration gives as the date of his birth a date which he subsequently discovers to be inaccurate, he shall notify the registering officer of the division in which he is registered and the registering officer shall if he is satisfied that the fact stated are true, re-register or cause that person to

be re-registered in the manner set out for the registration of persons qualified to be registered but so that his registration number shall not be changed.

63.-

(1) Where an identification card which has been issued to any person-

- a. has been lost stolen, destroyed, mutilated or defaced; or
- b. is discovered to contain information given by such person which is inaccurate or incorrect, he may apply to the registering officer of the division in which he resides for the replacement of the identification card, and the registering officer, if he is satisfied that the application is a bone fide one, shall issue to that person a replacement identification card.

(2) An application under paragraph (1) shall be in Form 19 and shall be accompanied by the fee specified in paragraph (9).

3. The registering officer shall not issue a replacement identification card until, in the case of a card

- a. which is discovered to contain inaccurate or incorrect information; or
- b. which has become mutilated or defaced;

and the card has been delivered to him for destruction.

(4) The registering officer for the division in which the applicant resides at the time of his application for a replacement identification card shall

- a. endorse thereon a note to the fact that the card is a replacement identification card; and
 - b. if he is satisfied that the contents thereof are correct, either sign the card himself or cause it to be signed by the registering officer for the time being assigned to that division.
5. Subject to paragraph (6) a replacement identification card shall contain such particulars as were recorded on the identification card of the person to whom it relates
6. When a registering officer issues a replacement identification card he
- a. insert therein the print of a photograph different from that which was issued to the identification card which it replaces if he is satisfied that it is a sufficiently good likeness of the person to whom it relates; and
 - b. in a case where it is discovered that an identification card contains information which is inaccurate or incorrect, insert such alteration on the replacement identification card and, after an inquiry made for the purpose, he may consider necessary and proper:

Provided that where the registering officer accepts a photograph different from that which was on the identification card that is being replaced he shall cause copies of that photograph to be attached to the registration record card and to the duplicate registration record card maintained by the

Chief Elections Officer.

(7) Whenever a registering officer issues a replacement identification card, he shall make or cause to be made an entry in the space allocated for remarks on the appropriate registration record card showing the date of the issue of that card and shall

- a. notify the Chief Elections Officer of the issue of the card and the Chief Elections Officer shall cause the necessary entry to be made in the duplicate of the registration record card of that person; and
- b. transmit, in cases where the original identification card is required by these rules to be surrendered, the surrendered identification card to the Chief Elections Officer.

(8) A registering officer, on being satisfied as to the death of any person registered in his division to whom an identification card was issued under these rules shall be as soon as practicable after being so satisfied, require the personal representative of that person or any person in possession of the same to surrender to him the identification card that was issued to that person, if the registering officer is satisfied that it is within the power of any such person to do so.

(9) There shall be payable for every replacement identification card

- (a) in the case of a first issue, five dollars;
- (b) in the case of any further issue, ten dollars;

but the Chief Elections Officer may except where a replacement identification card is issued as a result of incorrect or inaccurate information given by the person to whom such card related on the ground of poverty or for other good cause, remit or refund the fee or any part thereof

64.-

(1) If both the original and the duplicate of a registration record or card of an elector is lost mutilated, defaced or destroyed, the appropriate registering officer shall require that elector to be registered anew, and if he neglects or refuses to do so the registering officer shall require him to surrender his identification card.

(2) If either the original or the duplicate of a registration record card of an elector is lost, mutilated, defaced or destroyed, the Chief Elections Officer shall prepare a photostatic record from the remaining copy and that copy shall be deemed to replace the lost mutilated, defaced or destroyed original or duplicate of the registration record card, as the case may be; and the Chief Elections Officer shall make and sign a certificate on the photostatic copy to the effect that it is a true and correct reproduction.

(3) If the registration record card of a person whose name is on the revised register of electors for a division and who produces his identification card does not appear in the binder of registration record cards for that division, the Chief Elections Officer shall cause a registration record card to be prepared for that person and the registration record card shall be included in the binder of registration record cards of electors for that division.

65.-

(1) The Commission may, not earlier than eight years nor later than ten years from the date of the issued an identification card under these rules, require every holder of an identification card to surrender the card for inspection and may, if it considers it proper, substitute a new identification card with a fresh photograph for the identification card so surrendered.

(2) Any person who refuses to surrender such card for inspection when required to do so under paragraph (1) shall be guilty of an offence.

66.-

(1) Any person who, being registered as an elector, applies for registration as an elector in any division and does not disclose in the application the act of his being already registered as an elector, shall be guilty of an offence and shall on summary conviction be liable to a fine of one thousand dollars or to imprisonment for a term not exceeding six months or both.

2. Where the Chief Elections Officer finds that an elector has been registered in more than one division and is qualified to be so registered he shall serve a notice upon the elector calling upon him to opt within fourteen days of the notice in which division he wishes to remain an elector and shall

a. if the elector exercises his option within the stipulated time, strike out his name from the register relating to the division in which the person concerned does not wish to remain as an elector; or

b. if the elector does not exercise his option within the stipulated time, strike out the name of the elector from all but the register of the division in which he was 1st registered.

3. Where the Chief Elections Officer find that an elector has been registered more than once in any division, he shall, if he is satisfied that it is the same elector, strike out his name as many times as may be necessary to reduce the registration of the said voter to a single entry in the said register.

1. Where an elector has been registered more than once, the Chief Elections Officer and the relevant registration officers shall

a. cancel the registration record cards relating to any entry in a register that may have been struck out by the Chief Elections Officer under subsection (2) or (3); and

b. call for and retain for destruction the identification cards relating to the entries struck out by the Chief Elections Officer under subsection (2) or (3).

