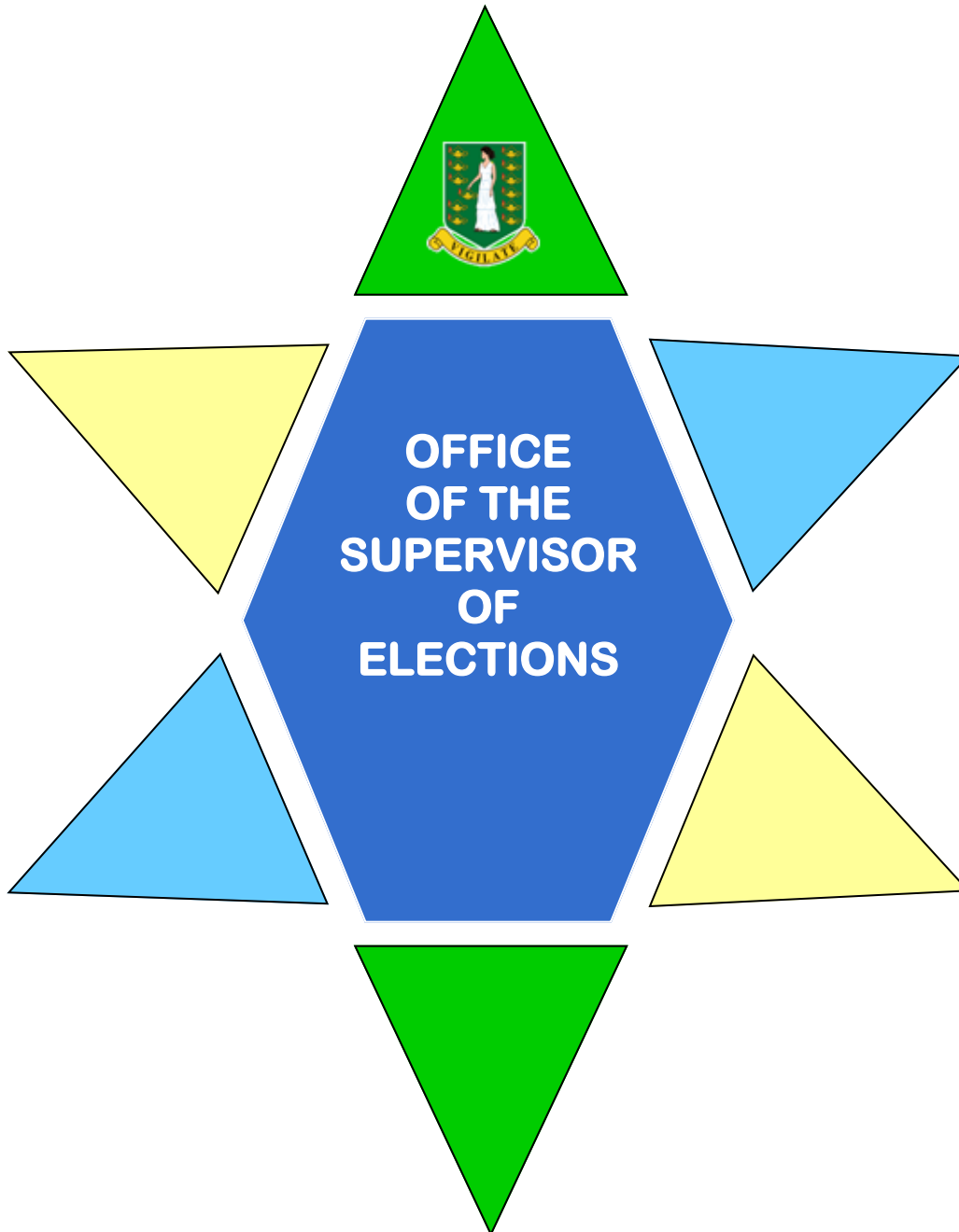


DUTIES OF RETURNING OFFICERS



**2011
GENERAL ELECTIONS**

DUTIES OF RETURNING OFFICERS
2011 GENERAL ELECTIONS

The Returning Officer cue is the issuance of the Writ (issued to each Returning Officer) in **Form No. 10** by the Governor. Section 24. Immediate upon his appointment the Returning Officer must take the oath in **Form No. 6** and transmit same to the Supervisor of Elections. The Returning Officer must also be a registered voter. Accordingly, the duties of the Returning Officer now follow:

Arrangements for Elections

(Elections Act & Amendments 1994; Sections 24 – 29)

24. Issue of writs for holding Elections

(1) For the purpose of every general election of members of the Council, and for the purpose of the election of members to vacancies in such membership, the Governor shall issue writs under the Public Seal of the Territory addressed to the returning officers of the respective electoral districts for which members are to be returned. Such writs shall be forwarded to the Supervisor of Elections for transmission to the several returning officers.

