



DUTIES OF
PRESIDING OFFICERS AND POLL CLERKS
&
ELECTION LAWS GOVERNING THE DUTIES

GENERAL ELECTIONS
2011

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Functions of Presiding Officers and Poll Clerks at the Poll

1. Arrive at 5:00 a.m.
2. At 5:30 a.m., open ballot boxes and remove all material enclosed. Prepare work stations.
3. Administer oaths to candidates or agents.
4. Allow agents and voters present to see that the boxes are empty.
5. Presiding Officer opens packets of Advance ballots and places in ballot boxes.
6. Presiding Officer to see that agents are seated where they can see the voters as they enter the polling station and hear them declare their names.
7. Presiding Officer locks ballot boxes and keep keys on their person. At 6:00 a.m. call on persons to vote.
8. As voter declares his/her name:
 - a) the Poll Clerk checks the list to ensure that the name is listed and, if it is,
 - b) writes the voter's name, address and occupation in the poll book for the local electoral district.
9. The Presiding Officer:
 - a) initials the ballot paper
 - b) places a number on the counterfoil corresponding to the consecutive number on the official list of voters.
Very Important Note: Ballot must have two (2) numbers.
 - c) shows the voter how to mark his ballot, then,
 - d) folds the ballot paper and gives it to the voter instructing him/her to return it folded in the same way
10. The next voter is treated in the same way.

11. The first voter returns with his/her ballot paper, gives it to the Presiding Officer who removes the counterfoil and places it in the envelope provided, then places the ballot in the box in the presence of the voter.
12. The Poll Clerk writes “voted” in the space provided in the poll book.
13. The voter then goes to the Territorial Poll Clerk, declares his name, address and occupation. The Poll Clerk writes these particulars in the poll book.
14. The Presiding Officer gives the voter a Territorial ballot paper which he/she has initialled, and on the counterfoil of which he/she has placed a number corresponding to the consecutive number on the voter’s list.
15. As with the Local district ballot, the voter goes into the Territorial booth, marks his ballot, then returns the marked ballot paper to the Presiding Officer who removes the counterfoil and places the ballot paper in the Territorial ballot box.
16. The Presiding Officer shall, where a voter returns his/her ballot paper because he/she has spoiled it, mark the word “spoiled” across the face of the ballot paper, and issue a fresh paper. The spoiled ballot paper must be placed in the envelope for spoiled ballot papers.
17. The Presiding Officer shall assist a voter who applies for help because of physical incapacity, after first having such voter make an oath in **Form No. 22**. The Presiding Officer together with the Poll Clerk and Agents present, shall accompany the voter into the booth and shall mark the ballot paper as directed by the voter.
18. The Presiding Officer shall deal with a blind or illiterate in the same way, or allow such person to be accompanied by a friend who will mark the ballot for the blind or illiterate person. Such blind or illiterate voter shall be sworn in **Form No. 23** and the friend shall be sworn in **Form No. 24**.
19. In such cases, the Poll Clerk shall enter in the remarks column, the reason why the voter has voted in this way, eg. “blindness” or “illiteracy” or “physical incapacity”.
20. If a voter comes to vote after and other has voted in the same name, he shall be allowed to vote after being sworn in **Form No. 21** after otherwise establishing his identity to the satisfaction of the Presiding Officer.
21. If there is on the voters’ list a name, address and occupation which is closely related to the name, address and occupation of a person who comes to vote, as to suggest that it might be the same person, the Presiding Officer shall have him/her sworn in **Form No. 25**, then give him/her a ballot paper.
22. The Presiding Officer is responsible for keeping order at the polling station. He/She shall ask the Police Officer on duty to assist, if necessary.

23. The only persons allowed at the polling station other than the Presiding Officer and Poll Clerks are the Supervisor of Elections, the Returning Officer, Candidates or their agents. A Candidate and his/her agent are not to be allowed at the station together for more than five minutes.
24. At 6:00 p.m., if there are voters waiting to vote, the Presiding Officer shall allow them to vote. No one who arrives after 6:00 p.m. is to be allowed.
25. At the close of poll, the Presiding Officer shall observe the requirements in section 51 of the Elections Act. The Poll Clerk helps with these activities.