5. Where any elector is called upon to return any identification card issued to him and does not do so within a reasonable time to be specified by the Chief Elections Officer, he shall if he does not satisfy the Chief Elections Officer that he has lost or destroyed the said card, be liable upon summary conviction to a fine of one thousand dollars or imprisonment for a term not exceeding six months or to both.

67. Where a document is made available for inspection any person may make a copy of or take extracts from the document.

68. No misnomer or inaccurate description of any person or place in any register list, list of applications or objections or in any notice shall prejudice the operation of that document with respect to that person or place, in any case where the description of that person or place be such as to be commonly understood.

69. Any failure to publish a document in accordance with these rules shall not validate the document nor make any action taken thereafter on the strength of the document ineffectual.

70. Every registering officer shall keep the original register to be perused by any person during office hours without payment of any fee.

71. If the revising court g of opinion that the application or objection made by any person is without foundation or frivolous it may award costs to be paid by such person to the person resisting the application or objection. For the purpose of compelling the attendance of witnesses and for enforcing the payment of cost awarded, the court shall be deemed to be and have all the powers of a court of summary jurisdiction.

72. A certificate signed by the magistrate purporting to state the opinion of the court shall in any proceedings be conclusive evidence thereof

73. Every registering Officer shall acknowledge every application, objection or notice received by him under these rules by giving to the person making such application or objection or giving such notice a receipt in Form 6B.

THIRD SCHEDULE

[Sections 25 and 69]

ELECTION RULES

1. These Rules may be cited as the Representation of the People Election Rules.

2. Before the day fixed for the nomination of candidates the returning officer shall obtain from the Chief Election Officer the prescribed number electors to of certified copies of the proper register for the time being in force. be obtained.

3.-

(1) On the day and at the place or places fixed by the returning officer he or any assistant duly authorised by him shall attend be seen attend between the hours of ten o'clock in the afternoon and four o'clock in the afternoon ten and receive the nomination of any duly qualified candidate or candidates for the seat to be filed.

2. Every candidate shall be nominated in writing on one nomination paper signed by six persons whose names appear on the register of voters for the electoral division concerned.

3. The candidate shall assent to the nomination in writing by affixing his signature to the nomination paper.

If at bur o'clock in the only one candidate has been nominated the seat to be filled the returning officer shall forthwith declare such candidate to have

been elected, and shall immediately thereafter certify by endorsement on the writ of election the return of that candidate according to Form 20 and shall return the writ so endorsed to the Commission for transmission to the Governor within the time for that purpose specified therein.

4.-

1. Any candidate duly nominated may, not less than seven clear days before the day fixed for taking the poll, withdraw from his candidature by giving notice to the effect signed by him, to the returning officer, provided that on such withdrawal there remains not less than one duly nominated candidate.
2. If any such candidate withdraws in accordance with paragraph (1) of this rule before the day fixed for taking the poll the returning officer shall forthwith give public notice of such withdrawal in the *Gazette*, in one or more newspapers published in Belize and by posting such notice on the outer doors of the court houses and police stations, if any, in the division, and if on such withdrawal there remains only one duly nominated candidate, the returning officer shall forthwith declare such candidate to have been elected, and shall immediately thereafter certify by endorsement on the writ of election the return of such candidate in the form set out as Form 21, and shall return the writ so endorsed to the Commission for transmission to the Governor within the time for that purpose specified therein.
3. If any candidate duly nominated dies before the day fixed for the taking of the poll the returning officer shall forthwith give public notice of such death in the manner prescribed in paragraph (2), and all proceedings with reference to the election shall be commenced afresh in all respects as if the writ had been received on the say of such death and the provisions of sections 23 to 25 inclusive of this Ordinance and rules 2 and 3 and these Rules shall have effect accordingly:

Provided that no fresh nomination shall be necessary in the case of any candidate who has been validly nominated in accordance with rule 3 of these Rules.

5. No candidate shall assent to his nomination in more than one division at a general election and in the event of a candidate so assenting, he shall be deemed to have withdrawn himself as a candidate at that election.

6.-

(1) A candidate for election, or someone in his behalf shall on or before the date of his nomination deposit or cause to be deposited, the returning officer, the sum of two hundred dollars and if he shall fail to do so, the nomination of such candidate shall be deemed to be invalid.

(2) The deposit may be made by the deposit of any legal tender, or, with the consent of the returning officer, in any other manner.

(3) If after the deposit is made the candidate withdraws, the deposit shall be returned to the person by which the deposit was made and if the candidate dies after the deposit is made and before the poll is commenced the deposit, if made by him shall be returned to his legal personal representative, or, if not made by him, shall be returned to the person by whom the deposit was made.

7.-

(1) If a candidate who has made the required deposit is not elected, and the number of votes polled by him does not exceed one-tenth of the total number of votes polled, the amount deposited shall be forfeited but in any other case that amount shall be returned to the candidate as soon as practicable after the result of the election is declared.

(2) For the purposes of this rule the number of votes polled shall be deemed to be the number of ballot papers (other than rejected ballot papers) counted.

8.-

(1) It shall be lawful for any person whose name appears on register of electors for any division to object to the nomination paper of any candidate and the returning officer shall decide on the validity of nomination every objection made.

(2) If the returning officer disallows the objection his decision shall be final, but if he allows the same his decision shall be subject to reversal on petition questioning the election or return.

9.-

(1) If there shall be more than one candidate nominated a poll of election shall be taken on the day specified in the writ in the manner hereinafter provided.