Form No. 10 (2) Every writ shall be in **Form No. 10** and shall specify the day and place of nomination of candidates, the day on which, if it is necessary, the poll shall be taken (being not less than ten days after the day of such nomination), and the day on which such writ shall be returnable to the Governor. A writ for an election in the Territorial electoral district shall specify the number of members to be elected in that district.

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

25. **Nomination (Form No. 11)**

(1) On receiving such writ, every returning officer shall publish a notice in **Form No. 11** of the day and place fixed for the nomination of candidates.

(2) Such notice shall be published at least seven clear days before the day fixed for such nomination.

Form No. 12

(3) Nomination papers shall be provided by the returning officer and shall be in **Form No. 12**.

(4) On the day and at the place so fixed for the nomination of candidates every returning officer shall attend between the hours of 10:00 a.m. and 1:00 p.m. and between the hours of 2:00 p.m. and 4:00 p.m. and receive the nomination papers.

Form No. 13

(5) Every candidate for election shall be nominated on one nomination paper by at least two registered voters of the electoral district for which such candidate seeks election and his consent to nomination shall be given on such nomination paper and attested by one witness; and such candidate shall swear the affidavit in **Form No. 13** that he is, to the best of his knowledge, not disqualified under the provisions of the Constitution from contesting and being elected as a member of the House of Assembly:

Provided that no candidate shall be deemed not to have been validly nominated by reason only of the fact that, subsequent to nomination day, any person by whom his nomination paper was signed is struck off the Register of Voters for the relevant electoral district.

(6) If at four o'clock on the day fixed for nomination of candidates -

(a) in a local electoral district, only one candidate has been nominated for

the seat to be filled, the returning officer shall declare the candidate elected;

- (b) in the Territorial electoral district, the number of candidates nominated equals or is less than the number of seats to be filled, the returning officer shall declare those candidates elected;

and the returning officer shall immediately certify by endorsement on the writ in **Form No. 14** the return of such candidate or candidates and shall return the writ so endorsed to the Supervisor of Elections for transmission to the Governor within the time specified for that purpose in the writ. Where the numbers of candidates so elected in the Territorial electoral district is less than the number of seats to be filled, the returning officer shall, after communication with the Supervisor of Elections, adjourn the election of the remainder.

Form No. 14

- (7) Any candidate duly nominated may, not less than three 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 remain -

- (a) in an election in a local electoral district, no fewer than one duly nominated candidate;

- (b) in an election in the Territorial electoral district, no fewer candidates than the number of seats to be filled in that election.

- (8) Subject to subsection (9), where a candidate has withdrawn after the ballots are printed, the returning officer shall advise each presiding officer of his constituency of the withdrawal and, when time permits, shall distribute to each presiding officer a printed notice of the withdrawal. On polling day each presiding officer shall post up a copy of the printed notice of withdrawal in a conspicuous place in his polling station. If time does not permit of the

printing and distribution of such notice, the presiding officer, upon being advised by the returning officer of the withdrawal of any candidate, shall himself prepare by hand a notice to that effect and post it up in a conspicuous place in his polling station. In either case, the presiding officer shall, when delivering a ballot to a voter, inform the voter of the withdrawal of the candidate.

(9) If, after a withdrawal -

(a) in a local electoral district, there remains only one candidate;

(b) in the Territorial electoral district, there remain no more candidates than the number of seats to be filled at the election,

the returning officer shall return as duly elected the candidate or candidates so remaining without waiting for the day fixed for the taking of the poll.

(10) Whenever before the closing of the poll, the returning officer becomes aware that any candidate has died since the close of nomination, he shall, after consulting the Supervisor of Elections, adjourn the election in that electoral district.

(11) Whenever-

(a) the election in an electoral district is adjourned on account of the death of a candidate;

(b) the election in the Territorial electoral district is adjourned in the circumstances set out in subsection (6),

the period of adjournment shall not exceed one month and the Governor shall by Proclamation amend the writ already issued to alter the day for the nomination of candidates, the day for the holding of the poll, if a polling day

is necessary, and the day on which the name of the elected member or members shall be certified to him. In the case referred to in paragraph (b), such Proclamation shall also state the number of seats remaining to be filled.