GENERAL ELECTONS
2011

ELECTION LAWS governing the Duties of
Presiding Officers and Poll Clerks at the Poll

The following instructions are intended for the guidance of both Presiding Officers and Poll Clerks in the performance of their duties but reference should be made to the relevant Legislations: The Virgin Islands Constitution Order, 2007 and the Elections Act 1994 & Amendments on any doubtful point, certain excerpts of which are attached.

There will be two Presiding Officers and two Poll Clerks at each Polling Station. The Polling Stations will be open from 6:00 a.m., and will remain open continuously until 6:00 p.m. Therefore, the presiding Officers and Poll Clerks will have to take their lunches with them and eat in the Polling Station when time permits. The Presiding Officers and Poll Clerks should arrive at the Polling Station not later than one hour before the opening of the Poll to have time to ensure that everything is in order for the opening of the polls promptly at 6:00 a.m.

Presiding Officers

(Elections Act 1994 & Amendments; Sections (30) (31)

30.

- (1) The Supervisor of Elections shall, subject to the approval of the Governor, appoint a presiding officer who is registered to vote in the Territory to attend at each polling station to receive the votes, but he shall not so appoint any person who has been employed by or on behalf of a candidate in or about the same election. The Supervisor of Elections may himself, if he thinks fit, preside at any polling station.

- (2) Forthwith upon his appointment, every presiding officer shall take and subscribe an oath in **Form No. 16** and shall transmit such oath to the Supervisor of Elections.

Form No. 16

31.

(1) Poll Clerks

The Supervisor of Elections shall, subject to the approval of the Governor, appoint one or more poll clerks who are registered voters in the Territory for every polling station in an electoral district.

Form No. 17

(2) Forthwith upon his appointment, every poll clerk shall take and subscribe an oath in **Form No. 17** and shall transmit such oath to the Supervisor of Elections.

(3) If any presiding officer dies or becomes incapable of performing his duties during the taking of the poll, the poll clerk (or, if more than one, such of them as may be nominated by the returning officer) shall forthwith assume the office of presiding officer and shall appoint some other person to act as poll clerk in his place.

(4) If any poll clerk dies or becomes incapable of performing his duties during the taking of the poll, the presiding officer shall forthwith appoint some other person to act as poll clerk.

(5) Every appointment made under subsection (3) or (4) shall be immediately reported to the Supervisor of Elections by the person making the appointment.

BEFORE POLL OPENS

Arrangements for Polling Stations

The Presiding Officers shall, before the day fixed for polling, see that the arrangements for the polling station are satisfactory, that the rooms or parts of the building in which voting is

to take place is sufficiently furnished with chairs, tables, and that the compartment(s) for voters are so arranged and equipped to enable voters to record their votes screened from observation.

Directions for the guidance of voters

Form No. 18

The Presiding Officer will be furnished with copies of the “Directions for the Guidance of Voters” (**Form No. 18**). At least one copy of this form should be posted up in a conspicuous place outside the Polling Station before the opening of the poll, and one copy also should be posted up in each compartment provided for voting.

Pencils

Pencils are important things in an election. In each compartment provided for voting, one of the ballot pencils supplied should be fastened by a piece of string to the desk or table upon which the ballot papers are to be marked by voters or to the wall if the table is placed against the wall. Such pencils must continue to be so fastened throughout polling day and must also be kept pointed.

Election Materials

Before Polling Day the Presiding Officer must see to it that the Returning Officer has already put aside for him/her in the Ballot Box of his/her Polling Station the Election Material mentioned in Section 33.

Supplies of Election Material

(Elections Act 1994 & Amendments; Section 33)

33.

- (1) The returning officer shall provide each presiding officer with a ballot box and such number of ballot papers as in the opinion of the returning officer may be necessary.
- (2) In a general election, and on any other occasion when the same polling station is used for an election both for the Territorial electoral district and for a local electoral district, the ballot papers provided for the Territorial electoral district shall be of a different colour or otherwise boldly distinguished, and they shall be numbered with a distinctive series of numbers, from those provided for the local electoral district.
- (3) The returning officer shall provide each polling station with-
 - (a) a statement showing the number of ballot papers so provided, with the serial numbers on the ballots;
 - (b) the necessary materials to enable voters to mark the ballot papers;
 - (c) the necessary materials for putting the official mark on the ballot papers;
 - (d) at least two copies, which he shall certify of the Register of Voters, hereinafter called "the official list of voters" relating to the local electoral district in which the polling station is situated;
 - (e) at least three copies of the directions for the guidance of voters in

(f) a blank poll book ;

(g) the several forms of oaths to be administered to voters or other persons;

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

In addition to the items mentioned in Section 33, the following items will be provided to each Polling Station:

- Ballot pencils
- Pens
- Writing Pads
- Seals
- A Clock
- A Bible
- The Necessary Envelopes
- Flash Lights
- Emergency Lamps
- Other Election Supplies

AGENTS OF CANDIDATES – SWEARING THEM, ETC.