(2) The returning officer shall as soon as practicable after adjourning the election, publish a notice according to Form 22 of the day and time on which, and the addresses of the polling station in the division at which, the poll shall be taken and the names of the candidates nominated for election and of the place where, and the day and time when, the number of votes given to the several candidates for such division will be counted.

10.-

(1) The returning officer shall establish for each electoral division such number of polling stations as the Chief Elections Officer with approval of the Commission shall determine.

(2) Where more than one polling station is established for any electoral division the returning officer shall divide the register of electors for the electoral division into as many separate parts as there are polling stations in that electoral division.

(3) Where only one polling station is established for any electoral division the registering officers shall make the binder of registration record cards available at the polling station for the purposes of checking the identity of electors. When more than one polling station is established for any electoral division the registering officer shall break up the binder of registration record cards relating to that electoral division into as many separate parts as there are polling stations in that electoral division and supply each such polling station with the part of the binder of registration record cards relating to that polling station. After the completion of the poll the registering officer shall ensure that the binder of registration record cards

is restored to its original position.

(4) The returning officer shall provide each polling station with such number of compartments as he may consider necessary to enable electors to record their votes screened from observation.

11. The voting shall commence at each polling station at seven o'clock in the forenoon of the day appointed for the reception of votes and shall close at six o'clock in the afternoon of that day unless otherwise directed by the writ of election issued by the Governor.

12.-

(1) The Chief Elections Officer shall supply to each returning officer such number of ballot boxes as in his opinion may be necessary for taking the poll in that division.

(2) Every ballot box shall be made of some durable material with one lock and key and a slit or narrow opening in the top and so constructed that the ballot papers may be introduced therein but cannot be withdrawn therefrom unless the box is unlocked.

(3) The Chief Elections Officer shall also supply the returning officer of each electoral division with such number of ballot papers as in his opinion may be necessary for taking the poll in that division. The Chief Elections Officer shall also supply the returning officer of each electoral division with such quantities of materials as are enumerated in paragraph (2) of the next rule to enable the returning officer to discharge his functions under that rule.

13.-

(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) The returning officer shall provide each polling station with-

(a) the necessary materials to enable electors to mark the ballot papers;

(b) the necessary materials for putting the official mark on the ballot papers;

(c) at least three copies, which he shall certify, of the register of electors relating to the electoral division to which he is appointed;

(d) at least three copies of the directions for the guidance of electors in the form set out as Form 23;

(e) a statement showing the number of ballot papers so provided, with their serial numbers;

(f) the several forms of oaths to be administered to elections officers; and

(g) such other things as may be necessary for conducting the election in the manner provided by this Ordinance.

(3) Until the opening of the poll the presiding officer shall keep the official copies of the register of voters, forms of oaths, envelopes, ballot

papers and other election supplies carefully locked up in the ballot box, and shall take every precaution for their safe keeping and to prevent any person from having unlawful access to them.

(4) Before the hour fixed for the opening of the poll, the presiding officer shall post up in each compartment of the polling station and in a conspicuous place outside of the polling station one copy of the directions issued by the Chief Elections Officer for the guidance of the electors in voting.

14.-

(1) Each candidate shall have the power to appoint polling agents to be present at polling stations within the division: agent and

Provided that not more than one such agent shall be present within a polling station at any one time.

(2) Each candidate may appoint not more than three counting agents to attend at the counting of votes.

(3) Every appointment of an agent shall be in writing and shall state the name and address of the person and it shall be given duly signed by the candidate to the presiding officer or the returning officer as the case may be.

15.-

(1) The poll shall be taken in each polling area by secret ballot in accordance with the provisions of rules 21 and 24 of these Rules.

(2) The ballot of each elector shall be a printed paper (in these Rules called a ballot paper) in which the names, descriptions and residences of the candidates alphabetically arranged in the order of their surnames and numbered accordingly shall be printed exactly as they are set out in the nomination paper.

(3) Each ballot paper shall have a number printed on the back as in the form set out as Form 24.

(4) The spaces on the ballot papers opposite the names of the candidates shall be printed in such colour or colours or with such symbols as the Commission may decide. The Commission, after consulting the political parties contesting the election, may if it thinks fit, allocate different colours or symbols to different parties and shall publish in the *Gazette*, not less than seven days before any election the colours or symbols which have been allocated to the different parties.

16.-

No one other than the Chief Elections Officer or a person authorised by him shall print or publish any form prescribed by these Rules or print or publish any form which in the opinion of the Chief Elections Officer resembles or sufficiently resembles any in prescribed by these Rules so as to be capable of misleading an elector into believing that that form was a form or a sample of a form printed or published by the Chief Elections Officer.

(2) Any person who contravenes the provisions of paragraph (1) of this rule shall be guilty of an offence and shall be liable upon summary conviction to

a fine not exceeding five hundred dollars or to imprisonment for any term not exceeding three months or to both.

(3) Any person who distributes any in printed or published in contravention of the provision of paragraph (1) of this rule shall be guilty of an offence and shall be liable upon summary conviction to a fine not exceeding two hundred and fifty dollars or to imprisonment for a term not exceeding one month or to both.

(4) For the guidance of electors the Chief Elections Officer may issue sample ballot papers conforming with Form 24 set out in the Fifth

Schedule.

17. In cases where a poll is to take place the presiding Officer shall

take care that the polling station is provided with such proper doors, barriers, tables, chairs, lighting equipment, and other conveniences as may be necessary, and that same are properly arranged for carrying out the provisions of this Ordinance, and he shall also provide proper ballot box or boxes and such other conveniences for taking the poll as he may deem necessary.