26. Deposit

- (1) A candidate for election, or someone on his behalf, shall deposit with the returning officer, on or before the day of his nomination, the sum of five hundred dollars, and, if he fails to do so, the nomination of such candidate shall be deemed to be withdrawn.
- (2) The deposit may be made in legal tender or, with the consent of the returning officer, in any other manner, and a receipt therefor shall be given by the returning officer.
- (3) The full amount of every deposit under subsection (1) shall forthwith after its receipt be transmitted by the returning officer to the Accountant General.

27.

- (1) If a candidate who has made such deposit is not elected, and the number of votes polled by him -
 - (a) in an election in a local electoral district does not exceed one-eighth of the total number of votes polled in the election in that district;
 - (b) in an election in the Territorial electoral district does not exceed such proportion of the number of votes polled in that election as is determined by the application of the formula:

$$\frac{1}{8 \times \text{the number of seats to be filled at that election}}$$

the amount deposited shall be forfeited to the Crown; in any other case the deposit shall be returned by the Accountant General as soon as practicable after the result of the election is declared, to the candidate, his legal personal representative, or the person by whom the deposit was made, as the case may be.

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

28. Contested Elections and power to adjourn poll

- (1) If-
 - (a) in a local electoral district there shall be more than one candidate duly nominated;
 - (b) in the Territorial electoral district there shall be more candidates nominated than there are seats to be filled,

a poll shall be taken, and in such case the returning officer shall adjourn the election to the day specified in the writ and the poll shall be taken on such day in the manner hereinafter provided.

- (2) The returning officer shall, as soon as practicable after adjourning the election, publish a notice, in **Form No. 15** specifying the day and time on which and the locations of the polling stations in the electoral district at which the poll will be taken and of 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 electoral district will be counted.

- (3) Where the proceedings at any polling station are interrupted or obstructed by riot, or open violence, or by the occurrence of any earthquake, hurricane,

Form No. 15

flood, fire, outbreak of pestilence or outbreak of infectious disease, or other calamity whether similar to the foregoing or not, the presiding officer may adjourn the proceedings until the following day and thereafter from day to day as may be necessary and shall forthwith give notice to the returning officer.

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

29. Polling Stations

- (1) Subject to subsection (4), on the day named in the notice published under section 28 (2) for the taking of the poll, the returning officer shall cause to be opened in the electoral district to which he is appointed such number of polling stations as the Supervisor of Elections shall determine.
- (2) The returning officer shall provide each polling station with such number of compartments as he may consider necessary to enable voters to record their votes screened from observation.
- (3) Unless the writ otherwise directs, polling stations shall be opened at 6:00 a.m. and shall be closed at 6:00 p.m.
- (4) In a general election, the same polling stations shall be used for the Territorial electoral district as are used for local electoral districts in which there is a contested election, and the same presiding officer may be appointed

at a polling station for the election in the Territorial electoral district and for the election in the relevant local electoral district.

Ballot Boxes

(Elections Act & Amendments 1994; Section 32)

32.

- (1) The Supervisor of Elections shall supply to each returning officer a number of ballot boxes equal to the number of polling stations in his electoral district.
- (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 shall be so constructed that the ballot papers may be introduced therein but cannot be withdrawn therefrom unless the box is unlocked.
- (3) 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 boxes provided for the Territorial electoral district shall be boldly distinguished from those provided for the local electoral district.

Supplies of Election Material

(Elections Act & Amendments 1994; 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 situate;
 - (d) at least three copies of the directions for the guidance of voters in **Form No. 18**;
 - (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.

Form No. 18

Advance Polls
(Elections Act & Amendments 1994; Sections 48)

48. (1) Where any voter who is duly registered in the Register of Voters for an electoral district in which an election is pending requires assistance to vote under section 46(3) or (4) or is unable to go to the polling station on the day appointed for the taking of the poll because of the particular circumstances of that voter's employment on the date of the poll, as –

(a) a police officer,

(b) a person employed by the Supervisor of Elections for a purpose connected with the election,

(c) an election officer for an electoral district other than the one in which he is entitled to vote,

(d) a person employed by an election officer for an electoral district other than the one at which he is entitled to vote for a purpose connected with the election in that other electoral district,

it shall be lawful for such voter to record his vote at an advance poll to be held for the purpose at such place, and on such date not earlier than seven days prior to polling day, as the Supervisor of Elections may, by notice in the Gazette, appoint for the purpose.

Form No. 27

(2) For the purpose of voting at any advance poll, a voter referred to in paragraphs (a) to (d) of subsection (1), shall apply to the Supervisor of Elections on **Form No. 27** for a specially issued card enabling him to vote at an advance poll.

