

BY-ELECTION  
IN THE  
FIRST ELECTORAL DISTRICT

JULY 1995

*REPORT*

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## CHAPTER 1

### Introduction

The sudden and untimely death of the Chief Minister, the Hon. H. L. Stoutt who was the representative for the First Electoral District, not only sent shock waves and sadness throughout the Territory, but also caused a by-election to be held to fill the vacancy which his death created in the Legislative Council and the First District.

Sec. 55(4) states that the Supervisor of Elections shall ... at the end of each year, cause to be printed a report on the by-elections held during the year.

The following pages include a report on the by-election which took place to elect a replacement for the representative of the First District.

## CHAPTER 2

### Administration

A by-election to elect one candidate in one district generates far less work than a general election. However, there is no short cut in the process for a general election which must be repeated step by step according to the dictates of the Elections Act; only on a smaller scale.

By the time activities for the by-election commenced, there was only a small sum left in the account, viz. Head 2:27 Election Expenses. This sum (\$260.00) was considered barely enough to tide over the office at its slower pace, until the end of the year.

An additional sum of \$9,109 was requested to supplement the sub-head to take care of the by-election expenses including the remuneration of election officers, construction of ballot boxes, printing of ballot papers, etc. Staff salaries were paid from Head 2:1 Deputy Governor: Personal Emoluments.

The ballot boxes used in the general elections together with their contents remain in the safe custody of the Supervisor of Elections for at least one year and may not be opened during that time unless a Judge of the High Court orders the delivery of their contents. Accordingly, new ballot boxes had to be constructed for

the by-election. The colour yellow was chosen for them to be distinguished from those used in the general elections.

For the purpose of this by-election, the number of staff required for the general elections was not necessary. The additional staff included an executive officer/computer operator who did all the typing and assisted with filing and a messenger who ran errands, operated the photo-copier and the fax machine and kept the vote book.

Efforts were made to keep costs to the minimum. Instead of ordering new poll book forms, some left overs from the general elections were amended by use of a sticker captioned "By-Election, July 1995" placed over the original caption which read "General Elections, 1995".

A statement of the amount spent is at Appendix I.

The persons selected to serve as election officers were drawn from the list of those who served in the general elections. The officers were specially selected so as to obviate the need to hold an advance poll as well as to avoid criticisms that all the officers chosen were supporters of any particular candidate or party. They were, nevertheless, given a copy of the list of duties which was distributed at training sessions for the general elections and two meetings were held with them

to refresh their minds on the procedures.

A list of election officers is at Appendix II.

## CHAPTER 3

### Registration of Voters

At first blush it was thought that the existing revised list of voters could be used for the by-election, but it was not to be as easy as that. Section 6 (3) (b) of the Elections Act, No. 16 of 1994 provides that registration of voters to fill a vacancy should cease on the 14th day after the date on which the vacancy occurred. The vacancy occurred on the 14th day of May, 1995. The final day of registration would therefore be the 28th day of May. However, because that day was a Sunday, registration for this purpose was obliged to end on the last working day of the 14-day period, namely, on Friday, 26th May, 1995.

There were 18 persons who registered to vote in the First District since the February General Elections. Sixteen of these registered during the period for registration following the occurrence of the vacancy and five (5) persons applied for transfer to the district. Meanwhile, 10 names were removed on account of the death of voters from the district since the general elections which took place on 20th February, 1995. The total number of voters on the preliminary list stood at 1156 compared to 1139 on the revised list for the general elections.

The preliminary list was published from 30th May to 12th June, allowing for

the Whit Monday holiday on 5th June which, pursuant to section 82 of the Act, could not be counted in the 10-day period required for publication of the list.

During the revision of the list, four persons were notified by the Supervisor that their names were to be removed from the list on the grounds that they (had) not qualified to be registered as voters. A candidate made representation on behalf of three of them, but as no response was received from the persons concerned within the five days allowed, their names were removed.

The name of one person, which had been transferred to the list, was objected to as not being resident in the district. Both the objector and the person objected to were given the opportunity to appear and be heard. Based on the evidence presented by the person objected to the objection was denied. The objector produced no evidence.

One voter requested a name change on account of marriage. Two (2) claims were received after the closing date for claims and objections.

There were several expressions of disappointment from persons resident both in the British Virgin Islands and US Virgin Islands, who were not able to get registered in time for the by-election.



After all corrections were completed, the preliminary list was certified and published by notification in the gazette on 22nd June. This was in accordance with section 23 (1) of the Act which provides for publication no later than 14 days after the issue of the writ.

The revised list which contained the names of 1148 registered voters then became the Register of Voters in accordance with section 23 (2) of the Act.

As occurred during the general elections, several persons voiced their displeasure (not mentioned in that Report) that St. Thomas residents are able to vote in the British Virgin Islands. Some wanted to know "why 'they' should be allowed to come over here and direct things for 'us'".

## CHAPTER 4

### Information and Public Relations

Coming so closely on the heels of the general elections during which extensive educational work was carried out, it was not thought necessary to do as much on this occasion, especially as it was a local and not a territorial election.

Immediately following the occurrence of the vacancy, however, the Supervisor was besieged with questions at home or on the street, as to what was going to happen next. Some people thought that there would have to be another general elections. Others wondered if the chief minister had to be the representative of the First District. There appeared to have been almost as much concern as to "where do we go from here?" as there was sadness and shock concerning the death of the Chief Minister.

The Supervisor answered questions in accordance with the provisions of the Elections Act and arranged questions for the first Government Information Service (GIS) radio interview to deal with questions which people were asking.