18-

1. All persons voting as electors at elections of the House of Representatives shall do so in person at the polling station in the polling area in which their names appear on the divisional register for that division.
2. Any person contravening paragraph (1) of this rule shall be liable on summary conviction to imprisonment for six months.

19.-

(1) Subject to rule 18, any elector unable to cast his vote in the division in which his name appears on the register by reason of the fact that-

- a. he is a person employed in an essential service elsewhere; or
- b. he is a member of the Belize Defence Force; or
- c. he is a policeman assigned for duty in some other division; or
- d. he is a person acting as an election officer for some other division;
or
- e. is a person employed in transporting or in any other manner assisting an election officer in some other division;

may vote by proxy:

Provided that

- a. a person shall not be entitled to have more than one person at a time appointed as proxy to vote for him at the election to the House of Representatives;
- b. a person shall not be capable of being appointed to vote as proxy

unless he is eighteen years of age or over and not subject to any legal incapacity to vote thereat;

c. the appointment shall be made by the returning officer by means of a proxy paper issued by him in the manner set out in Form 25 on application made to him by the elector;

d. the application shall be in the manner set out in Form 26 and shall be defined by the voter in the presence of a justice of the peace.

(2) Stamp duty shall not be chargeable on any instrument appointing a proxy under this Ordinance.

(3) The returning officer shall keep a record of electors for whom proxies have been appointed, and the names and addresses of the persons so appointed.

(4) Any person who impersonates a proxy or in any manner acts in contravention of this rule shall be liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months.

(5) The Minister may by order prescribe what services are essential services for the purposes of this rule.

20.-

(1) An elector duly qualified shall not vote for the election of more than one person, and shall with the implement provided, mark a cross within the space opposite the name of the candidate for whom he intends to vote.

(2) The Presiding Officer shall on request give such instructions as may appear to be necessary to any elector as to the manner in which he should record his vote.

21.-

(1) At the hour fixed for opening the poll the presiding officer and poll clerk shall in the presence of the candidates, or their agents and such of the voters as are present, open the ballot box and ascertain that there are no ballot papers or other papers therein, after which the box shall be locked, and the presiding officer shall keep the key thereof and the box shall be placed on a table in full view of all present and maintained there the close of the poll.

(2) Immediately after the ballot box is so locked, the presiding officer shall call on the voters to vote.

(3) The presiding officer shall secure the admittance of every voter in the polling station and shall see that he is not impeded or molested at or about the polling station.

(4) Every elector, upon entering the polling station, shall produce his identification card and shall declare his name, residence and occupation.

(5) The presiding officer shall mark the ballot paper on the back with his initials and, calling out the name of the voter in an audible voice, and marking the voter in such manner as is prescribed by this rule, deliver the paper to him within the polling station.

(6) Any candidate or the polling agent of any candidate may challenge the identity of any elector, and shall upon so challenging the identity of any elector be entitled to examine the identification card of that elector and to compare the same with the registration record card relating to such elector.

(7) A voter shall be marked by the dipping of the forefinger of his right hand up to at least the first joint in indelible ink. If a voter has no forefinger on his right hand or if for any other reasons it is in the opinion of the presiding officer, not practical to mark such forefinger such other finger as the presiding officer shall direct shall be marked in the manner prescribed or, if in the opinion of the presiding officer it is not practical to mark any finger of a voter, such voter shall be marked with indelible ink in such way as the presiding officer may deem fit.

(8) The voter shall then retire to one of the compartment provided for the purpose, but within the polling station, and having privately marked his vote on the ballot paper in the manner prescribed by the preceding rule and folded h up so as to conceal his vote, but so as to show the initials of the presiding officer on the back shall place it in the ballot box in the presence of the presidin6 officer after having shown to him the official mark on the back, and the voter, having voted, shall forthwith leave the polling station.

(9) The presiding officer, after having delivered to the voter a ballot paper and while the voter is recording his vote, shall make a mark against the name of the voter on his copy of the proper register of voters to indicate that the vote of that person has been received, but not so as to show the particular ballot paper given to him.

22.-

(1) The presiding officer shall keep order at the polling station and shall regulate the number of voters to be admitted at a time, and shall exclude all other persons except his assistant, the Chief Elections Officer, the returning officers, the candidates, one agent for each candidate appointed by the candidate in accordance with the provisions of rule 14 of these Rules and the police officers on dutv.

(2) The agents shall be posted in such a place that they can see each person who presents himself as a voter and hear his name as given in by him, but so that they cannot see how any voter votes.

(3) The agents shall not interfere in the proceedings save in so far as they may be allowed by these Rules.

(4) If any person persists, after being warned, in disobeying the directions of the presiding officer or in acting in contravention of this rule the presiding officer may cause him to be removed from the polling station.

23. The presiding officer at any polling station shall receive the votes Presiding of all duly qualified persons whose names are on the proper register of officer to voters and who appear and apply for a ballot paper.

24.-

(i) The presiding officer may, at his discretion, and shall, if required by any candidate, or any person representing a candidate at the time of the votes being received, put to any voter, who is in possession of an

identification card, at the time of tendering his vote, the following questions, or either of them, and no other-

(a) are you the same person whose name appear as (A.B. as the case may be) on the proper register of voters now in force ?

(b) have you already voted at this election either here or elsewhere for the election of a divisional representative ?

(2) Where any voter is, at the time of tendering his vote, not in possession of an identification card, the presiding officer may at his discretion ask any question relating to his identity, his place of residence, his age and any other matter that may be of assistance in establishing the voter as being the person whose name appears in the register for that division.

(3) If any person refuses to answer any question so put to him, the presiding officer may refuse to receive his vote.

(4) If any person makes a false answer to any such question he shall be unable on summary conviction to imprisonment for six months.