Each candidate is entitled to appoint two (2) agents to act for him/her at each polling station.

Polling and counting agent

(Elections Act 1994 & Amendments; Section 34 (3))

34. Polling and counting agent

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

Every appointment of an agent shall be in writing. The appointed agents if any, must complete one of the Oaths of Agent of a Candidate Forms (**Form No. 26**) immediately upon his exercising his right to be present at the Polling Station. The Presiding Officer must not allow a candidate and his agents to be in the Polling Station at the same time for more than five consecutive minutes. If necessary, the agent's attention must be drawn to the provisions of the Elections Act dealing with agents.

Form No.
26

Taking of poll and the ballot

(Elections Act 1994 & Amendments; Section 35)

35.

- (1) The poll shall be taken in each electoral district by secret ballot in accordance with the provisions of sections 44, 45 and 46,

Form No. 19

- (2) The ballot of each voter shall be a printed paper in **Form No. 19** (in this Act called "a ballot paper") in which the names, addresses, occupations and symbols 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. Each ballot paper shall have attached to it a counterfoil with a number printed on the face of the ballot paper and there shall be a line of perforations between the ballot paper and the counterfoil.

Inspection of polling station

(Elections Act 1994 & Amendments; Section 36)

- 36.** Each presiding officer shall, on or before the day fixed for taking the poll, visit his polling station and see that it is provided with proper conveniences as aforesaid for taking the poll.

Where a voter shall vote

(Elections Act 1994 & Amendments; Section 37)

- 37.**
- (1) Every person whose name appears upon the official list of voters for any polling division shall be entitled to vote in that polling division -
 - (a) in an election in the local electoral district in which that polling division is situate;
 - (b) in an election for the Territorial electoral district, and may so vote notwithstanding that he is not resident in the local electoral district on polling day.
 - (2) Subject to section 46 no person shall be entitled to vote in any polling division unless his name appears on the official list of voters in respect of that polling division.
 - (3) No person shall vote-
 - (a) at more than one polling station on the same day;
 - (b) in more than one local electoral district on the same day;
 - (c) more than once in the same local electoral district on the same day;
 - (d) more than once in the same election in the Territorial electoral district.

- (4) Any person contravening the foregoing provisions of this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months.

Restriction on voting

(Elections Act 1994 & Amendments; Section 38)

38.

- (1) In an election in a local electoral district no person shall vote for more than one candidate.
- (2) In a general election in the Territorial electoral district no person shall vote-
 - (a) for more than four candidates; and
 - (b) more than once for any one candidate.
- (3) In an election other than a general election in the Territorial electoral district no person shall vote
 - (a) for more candidates than there are seats to be filled; and
 - (b) more than once for any one candidate.

EXAMINATION OF BALLOT BOX AND OPENING OF POLL

At 6:00 a.m. precisely, (the time prescribed for the opening of the Poll) the Presiding Officer must ascertain that the Ballot Box is empty and **show everyone present that it is empty.**

Proceedings at Poll

(Elections Act 1994 & Amendments; Section 41)

41.

- (1) At the hour fixed for opening the poll the presiding officer and the poll clerk shall, in the presence of such of the candidates, their agents and 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; the box shall be placed on a table in full view of all present and shall be maintained there until 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 they are not impeded or molested at or about the polling station.

(4) Every voter, upon entering the polling station, shall declare his name, address and occupation. The poll clerk shall then ascertain if the name of the voter appears on the official list of voters used at the polling station. When it has been ascertained that the applicant voter is qualified to vote at the polling station, his name, address and occupation shall be entered in the poll book to be kept by the poll clerk in **Form No. 20**, a number corresponding to the consecutive number allotted to the voter on the official list of voters being prefixed to the voter's name in the appropriate column of the poll book, and the voter shall be immediately allowed to vote, unless an election officer or any agent of a candidate present at the polling station desires that he be first sworn.