Other GIS radio interviews dealt with revision of the preliminary list, nomination of candidates and polling day. The Supervisor was, of course, available

at the office, at home or anywhere else to answer questions from the public and the media.

## CHAPTER 5

### Nomination of Candidates

The Writ of election was issued by the out-going Governor on 9th June, 1995. It specified 7th July as the date for the nomination of candidates.

Notice of nomination was published on 12th June, 1995 by the Returning Officer, at several places within the district. It was also posted at the General Post Office and the Office of the Supervisor of Elections and was gazetted on the same date.

Nomination took place at the Leonora Delville Primary School where three candidates were nominated. The names of the candidates are at Appendix III. A police officer was on duty there and nomination proceeded without incident.

In accordance with regulation 3 of The Elections (Voting Symbols) Regulations 1983 as amended, the Supervisor of Elections published a notice through the media requiring prospective candidates to submit their symbols by the 4th day of July. Two of the candidates did. The third symbol was submitted on nomination day.

The ballot paper was drafted following receipt of the nomination papers from the returning officer and taken to the printers - Caribbean Printing Company - on the first working day of the following week. A sample was obtained on the following day, which candidates were invited to inspect. One candidate inspected the sample. The printing of the ballot was ordered on the following day.

## CHAPTER 6

### Polling Day

The poll took place on 17th July, 1995 at the three polling stations in the district. There was a period of 38 days between the issue of the writ and polling day compared with a period of 20 days in the general elections.

At about 10:00 am. the presiding officer from the Jost Van Dyke polling division called the office to report that the polling station was without police security on account of a fatal shooting which demanded the immediate attention of all policemen on the island. The Supervisor immediately contacted the Police Headquarters and was informed that action had already been put in train to get an officer to the polling station. Other than that, the process proceeded smoothly.

During the day, the Returning Officer moved among the polling stations and was able to assist the Carrot Bay polling station which was running low on two of the oath forms required for use by voters who needed assistance in voting.

The Supervisor also visited all the polling stations. Voting was slow at the Zion Hill and Carrot Bay polling stations at the time of the visit but was reportedly brisk earlier in the day. At Jost Van Dyke, voting was non-existent at the time of

the visit. This was attributed to the tragedy which took place on the island during the same morning, placing the Jost Van Dyke community in a state of shock and preoccupation with the tragedy. Although not a part of her duties, the Supervisor, sensing the situation, spoke to the many persons with whom she came in contact encouraging them to go out and vote. It is apparent that a few more did vote.

The count took place at the Zion Hill polling station. As indicated at Appendix IV, fewer than half of the 1148 registered voters went to the polls. Five hundred and sixty-four votes were cast and candidate Angel Smith captured four hundred and fifteen of them giving him a resounding victory over his opponents Irene Penn-O'Neal who got one hundred and twenty-eight votes and Monroe Penn who received 4 votes.

As required by section...of the Elections Act, the Returning Officer declared Angel Smith to be the candidate elected.

Appendix I

BREAKDOWN OF EXPENDITURE

	<u>SUM ALLOCATED</u>	<u>AMOUNT EXPENDED</u>
	\$8,400.00	
	1,600.00	
	260.55	
<b>A. <u>REMUNERATION</u></b>		
Returning Officer		800.00
Three (3) Presiding Officers @ \$300 ea.		900.00
Four (4) Poll Clerks @ \$175 ea.		700.00
Three (3) Tally Clerk @ \$60 ea.		120.00
<b>B. <u>PRINTING OF FORMS</u></b>		
Relabelling Poll Book Forms & Ballot Paper		268.24
<b>C. <u>OFFICE SUPPLIES, STATIONERY</u></b>		
(a) Office Supplies		34.65
(b) Stationery		172.00
<b>D. <u>TRAVELLING EXPENSES/TRANSPORTATION COSTS</u></b>		
(a) Transportation Cost		575.00
(b) Travelling Allowance		628.00
<b>E. <u>TELEPHONE SERVICE</u></b>		
Telephone Allowance		225.00
<b>F. <u>WAGES</u></b>		
Cleaner		750.00



G. CONSTRUCTING

Ballot Boxes

653.36

H. ADVERTISEMENT

435.00

TOTAL

\$10,260.55

\$6,261.25

BALANCE

\$3,999.30

Appendix II

Elections Officers

Returning Officer: Mrs. Eugenie Glasgow

<u>Polling Station</u>	<u>Presiding Officer</u>	<u>Poll Clerk</u>
Zion Hill	Mrs. Phyllis George	Mr. Allen Hodge
Carrot Bay	Mrs. Edris Donovan	Mr. Kelvin Dawson
Jost Van Dyke	Mr. Roy Barry	Mrs. Sylvia Moses Ms. Jasmine Choucouthou

Appendix III

Candidates Nominated

NAME OF CANDIDATE	POLITICAL/STATUS	VOTING SYMBOL
Monroe M. Penn	Independent	Picture of the BVI
Irene Penn-O'Neal	Independent	The Tree
Angel Smith	Virgin Islands Party	Lady holding the Torch

APPENDIX IV

STATISTICAL RETURNS

FIRST ELECTORAL DISTRICT

CANDIDATES	ZION HILL	CARROT BAY	JOST VAN DYKE	TOTAL	PERCENTAGE OF VOTES CAST
Monroe M. Penn	1	3	0	4	0.7
Irene Penn-O'Neal	92	25	11	128	22.7
Angel Smith	204	159	52	415	73.6
Rejected	5	9	2	16	2.8

Total number of registered voters: 1148

Total number of votes cast: 564

% of voters who voted: 49.1

Spoiled ballots: 1