25.-

1. A voter who has so inadvertently dealt with his ballot paper that it cannot be conveniently used as a ballot paper may, on delivering paper it to the presiding officer and proving the inadvertence to the satisfaction of that officer, obtain another ballot paper in place of that so delivered (hereinafter called a spoilt ballot paper).

2. The spoilt ballot paper shall immediately be cancelled by [he

presiding officer writing the word "cancelled" across the face and initialing it, and he shall retain the same.

26. If any voter is incapacitated by blindness or other physical cause from voting in the manner prescribed by these Rules, the presiding officer shall, at the request of that voter, in the presence of the agents (if any) of the candidates cause his vote to be marked on a ballot paper in the manner directed by the presiding officer, and the ballot paper so marked to be placed in the ballot box, and the name and number on the proper register of voters of every voter whose vote is so marked for him and the reason why it is so marked shall be entered on a list which shall be kept by the presiding officer.

27.-

1. Except when there is only one polling station every presiding officer shall, immediately after the close of the poll in the presence of the agents (if any) of the candidates, make up into separate packets or parcels and seal-

a. the ballot box or boxes in use at his station which shall not be opened by him and shall be so sealed as to prevent the introduction of additional ballot papers;

b. the key or keys of the ballot box or boxes used at the poll;

(c) the unused and spoilt ballot papers; and

(d) the marked copies of the register of voters.

(2) Every presiding officer shall, with all convenient speed and trustworthy means, forward the packet or parcels to the returning officer in his division.

28. The returning officer shall open the sealed ballot boxes as soon as practicable after they have all been received from the polling stations throughout his division.

29.-

(1) Each returning officer shall in the presence of the candidates or their agents(if any),if they or any of them desires to be present, and of such other person or persons as he may deem proper, proceed respectively as follows-

(a) he shall before opening any ballot box, compare the several marked copies of the register of voters used at the polling station or stations, so as to ascertain whether a vote has been taken in the name of the same voter at more than one station, and, if any vote has been so taken, shall record in writing the stations at which it has been taken and the number of the voter on the register of voters;

(b) he shall then proceed to examine the ballot boxes, papers and documents in his possession (examining the ballot boxes, papers, and documents received from each division piling rations one station at a time) in the following manner-

(i)he shall count the ballot paper in the ballot box and the unused and spoiled ballot papers, so as to ascertain whether these papers, account for all ballot papers issued for the purpose of the election in the particular polling station with which he is dealing and shall record in writing the result of the examination;

(ii)the returning officer shall count the ballot papers contained in the ballot boxes box by box, recording as he proceeds, the number of votes for each candidate;

(iii) the returning officer, after counting the votes, shall make up into one packet the ballot papers and all other papers and documents from the same divisions, and the record of the result of the examination mentioned in this sub-paragraph and shall write on the packet the name of the division from which those papers and document came, and shall seal up the packet so that it cannot be opened without breaking the seals;

(c) each returning officer shall so far as is practicable, proceed continuously with the counting of the votes allowing only time for refreshment and during the excluded time the returning officer shall place the ballot papers and other documents relating to the election under seal and otherwise take paper precaution for their security.

(2) Any candidate or his agent may at any time during the counting of the votes request the Returning Officer to recount or again recount all or any of the ballot papers or to recheck or again recheck any figures recorded by the counting clerks or the Returning Officer, but the Returning Officer may refuse to do so if in his opinion the request is unreasonable.

(3) The Returning Officer may also at his discretion himself recount or direct the recount of votes either once or more often in any case in which he is not satisfied as to the accuracy of any previous count or may himself recheck or direct the re-checking of any figures recorded by the counting clerks or by himself in any case in which he is not satisfied as to the accuracy of such figures:

Provided that nothing herein shall make it obligatory for the Returning Officer to count or to recheck or cause to be rechecked the same figures more than once.

(4) If upon an election petition-

(a) any ballot papers are declared valid; or

(b) any ballot papers counted are rejected as invalid, the Court may direct the ballot papers to be recounted and the result of the election ascertained in accordance mutatis mutandis with these Rules.

30.-

(1) Any ballot paper-

(a) which does not have the presiding official initials on the back of it; or

(b) in which the elector has voted for more than one candidate; or

(c) which is not marked for any candidate; or

(d) which contains any writing or mark by which the elector could be identified; or

(e) which is unmarked or void for uncertainty; shall be void and shall not be counted.

(2) The returning officer shall endorse "rejected" on any ballot paper which he may reject as void, and shall add to the endorsement "rejection objected to" if an objection be in fact made to his decision by any person entitled to be present.

31.-

1. The returning officer shall report to the Chief Elections rejected Officer the number of ballot papers rejected and not counted by him under the several heads set out in rule 3()

(2) The returning officer shall on request allow any candidate or candidates for whom the rejected vote was given, or his agent, to copy the report before it is submitted.

32. Subject to reversal on petition questioning an election or return, officer to be the decision of a returning officer as to any question arising in respect of any ballot paper shall be final.

33.-

(1) When the ballot papers have been counted, compared and candidates recorded, the returning officer shall proceed to add up the number of votes given to each candidate, and shall forthwith declare to be elected the

candidate to whom the majority of votes have been given.

(2) If there is given to two or more candidates an equal number of votes in excess of those given to any other candidate the election as between the candidates with an equal number of votes shall be decided by the drawing of lots.

(3) Each returning officer shall forthwith after the declaration of the result of the election in respect of his division make a return to the Chief Elections Officer showing

(a) the particular of the candidates;

(b) the number of votes polled by each of the candidates; and

(c) which one of the candidates was elected.