Form No. 20

(5) The poll clerk shall -

(a) make such entries in the poll book opposite the name of each voter as the presiding officer pursuant to the provisions of this Act directs;

(b) enter in the poll book opposite the name of each voter as soon as the voter's ballot paper has been deposited in the ballot box, the word "voted";

- (c) enter in the poll book the word "Sworn" or "Affirmed" opposite the name of each voter, to whom any oath or affirmation has been administered indicating the nature of the oath or affirmation; and
 - (d) enter in the poll book the words "Refused to be sworn" or "Refused to affirm" or "Refused to answer" opposite the name of each voter who has refused to take an oath or affirm, when he has been legally required so to do, or has refused to answer questions which he has been legally required to answer.
- (6) In a general election, and on any other occasion when the same polling station is used for an election both for the Territorial electoral district and for a local electoral district -
- (a) the presiding officer shall follow the procedure prescribed in subsection (1) of this section in respect of the ballot box provided for each election;
 - (b) separate poll books shall be provided and completed in accordance with this Act for each such election;

Procedures for Poll to be followed separately and consecutively for each Election.

(Elections Act 1994 & Amendments; Section 42)

- 42.** The procedures for conducting the poll prescribed in this Act shall apply to each election and shall be followed separately and consecutively in respect of each voter who is entitled, and wishes to vote in both elections, and a voter or other person who has been required by the presiding officer to take an oath in respect of one such election remains on oath in respect of the second election.

ADMISSION OF VOTERS TO POLLING STATIONS

The Presiding Officer shall regulate the number of voters to be permitted to enter at the same time to the room where the poll is held. If convenient it is advisable to allow voters to enter by one door and leave by another.

(Elections Act 1994 & Amendments; Section 43)

43.

- (1) The presiding officer shall keep order at his polling station and shall regulate the number of voters to be admitted at a time, and shall exclude all other persons except the Supervisor of Elections, Deputy Supervisor of Elections, the returning officer of the electoral district, the poll clerk, the candidates, one agent for each candidate appointed by such candidate in accordance with section 34 and the police officers on duty.
- (2) The agents aforesaid 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. They shall not interfere in the proceedings save in so far as they may be allowed by this Act.
- (3) If any person persists, after being warned, in disobeying the directions of the presiding officer or in acting in contravention of this section, it shall be lawful for the presiding officer to cause him to be removed from the polling station.

The Presiding Officer and also the Poll Clerk must place a tick(✓) against the number on the list of voters of every voter to whom he/she hands a ballot.

After the ballot paper is deposited in the ballot box, the Poll Clerk must write the word “voted” opposite the name of the voter in the proper column of the Poll Book.

The Presiding Officer should note that the ballot papers are to be given in numerical order, the first one in the series followed by the second one and so on.

The voter must not in any circumstance be asked for whom he has voted or asked or be permitted to show his ballot paper to anyone present.

INITIALLING BALLOT PAPERS

General Mode of taking Ballots

(Elections Act 1994 & Amendments; Section 44)

44.

Form No. 19

- (1) Each voter shall receive from the presiding officer a ballot paper on which such officer has previously put his initials so placed as indicated in **Form No. 19** that when the ballot paper is folded the said initials can be seen without opening it, and on the counterfoil of which he has placed a number corresponding to the consecutive number on the official list of voters and entered in the poll book.
- (2) The presiding officer shall instruct the voter how to make his mark, and shall properly fold the voter's ballot paper, directing him to return it, when marked, folded as shown, but without inquiring or seeing for whom the voter intends to vote, except when the voter is unable to vote in the manner prescribed by this Act on account of illiteracy, blindness or other physical incapacity.
- (3) The voter on receiving the ballot paper shall forthwith enter one of the polling compartments in the polling station and there mark his ballot paper by marking a cross within the space opposite the name of the candidate for whom (or, in the case of an election in the Territorial electoral district where there are more than one seat to be filled, the names of the candidates) he

intends to vote; and he shall then fold the ballot paper as directed so that the initials and the numbers on the counterfoil can be seen without opening it, and hand the paper to the presiding officer who shall, without unfolding it, ascertain by examination of the initials and the numbers appearing thereon that it is the same paper as that delivered to the voter and, if the same, he shall in full view of the voter and of all others present remove the counterfoil, deposit the ballot in the ballot box, and place the counterfoil in a receptacle reserved by him for the purpose and in his custody.