(3) A voter to whom subsection (1) applies, who desires to vote at any advance poll shall be allowed to vote in like manner as he would have been entitled so to do on the day appointed for taking of the poll, except that if he is a voter referred to in paragraphs (a) to (d) of subsection (1), he shall not be allowed to vote at an advance poll unless he first produces the card specially issued under this section. be allowed

to vote in like manner as he would have been entitled so to do on the day appointed for the taking of the poll.

- (4) Unless the writ otherwise directs, polling stations established for the purpose of recording advance polls shall be opened between 9:00 a.m. and 12:00 noon.

Conduct of advance polls
(Elections Act & Amendments 1994; Sections 49)

49.

- (1) At an advance poll a separate ballot box shall be provided for each polling division of each electoral district and at the close of such advance poll the ballot papers in each box shall, without any examination, be placed in separate packets and sealed by the officer conducting the poll, each packet clearly designating the number of ballot papers it contains and the polling division and electoral district to which it relates.
- (2) Each sealed packet of ballot papers taken at an advance poll shall be immediately given by the officer conducting the poll to the Supervisor of Elections to be kept intact in his office until delivery by him on the polling day in the election concerned to the presiding officer at a polling station within the electoral district to which the packet relates.
- (3) The presiding officer shall open every packet of ballot papers delivered to him pursuant to subsection (2) immediately before the commencement of the poll in the presence of any persons who are lawfully present at that time and shall place the ballot papers without examining them in the relevant ballot box at his poll before he locks it up and places his seal upon it.
- (4) For the avoidance of doubt it is hereby declared that the other provisions of this Act applying to voters, to voting procedure and to elections shall apply so far as is convenient to the taking of an advance poll as they apply to the taking of a poll at an election.

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

50.

- (1) In addition to the presiding officer and any poll clerk, the 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.

Form No. 28

- (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.

Proceedings after Poll
(Elections Act & Amendments 1994; Section 51)

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**.

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

Count of Votes
(Elections Act & Amendments 1994; Section 52)

52.

- (1) Each returning officer, upon receipt by him of each of the ballot boxes, shall take every precaution for its safe keeping and for preventing any person other than himself from having access thereto, sealing it under his own seal so that it cannot be opened without the seal being broken but without effacing or covering any other seals thereto affixed.
- (2) After all the ballot boxes have been received they shall be opened for the count of votes and in the presence of such of the candidates or their agents, and if the candidates or any of them are absent, then in the presence of such as are present, and of at least two voters if none of the candidates is represented, by the returning officer, and the returning officer shall -
 - (a) record and count the number of votes given to each candidate (allowing the candidates and their agents full opportunity to see such votes). A poll clerk and not less than two witnesses shall be supplied with tally sheets upon which they may keep their own score as each vote is called out by the returning officer;
 - (b) reject all ballot papers -
 - (i) which have not been marked for any candidate;
 - (ii) on which votes have been given for more than the

number of candidates to be selected for the electoral district;

- (iii) on which more than one vote has been cast for any one candidate; or
- (iv) upon which there is any writing or mark by which the voter could be identified,

but no ballot paper shall be rejected on account of any writing, number or mark placed thereon by any presiding officer.

(2A) Notwithstanding subsection (2), the Supervisor of Elections may, for the purposes of an election in the Territorial district, appoint such other persons as he thinks fit to assist the returning officer with the counting of votes in accordance with the provisions of this section.”.

(3) If in the course of counting the votes any ballot paper is found with the counterfoil still attached thereto, the returning officer shall (carefully concealing the numbers on the counterfoil thereon from all persons present and without examining them himself) remove such counterfoil. He shall not reject the ballot paper merely by reason of the failure of the presiding officer to remove the counterfoil.

(4) If in the course of counting the votes the returning officer discovers that the presiding officer has omitted to affix his initials to any ballot paper as provided by section 43 (1), he shall in the presence of a poll clerk and such of the candidates or their counting agents as are present, affix his initials to such ballot paper and shall count such ballot paper as if it had been initialled by the presiding officer in the first place, provided that he is satisfied that the ballot

paper is one that has been supplied to such presiding officer and also that every ballot paper supplied to such presiding officer has been accounted for as provided by section 51(1)(e).