(4) The Chief Elections Officer shall forthwith, on the receipt of the returns from the returning officers referred to in paragraph (3) above, publish the same in the *Gazette*.

34.-

1. Each returning officer shall as soon as may be after the election, make a report to the Chief Elections Officer showing the number of persons who appear to have voted at each polling station, the number of spoilt ballot papers delivered to him from the station, and the number of persons to whom voting papers have been supplied.

2. Any returning officer who is unable to make the report required

by paragraph (1) Of this rule shall immediately after the ballot papers have been counted, compared and recorded make into one parcel the parcels of voting papers, marked copies of the register of electors and all other papers used at the polling station and in his possession and shall place such parcel in the ballot box and seal the said box which, if he is in Belize City, he shall deliver to the Chief Elections Officer, or if he is in any other district to the district officer of that district for safe custody until such time as he prepares a report under the provisions of paragraph (1).

35. Each returning officer shall, as soon as may be after making the report in the last preceding rule mentioned, make up into one parcel the voting papers, marked copies of the register of voters and other papers used at the polling stations and in his possession and shall seal the said parcel so that the parcel cannot be opened without breaking the seal. The returning officer shall send the parcel containing the voting papers, marked copies of the register of electors and other papers to the Chief Elections Officer who shall keep the parcel sent to him in safe custody and shall allow no person to have access thereto:

Provided that

(a) when an election petition has been presented questioning the validity of any election or return the Chief Elections Officer shall on an order of the Supreme Court deliver to the proper officer of that court the papers in his possession relating to the election that is in dispute; and

(b) after the expiration of twelve months from the date of any election the

Chief Elections Officer shall burn the papers used at that election.

On or before the date appointed for the return of a writ of election each returning officer shall forward to the Commission for transmission to the Governor the writ of election with his return endorsed thereon according to Form 27. If any returning officer wilfully delays, neglects or refuses duly to return any person who ought to be returned to serve in the House of Representatives for any division, and if it has been determined on the hearing of an election petition respecting the election for such division that such person was entitled to have been returned the returning officer who has so wilfully delayed, neglected or refused duly to make such return of his election shall forfeit to the person aggrieved the sum of five hundred dollars and costs in addition to all damages sustained.

37. Any candidate may himself do, or aid in doing anything which his agent may do under this Ordinance and may be present at any place at which his agent may under this Ordinance be present.

38. The non-attendance of any candidate or of any agent nominated by him shall not in any wise invalidate any act or thing done under this Ordinance, if that act or thing is otherwise duly done, notwithstanding that the act or thing is required or authorised to be done in the presence of a candidate or of his duly authorised agent.

FOURTH SCHEDULE

[Section 66 (1) and 69]

ELECTION PETITION RULES

1. These Rules may be cited as the House of Representatives Election Petition Rules.

2. In these Rules, unless the context otherwise requires-

"Judge" means the Election Judge;

"Registrar" means the Registrar of the Supreme Court.

3.-

(1) The presentation of an election petition shall be made by presentation delivering it at the office of the Registrar, and the Registrar or the officer of his department to whom the petition is delivered shall, if required, give a receipt in the following form-

Received on the day of , 19 at the

Registry of the Supreme Court, a petition touching the election of

A.B., Member for

(State the electoral division.)

purporting to be signed by

(Insert the names of petitioners.)

C.D.

Registrar.

(or as the case may be).

(2) With the petition two copies thereof shall also be left.

4. The following form, or one to the like effect, shall be sufficient-

IN THE SUPREME COURT OF BELIZE

(Representation of the People Ordinance, Chapter 9)

Election for (state the electoral division)

held on the day of , 19

The petition of A., of, (or of A., of
and B., of, as the case may be),

whose names are subscribed.

1. Your petitioner A, is a person who voted (or had a right to vote, as the case may be) at the above election (or claims to have had a right to be returned at the above election or was a candidate at the above election) and your petitioner B. (here state in like manner the right of each petitioner).
2. And your petitioners state that the election was held on the day of , 19, when A.B., C.D., and E.F. were candidates and the Returning Officer has returned A.B. as being duly elected.
3. And your petitioners say that (here state the facts and grounds on which the petitioners rely).

Wherefore your petitioners pray that it might be determined that the said A.B. was not duly elected or returned, and that the election was void (or that the said E.F. was duly elected and ought to have been returned, or as the case may be).(Signed) A

b

5. Where more petitions than one are presented relating to the same election or return, all such petitions shall be dealt with as one far as the inquiry into the same is concerned.

6.-

(1) When a petitioner claims that seat for an unsuccessful candidate, List of alleging that he had a majority of lawful votes, the party complaining of the election or return and the party defending the election or return shall, where seat six days before the day appointed for trial, deliver to the Registrar, and also at the address, if any, given by the petitioners and respondent, as the candidate case may be, a list of the votes intended to be objected to, and of the heads of objection to each such vote, and the Registrar shall allow inspection and office copies of such list to all parties concerned.

(2) No evidence shall be given against the validity of any vote, nor upon any

head of objection not specified in the list, except by leave of the Judge, upon such terms as to amendment of the list, postponement of the inquiry, and payment of costs, as may be ordered.

7. The respondent in a petition complaining of an undue return and claiming the seat for some other person may lead evidence to prove that the election of that other person was undue and in such case the respondent case. shall, six days before the day appointed for trial, deliver to the Registrar, and also at the address, if any, given by the petitioner, a list of the objections to the election upon which he intends to rely, and the Registrar shall allow inspection of office copies of such list to all parties concerned and no evidence shall be given by a respondent of any objection to the election not specified in the list, except by leave of the judge, upon such terms as to amendments of the list, postponement of the inquiry, and payment of costs, as may be ordered.