- (4) A voter who has inadvertently so dealt with the ballot paper delivered to him that it cannot conveniently be used shall restore it to the presiding officer who shall cancel it by writing the word "Spoiled" across the face of the same. The presiding officer shall then deliver another ballot paper to the voter.
- (5) Every voter shall vote without undue delay and shall leave the polling station as soon as his ballot paper, or if he is voting in two elections his second paper, has been put in a ballot box.
- (6) If at the closing of the poll there are any voters at the polling station who are qualified to vote and have not been able to do so since their arrival at the polling station, the poll shall be kept open a sufficient time to enable them to vote.

SWEARING VOTERS - OATHS - AND QUESTIONS WHICH MAY BE PUT TO A VOTER BY THE PRESIDING OFFICER

There may be cases where a voter will be required to take an oath, or to answer questions put to him/her by the Presiding Officer. In all such cases, the Presiding Officer **must not hand the voter a ballot paper before the Oath is taken or the questions answered**. A voter who refuses to be sworn (or affirmed) or to answer the questions which may be lawfully put to him/her by the Presiding Officer shall not be given a ballot paper. On the

other hand, if a voter takes the required oath or answers the questions, he/she must be given a ballot paper.

The oath will be administered by the Presiding Officer and he/she will need a Bible for this purpose. Persons who have scruples against making oaths, are permitted, if they object to take the oath, to make an **affirmation**, and in such cases the words “I, A.B., do solemnly, sincerely and truly declare and affirm” are used instead of “I swear”. The words “So help me God” are left out and no Bible is required. The oath or affirmation will be read audibly before the person making the same, by the Presiding Officer, and then sworn upon a Bible or affirmed as above described. (Except the Oath of Qualification – **Form No. 23**)

OATHS OF VOTERS

Mode of taking ballots in special cases

(Elections Act 1994 & Amendments; Section 46)

46.

(1) Subject to all other provisions of this Act as to proof of qualification as a voter, and as to the administration of oaths, if a person representing himself to be a particular voter applies for a ballot paper after another person has voted as such person, he shall be entitled to receive a ballot paper and to vote after taking the oath of identity, in **Form No. 21**, and otherwise establishing his identity to the satisfaction of the presiding officer.

Form No. 21

(2) In such case, the presiding officer shall put on the ballot paper his initials together with a number on the counterfoil attached to the ballot paper corresponding to the number allotted to the voter on the official list of voters entered in the poll book opposite the name of such voter, and the poll clerk shall enter in the poll book –

(a) the name of such voter;

(b) a note of his having voted on a second ballot paper issued under the same name;

(c) the fact of the oath of identity having been required and taken, and the fact of any other oaths being so required and taken; and

(d) any objections made on behalf of any, and of which, of the candidates.

Form No. 22

(3) The presiding officer, on the application of any voter who is incapacitated from any physical cause other than blindness or by reason of illiteracy from voting in the manner prescribed by this Act, shall require the voter making such application to make oath in **Form No. 22** of the incapacity to vote without assistance, and shall thereafter assist such voter by marking his ballot paper in the manner directed by such voter in the presence of the poll clerk and of the sworn agents of the candidates and of no other person, and shall place such ballot in the ballot box.

Form No. 23

(4) The presiding officer shall either deal with a blind voter and a voter who is unable to mark his ballot paper by reason of illiteracy in the same manner as with an otherwise incapacitated voter, or, at the request of any blind voter or a voter who is unable to mark his ballot paper by reason of illiteracy and who has taken the oath in **Form No. 23**, and is accompanied by a friend who is a voter in the local electoral district, shall permit such friend to accompany the blind or illiterate voter, as the case may be, into the voting compartment and mark the voter's ballot paper for him. No person shall at any election be allowed to act as such friend to more than one voter.

Form No. 24

(5) Any friend who in accordance with subsection (4) is permitted to mark the ballot paper of a blind voter or a voter who is unable to mark his ballot paper by reason of illiteracy shall first be required to take an oath in **Form No. 24**.

- (6) Whenever any voter has had his ballot paper marked as provided in subsection (3) or (4), the poll clerk shall enter in the poll book opposite the voter's name, in addition to any other requisite entry, the reason why such ballot paper was so marked.

Voting where discrepancy of minor nature exists

(Elections Act 1994 & Amendments; Section 47)

47.