- (5) The returning officer shall keep a record on the special form printed in the poll book of every objection made by any candidate or his counting agent or any voter present to any ballot paper found in a ballot box, and shall decide every question arising out of the objection. The decision of the returning officer shall be final, subject to reversal on petition questioning the election or return; and every such objection shall be numbered, and a corresponding number placed on the back of the ballot paper and initialled by the returning officer.
- (6) All the ballot papers not rejected by the returning officer shall be counted and a list shall be kept of the number of votes given to each candidate and of the number of rejected ballot papers. The ballot papers which respectively indicate the votes given for each candidate shall be put into separate envelopes; all rejected ballot papers shall be put into a special envelope and all such envelopes shall be sealed by the returning officer and by such agents or witnesses present as may desire to seal them or to sign their names thereon in addition or instead.
- (7) Any of the candidates, if not satisfied with the accuracy of the count, may on completion thereof immediately demand, by completing **Form No. 30**, a recount setting out the reasons therefor which recount shall thereupon be carried out in the same manner as the original count, except that no candidate may demand such a recount more than once at any election.
- (8) The candidate on the completion of the count or recount, as the case may be, who is found to have the largest number of votes shall then be declared by the returning officer to be elected as the member for the electoral district.

Form No. 30

- (9) On the completion of the count or recount, as the case may be,
- (a) in an election in an electoral district to return one member to the House of Assembly, the candidate with the largest number of votes shall be declared by the returning officer to be elected as a member for the electoral district;
 - (b) in an election in an electoral district to return more than one member to the House of Assembly, the number of candidates equal to the members to be returned with the largest numbers of votes shall be declared by the returning officer to be elected as members for the electoral district.
- (10) Whenever after the count of votes (including any recount) is completed, an equality of votes is found to exist between any candidates and the addition of one vote would entitle any of those candidates to be elected -
- (a) in the case of a local electoral district, a new writ shall be issued in respect of that electoral district and all proceedings for an election of a member for that electoral district shall commence afresh;
 - (b) in the case of the Territorial electoral district, the returning officer shall declare elected any candidate or candidates who received a larger number of votes than the number so found equal and a new writ shall be issued and all proceedings shall be commenced afresh for the election of a member or members to fill the remaining vacancy or vacancies.

Maintenance of order at Polling Station
(Elections Act & Amendments 1994; 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.

Influencing of voters to vote for any candidate
(Elections Act & Amendments 1994; Section 54)

54.

- (1) During the hours that the poll is open upon polling day no person shall upon any public road or in any public place within one hundred yards of any building in which a polling station is situate seek to influence any voter to vote for any candidate or to ascertain for what candidate any voter intends to vote or has voted.
- (2) Every person who contravenes any of the provisions of subsection (1) shall be liable on summary conviction to a fine of two hundred and fifty dollars and to imprisonment for three months.

Election Return

(Elections Act & Amendments 1994; Section 55 (1) (5))

55.

(1) The returning officer within the time specified for the return of any writ shall forward to the Supervisor of Elections -

Form No. 31

- (a) the writ with his return in **Form No. 31** endorsed thereon that the candidate or candidates with the largest numbers of votes have been elected;
- (b) a report of his proceedings showing the number of votes cast for each candidate at each polling station, and making such observations as the returning officer may think proper as to the state of the election papers as received from the presiding officer;
- (c) a statement of the number of persons to whom, it appears from the counterfoils, ballot papers have been supplied in the electoral district;
- (d) the reserve supply of undistributed blank ballot papers;
- (e) the poll book used at each polling station, a packet containing the counterfoils and unused ballot papers, packets containing the ballot papers cast for the several candidates, a packet containing the spoiled ballot papers, a packet containing the rejected ballot papers and a packet containing the official lists of voters used at the polling stations, and the written appointments of candidates' agents; and
- (f) all other documents used for the election.

- (5) If any returning officer wilfully delays, neglects or refuses duly to return any person who ought to be returned to serve in the Council for any electoral district, and if it has been determined on the hearing of an election petition respecting the election for such electoral district 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.

Custody of Ballot Boxes

(Elections Act & Amendments 1994; Section 57)

57.

Forthwith upon making the return to the writ in accordance with section 55, the returning officer shall cause the ballot boxes used at such election, with their locks and keys and the screens and other appliances used in the polling station, to be transmitted or delivered to the Supervisor of Elections.

Offences by Election Officers

(Elections Act & Amendments 1994; 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 & Amendments 1994; 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 the voters in the
above-mentioned polling station marks his/her ballot paper in my presence at this election.

.....
Presiding Officer

*Sworn/Affirmed before me at this 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 PYHSCALLY
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**

FORM NO. 29

Section 51 (3)

OATH OF MESSENGER SENT TO COLLECT BALLOT BOXES

I,....., Messenger appointed by
....., Returning Officer for the
..... electoral district do *swear/affirm that the 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

***STRIKE OUT INAPPLICABLE WORDS**