8. With the petition the petitioner shall leave at the office of the Registrar a notice in writing, signed by him, giving the name of some person entitled to practise as a solicitor of the Supreme Court whom he authorizes to act as his agent or stating that he acts for himself, as the case may be, and in either case giving an address within Belize City at which notices may be left; and if no notice in writing be left or address given, then all notices may be given by leaving the same at the office of the Registrar. Every notice in writing shall be stamped with the duty payable thereon under the law for the time being in force.

9. Any person returned as a member may at any time, after he is returned, send or leave at the office of the Registrar a notice in writing, signed by him or on his behalf appointing a person entitled to practise as a solicitor of the Supreme Court to act as his agent in case there should be a petition against him, or stating that he intends to act for himself, and in either case giving an address within Belize City at which notices addressed to him may be left, and if no notice in writing be left or address given, all notices and proceedings may be given or served by leaving the same at the office of the Registrar.

10. The Registrar shall cause to be kept a book at his office in which with shall be entered all addresses and the names of agents given under either rule 8 or 9, which book shall be open to inspection by any person during his office hours.

11. If security as is required by the Ordinance d not given by the by petitioner, no further proceedings shall be had on the petition, and the respondent may apply to the Judge for an order directing the dismissal of the petition and for the payment of the respondent's cost The costs of hearing and deciding such application shall be paid as ordered by the Judge, and in default of such order shall form part of the general cost of the petition

12-

(1) Notice of the presentation of a petition, accompanied by a copy thereof shall within ten days of the presentation of the petition-

- a. be deemed by the petitioner on the respondent; or
- b. be delivered at the office of the Registrar for service on the respondent, and the Registrar or the officer of his department to whom such notice and copy is delivered shall if required, give a receipt in

such form as may be approved by the Chief Justice

(2) The service under paragraph (1) of notice of the presentation of a petition and a copy thereof by the petitioner on the respondent may be effected either by delivering such notice and copy to the agent appointed under rule 9 or by posting them in a registered letter to the address given under rule 9 at such time that, in the ordinary course of post the letter would be delivered within the time above mentioned, or by a notice published in the *Gazette* stating that such petition has been presented and that a copy of it may be obtained by the respondent on application at the office of the Registrar

(3) Where notice of the presentation of a petition, accompanied by a copy thereof is delivered under paragraph (1) at the office of the Registrar for service on the respondent, the service may be effected in the same manner as the service of a notice issued by a court of civil jurisdiction.

13. The Registrar shall make out the election petition list. In it he shall insert the names of the agents of the petitioner and respondent appointed under rule 8 and rule 9 respectively, and the addresses to which notices may be sent, if any. The list may be inspected at the office of the Registrar at any time during office hours and shall be affixed for that purpose upon a notice board.

14. The time and place of the trial of each election petition shall be fixed by the Judge, and not less than fourteen days notice thereof shall be given to the petitioner and respondent by letter directed to the address left by such petitioner or respondent with the Registrar or, if no address has been left, by notice in the *Gazette*.

15. The Judge may from time to time, by order made on the application of a party to the petition, postpone the beginning of the trial to such day as he may name; and such order, when made, shall forthwith be published by the Registrar in the *Gazette*.

16. No formal adjournment of the court for the trial of an election continuation petition shall be necessary but the trial is to be deemed adjourned, and may be continued from day to day until the inquiry is concluded; and in the event of the Judge who begins the trial being disabled by illness or otherwise, it may be recommenced and concluded by another Judge.

17.-

(1) An election petition shall not be withdrawn without the leave of the Judge; and leave may be given upon such terms as to the payment of costs and otherwise as the Judge may think fit.

(2) Before leave for the withdrawal of an election petition is granted, there shall be produced affidavits as required by this rule by all the parties to the petition and their solicitors, and by the election agents of all the said parties who were candidates at the election; but a Judge of the Supreme Court may on cause shown dispense with the affidavit of any particular person if it seems to the judge on special grounds to be just so to do.

(3) Each affidavit shall state that, to the best of the deponent's knowledge and belief, no unlawful agreement or terms of any kind whatsoever has or have been made, and no unlawful undertaking has been entered into in relation to

the withdrawal of the petition; but if any lawful agreement has been made with respect to the withdrawal of the petition, the affidavit shall set forth that agreement, and shall make the foregoing statement subject to what appears from the affidavit.

(4) The affidavits of the applicant and his solicitor shall further state the ground on which the petition is sought to be withdrawn.

18.-(1) An application for leave to withdraw a petition shall be in to withdraw writing signed by the petitioner or petitioners or his or their agent or agents. It shall state the ground on which the application is supported.

(2) The following form shall be sufficient-

(Representation of the People Ordinance, Chapter 9)

Electoral Division petition of

(state name of petitioner) presented day of

19 . The petitioner applies to withdraw his petition upon the following ground (here state the ground), and prays that a day may be appointed for hearing his application.

Dated this day of 19

(Signed.)

(3) The application for leave to withdraw shall be left at the office of the Registrar.

19. A copy of such application shall be given by the petitioner to the respondent, and a notice in the following terms signed by the petitioner shall be published forthwith in the *Gazette* by the petitioner at his own expense-

(The Representation of the People Ordinance, Chapter 9)

the election petition for in which

is petitioner and respondent

Notice is hereby given that the above petitioner did on the day of lodge at the office of the Registrar of the Supreme Court an application for leave to withdraw the petition, of which application the following is a copy expense

(set it out)

And take notice that under the Representation of the People Ordinance Chapter 9 any person who might have been a petitioner in respect of the said election may within be days after the date of publication of this notice, give notice in writing to the Registrar of the Supreme Court of his intention on the hearing of the application to be substituted as a
petitioner.