- (1) Where there is contained in the official list of voters a name, address and occupation which corresponds so closely with the name, address and occupation of a person by whom a ballot paper is demanded as to suggest that the entry in such list of voters was intended to refer to him, such person shall, upon taking the oath in **Form No. 25** and complying in all other respects with the provisions of this Act, be entitled to receive a ballot paper and to vote. In any such case the name, address and occupation shall be correctly entered in the poll book and the fact that the oath has been taken shall be entered in the proper column of the poll book.

Form No. 25

- (2) A voter, if required by the presiding officer, the poll clerk, one of the candidates, an agent of a candidate or a voter present, shall before receiving his ballot paper take an oath in **Form No. 26** and, if he refuses to take such oath, erasing lines shall be drawn through his name on the official list of voters and in the poll book, if such name has been entered in the said book, and the words "Refused to be sworn" shall be written thereafter.

Form No. 26

WHO MAY BE PRESENT AT THE POLLING STATION

Persons permitted to be present at a Polling Station are:

- Supervisor of Elections

- Deputy Supervisor of Elections
- Returning Officer
- Presiding Officers
- Poll Clerks
- Candidates
- One agent of each candidate
- Police Officers

The Presiding Officer must exclude all other persons from the Polling Station.

Who may be present
(Elections Act 1994 & Amendments; Section 50)

50.

- (1) In addition to the presiding officer and any poll clerk, the Supervisor of Elections, the Deputy Supervisor of Elections, the returning officer of the electoral district, the candidates and one agent for each candidate in each polling station, the police officers on duty, and no others, shall be permitted to remain in the polling station during the time the poll remains open:

Provided that no candidate and his agent shall be in the same polling station at the same time for more than five consecutive minutes.

- (2) The agent of each candidate, on being first admitted to any polling station, shall take an oath in **Form No. 28** to keep secret the name of the candidate for whom any of the voters has marked his ballot paper in his presence.
- (3) Agents of candidates may, with the permission of the presiding officer, absent themselves from and return to the polling station at any time before one hour prior to the close of the poll.

Form No. 28

Voting will proceed whether the agents are present at the Polling Stations or not. Chairs and tables should be provided for agents. They must not see how a voter votes, except in accordance with the provisions of Section 39 (3).

VOTING AT CLOSE OF POLE

If at the closing of the poll at 6:00 p.m. there are voters inside the Polling Station who have not been able to vote since their arrival, the poll shall be kept open for a sufficient time to allow them to vote, but no one arriving at the Polling Station after 6:00 p.m. must be allowed to vote.

SECRECY AT POLL

The Presiding Officer and Poll Clerk shall maintain and aid in maintaining the secrecy of the voting at a Polling Station, and shall not communicate except for some purpose authorized by law, before the poll is closed, to any person any information as to the name or number on the list of voters of any voter who has or has not applied for a ballot paper or voted at that polling station.

PROCEEDINGS AFTER POLL

(Elections Act 1994 & Amendments; Section 51)

The proceedings laid out in Section 51 **must be followed strictly and to the letter.**

51.

(1) Forthwith upon the close of the poll the presiding officer shall act in the following order -

(a) seal the ballot boxes;

(b) count the number of voters whose names appear in the poll book as having voted and make an entry thereof on the line immediately below the name of the voter, who voted last, thus: "The number of voters who voted at this election in this polling station is....." (stating the number in words), and sign his name thereto;

- (c) count the spoiled ballot papers, if any, place them in the special envelope supplied for that purpose and indicate thereon in words the number of such spoiled ballot papers and seal it up;
 - (d) count the unused ballot papers, place them with all the counterfoils of all used ballot papers in the special envelope supplied for that purpose and indicate thereon in words the number of such unused ballot papers; and
 - (e) check the number of ballot papers supplied by the returning officer against the number of spoiled ballot papers, if any, the number of unused ballot papers and the number of voters whose names appear in the poll book as having voted, in order to ascertain that all ballot papers are accounted for.
- (2) The ballot boxes, poll book, envelopes containing the spoiled and unused ballot papers, official list of voters and other documents used at the poll shall be transmitted to the place notified for the counting of the votes or delivered to the returning officer. The returning officer may specially appoint one or more persons for the purpose of collecting the ballot boxes and papers aforesaid from a given number of polling stations, and such person or persons shall, on delivering the ballot boxes and papers to the returning officer, take the oath in **Form No. 29**.
- (3) The presiding officer shall, with the ballot boxes and papers aforesaid, transmit or deliver to the returning officer, in the envelope provided for that purpose, the keys of such ballot boxes.
- (4) When the poll in the Territorial electoral district is conducted at the same time and in the same polling station as the poll in the local electoral district

Form No. 29

the presiding officer shall comply with this section separately in respect of each poll.