(signed)

20. My person who might have been a petitioner in respect of the election to which the petition relates may, within five days after a notice under rule 19 is published w de petitioner give notice in writing, signed by him or on his behalf to the Registrar, of his intention to apply at the hearing to be substituted for the petitioner, but the want of such notice shall not defeat such application, if in fact made at the hearing.

21. The time and place of hearing the application shall be fixed by the Judge but shall not be less than a week after the application for leave to withdraw has been left at the office of the Registrar as hereinbefore provided, and notice of the time and place appointed for the hearing shall be given to such person or persons, if any, as shall have been given notice to the Registrar of an intention to apply to be substituted as petitioners, and otherwise in such manner and such time as the Judge directs.

22-

(1) On the hearing of the application for withdrawal any person who might have been a petitioner in respect of the election to which the petition relates, may apply to the Judge to be substituted as a petitioner for the petitioner so desirous of withdrawing the petition.

(2) The judge may, if he thinks fit, substitute as a petitioner any such applicant as aforesaid; and may further, if the proposed withdrawal is in the opinion of the Judge induced by any corrupt bargain or consideration by order direct that the security given on behalf of the original petitioner shall remain as security for any costs that may be incurred by the substituted petitioner, and that to the extent of the sum named in such security the original petitioner shall be liable to pay the costs of the substituted petitioner.

(3) If no such order is made with respect to the security given on behalf of the original petitioner, security to the same amount as would be required in the case of a new petition, and subject to the like conditions, shall be given on behalf of the substituted petitioner before he proceeds with his petition, and within three days after the order of substitution.

(4) Subject as aforesaid a substituted petitioner shall stand in the same position as nearly as may be, and be subject to the same liabilities as the original petitioner.

(5) If a petition is withdrawn, the petitioner shall be liable to pay the costs of the respondent.

(6) Where there are more petitioners than one, no application to withdraw a petition shall be made except with the consent of all the petitioners.

23. Any election petition shall not be abated by reason only of a dissolution of the National Assembly and accordingly in the event of such dissolution the petition shall be heard or continued to be heard, and determined as though the National Assembly had not been dissolved but was in session.

24.-

(1) An election petition shall be abated by the death of a sole petitioner or of the survivor of several petitioners.

(2) The abatement of a petition shall not affect the liability of the petitioner or of any other person to the payment of costs previously incurred.

25.-

(1) Notice of abatement of a petition by the death of the petitioner or surviving petitioner, shall be given by any party or person interested in the same manner as a notice is given of an application to withdraw a petition, and the time within which application may be made to a judge to be substituted as a petitioner shall be one calendar month, or such further time as upon consideration of any special circumstances the judge may allow

(2) Any person who might have been a petitioner in respect of the election to which the petition relates may apply to the Judge to be substituted as a petitioner.

(3) The Judge may, if he thinks fit, substitute as a petitioner any such applicant who is desirous of being substituted and on whose behalf security to the same amount X given as required in the case of a new petition.

26.-

(1) If before the trial of an election petition a respondent dies or resigns, or gives notice in writing to the court that he does not intend to oppose the petition, the petition shall not be abated but shall continue whether or not any person applies to be admitted as respondent as hereinafter provided.

(2) Notice of the fact that a respondent has died or resigned, or that he has given notice in writing that he does not intend to oppose the petition, shall be published in the *Gazette* or such further tie as the Judge may allow.

(3) Any person who might have been a petitioner in respect of the election to which the petition relates ma apply to the Judge to be admitted as a respondent to oppose the petition within ten days after such notice has been published in the *Gazette* or such further time as the Judge may allow.

(4) The manner and time of the respondent's giving notice to the court that he does not intend to oppose the petition, shall be by leaving notice thereof in writing at the office of the Registrar, designed by the respondent not less than six days before the day appointed for trial, exclusive of the day of leaving such notice.

27. A respondent who has given notice of his intention not to oppose a petition shall not be allowed to appear or act as a party against such petition in any proceeding thereon.

28. After receiving the petitioner's application for leave to withdraw or notice of the respondent's intention not to oppose or of the abatement of the petition by death, if such notice be received after notice of trial shall have been given, and before the trial has commenced, the Registrar shall forthwith countermand the notice of trial. The countermand shall be given in the same manner, as near as may be, as the notice of trial.

29. All cost of and incidental to the presentation a petition and to the proceedings consequent thereon shall be defrayed by the parties to the petition in such manner and in such proportions as the Judge may determine, regard being had to the disallowance of any cost which may, in the opinion of

the Judge, have been caused by various conduct unfounded allegations or unfounded objections, on the part of either the petitioner or the respondent and regard being had to the discouragement of any needless expense by throwing the burden of defraying the same on the parties by whom it has been caused, whether such parties are or are not on the whole successful.

30.-

(1) Costs shall be taxed by the Registrar upon the order by which of the costs are payable in such manner as shall be specified in such order; and costs when taxed may be recovered in the same manner as the costs of an action at law

(2) The Chief Justice may direct that the whole or any part of any moneys deposited by way of security under the provisions of rules 11 and 12 may be applied in the payment of taxed costs.

(3) The office fees payable for inspection, office copies and other proceedings under these rules shall be such as may be prescribed by the Chief Justice.

31. Any person who is on the roll of solicitors of the Supreme Court may act as agent for any party to an election petition.

32. An agent shall, immediately upon his appointment as such, leave written notice thereof at the office of the Registrar.

33. Service of notices and proceedings upon such agents shall be sufficient for all purposes.