MAINTENANCE OF ORDER AT POLLING STATION

(Elections Act 1994 & Amendments; Section 53)

53.

- (1) Subject to subsection (2), during the hours when the poll is open upon polling day, no person 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 poll clerk or any police officer for the purpose of forming a queue with other voters also waiting; or
 - (b) to any person who may under the provisions of this Act lawfully enter or remain in such polling station.
- (3) Any person who contravenes or fails to comply with any of the provisions of this section shall be guilty of an offence and liable on summary conviction to a fine of two hundred and fifty dollars and imprisonment for three months.

OFFENCES BY ELECTION OFFICERS

(Elections Act 1994 & Amendments; Section 66)

66. Every election officer who -

- (a) makes, in any record, return or other document which he is required to keep or make under this Act, any entry which he knows or has reasonable cause to believe to be false, or does not believe to be true;
- (b) permits any person whom he knows or has reasonable cause to believe not to be a blind person, an illiterate person or an incapacitated person to vote in the manner provided for blind persons, illiterate persons or incapacitated persons, as the case may be;
- (c) refuses to permit any person whom he knows or has reasonable cause to believe to be a blind person, an illiterate person or an incapacitated person to vote in the manner provided for blind persons, illiterate persons or incapacitated persons, as the case may be.
- (d) wilfully 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;
- (e) wilfully rejects or refuses to count any ballot paper which he knows or has reasonable cause to believe is validly cast for any candidate in accordance with the provisions of this Act; or
- (f) wilfully 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 candidate,

shall be guilty of an offence against this section and liable on conviction on indictment, to a fine of three thousand dollars or to imprisonment for two years.

ACTS PROHIBITED ON POLLING DAY

(Elections Act 1994 & Amendments; Section 67)

67.

- (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 on motor cars, trucks or other vehicles, as political propaganda, on polling day, and no person shall, with any such intent, carry, wear or use, on motor cars, trucks or other vehicles, any such loudspeaker, bunting, ensign, banner, standard or set of colours, or any other flag, on polling day.
- (2) No person shall furnish or supply any flag, ribbon, label or like favour to or for any person with intent that it be worn or used by any person within any electoral district on polling day as a party badge to distinguish the wearer as the supporter of any candidate, or of the political or other opinions entertained or supposed to be entertained by such candidate, and no person shall use or wear any flag, ribbon, label or other favour, as such badge, within any electoral district on polling day.
- (3) Nothing contained in subsection (1) or (2) shall be deemed to extend to the furnishing or supplying of any banner bearing only the name of any candidate or only such name preceded by the words "Vote for" or of any rosette or to the use of any such banner on any vehicle or of any such rosette.
- (4) No person shall broadcast any item on polling day on any television or wireless transmitting station which would tend to promote or procure the election of any candidate or of any political party.

- (5) Any person who contravenes any of the provisions of this section shall be guilty of an offence and liable on summary conviction to a fine of one thousand dollars and to imprisonment for twelve months.

**Virgin Islands
Elections Act 1994**

FORM NO. 6

Section 11 (3)

OATH OF RETURNING OFFICER

I, _____ having been appointed returning officer for the _____ electoral district do *swear/affirm that I will faithfully perform all the duties of such returning officer in accordance with the provisions of the Elections Act, 1994 to the best of my ability.

Returning Officer

*Sworn/Affirm before me _____

Date _____

***Strike out inapplicable word**

Virgin Islands
Elections Act 1994
FORM NO. 16

Section 30 (2)

OATH OF PRESIDING OFFICER

I, the undersigned,
appointed presiding officer for the polling station at in the
..... electoral district *swear/affirm that I will act faithfully in my said
capacity of presiding officer, according to law, without partiality, fear, favour or affection,
and that I will keep secret the names of the candidates for whom any of he voters in the
above-mentioned polling station marks his/her ballot paper in my presence at this election.

.....
Presiding Officer

*Sworn/Affirmed before me atthis day of, 20.....

.....

***Strike out inapplicable word.**

Virgin Islands
Elections Act 1994
FORM NO. 17

Section 31 (2)

OATH OF POLL CLERK

I, the undersigned, appointed as poll clerk for the polling station at in the electoral district *swear/affirm that I will act faithfully in my capacity of poll clerk and also in that of presiding officer if required to act as such, according to law, without partiality, fear, favour or affection, and that I will keep secret the names of the candidates for whom any of the voters in the above-mentioned polling station marks his ballot paper in my presence at this election.

.....
Poll Clerk

*Sworn/Affirmed before me at thisday of.....
20.....

***Strike out inapplicable word**

FORM NO. 22

Section 46 (3)

OATH OF PHYSICALLY INCAPACITATED VOTER

I, _____

*swear/affirm that I am incapable of voting without assistance by reason of physical incapacity.

* SO HELP ME GOD

* STRIKE OUT INAPPLICABLE WORDS

FORM NO. 23

Section 46 (3)

OATH OF AN ELDERLY OR ILLITERATE VOTER

I _____

of _____

swear/affirm that I am incapable of voting without assistance by reason of my *[being an elderly person] [illiteracy].

* SO HELP ME GOD

* STRIKE OUT INAPPLICABLE WORDS

FORM NO. 24

Section 46 (5)

**OATH OF FRIEND OF ELDERLY, ILLITERATE OR PYHSICALLY
INCAPACITATED VOTER**

1. I*swear/affirm that
(Full name of Friend)

I have been requested by
**(Full name of Elderly / Illiterate / Physically
Incapacitated Voter)**

to mark his/her ballot paper.

2. I will keep secret the name of the candidate for whom I marked the ballot paper for the elderly/ illiterate/ physically incapacitated voter on whose behalf I act.
3. I have not already acted as the friend of more than one elderly/ illiterate/ physically incapacitated voter for the purpose of marking his ballot papers at this election.

*** SO HELP ME GOD**

*** STRIKE OUT INAPPLICABLE WORDS**

FORM NO. 25

Section 47 (1)

**OATH THAT THE VOTER IS THE PERSON INTENDED TO
BE REFERED TO IN THE LIST OF VOTERS**

I*swear/affirm
(**Name of Voter**)

that I am qualified to vote at this election for [members] to serve in the House of Assembly
and am not disqualified from voting thereat and that I verily believe that I am the person
intended to be referred to by the entry in the Official List of Voters used at this polling
station, of the name whose occupation is given as
..... and whose address is given as
.....

* SO HELP ME GOD

* STRIKE OUT INAPPLICABLE WORDS

FORM NO. 26

Section 47 (2)

OATH OF QUALIFICATION

I*swear/affirm

1. That I am a Virgin Islander of the full age of eighteen years; and

** 2. That I was deemed to belong to the Territory as provided for in the Constitution and was domiciled and resident in the Territory on the date of my registration as a voter; or

** 3. That I was deemed to belong to the Territory as provided for in the Constitution and was domiciled in the Territory and resident in the United States Virgin Islands on the date of my registration as a voter; or

** 4. That I was already registered as a voter in the Territory on the 1st day of June, 1977, and

5. That I am not within any of the classes of persons who lack qualification or are disqualified by reason of crime or mental incapacity.

6. That I am not disqualified under the provisions of the Elections Act, 1994.

7. That I am not the Returning Officer for this electoral district.

* SO HELP ME GOD.

**** NOTE: Paragraphs 2, 3 and 4 are in the alternative.**

FORM NO. 28

Section 50 (2)

OATH OF AGENT OF A CANDIDATE

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

SO HELP ME GOD.

.....
Signature

*Sworn/Affirm before me at this day of , 20 .

***STRIKE OUT INAPPLICABLE WORDS**

Virgin Islands
Elections Act 1994
FORM NO. 29

Section 51 (2)

OATH OF MESSENGER SENT TO COLLECT BALLOT BOXES

I,....., Messenger appointed by
....., Returning Officer for the
..... electoral district do *swear/affirm that several boxes to the
number of which were used at the polling station at
..... of this electoral district on polling day now delivered by me to
..... were handed to me by..... that
they have not been opened by me or any other person and that they are in the same state as
they were in when they came into my possession.

.....
Signature

*Sworn/Affirm before me at this day of, 20.....

.....
Signature

***LEAVE OUT INAPPLICABLE WORDS**