## Constitution

**2013**

**REVISED EDITION**

**OF THE LAWS**

**OF MONTSERRAT**

**ELECTIONS ACT:**

**OFFENCES**

Researched and Prepared by

Constitution & Commissions Secretariat

October 2019

**TABLE OF CONTENTS**

[**OFFENCES UNDER THE ELECTIONS ACT (CAP.1.04):-** 4](#_Toc22737578)

[Qualification of voters 4](#_Toc22737579)

[Registration regulations 5](#_Toc22737580)

[Voting 6](#_Toc22737581)

[Where transferred voter may vote 7](#_Toc22737582)

[Questions which may be put to a voter 8](#_Toc22737583)

[Maintenance of order at polling booths 8](#_Toc22737584)

[Influencing of voters to vote for any candidate 9](#_Toc22737585)

[Election Return 10](#_Toc22737586)

[Custody of election documents 12](#_Toc22737587)

[Avoidance of election of candidate certified guilty of corrupt or illegal practice 13](#_Toc22737588)

[Avoidance of election for general corruption, etc. 13](#_Toc22737589)

[Trial of election petitions 14](#_Toc22737590)

[Powers of Judge 14](#_Toc22737591)

[Intoxicating liquor not to be sold or given on polling day 14](#_Toc22737592)

[Employers to allow employees time 15](#_Toc22737593)

[Offences by election officers 15](#_Toc22737594)

[Loudspeakers, ensigns, banners, etc. prohibited on Polling Day 17](#_Toc22737595)

[Flags, ribbons or favours not to be furnished or worn 17](#_Toc22737596)

[Definition of bribery 18](#_Toc22737597)

[Definition of treating 21](#_Toc22737598)

[Definition of undue influence 22](#_Toc22737599)

[Definition of personation 22](#_Toc22737600)

[Penalty for bribery, treating or undue influence 23](#_Toc22737601)

[Penalty for personation 23](#_Toc22737602)

[Disqualification for bribery, etc. 23](#_Toc22737603)

[Penalty for certain illegal practices at elections 24](#_Toc22737604)

[Offence to incite or conspire to disrupt public meetings of candidates 25](#_Toc22737605)

[Offences in respect of ballot papers 25](#_Toc22737606)

[Infringement of secrecy 27](#_Toc22737607)

[Conclusiveness of Register of Voters 28](#_Toc22737608)

[DIRECTIONS FOR THE GUIDANCE OF VOTERS 28](#_Toc22737609)

[**OFFENCE UNDER THE ELECTION (CONTINUOUS REGISTRATION) REGULATIONS (CAP. 1.04):-** 29](#_Toc22737610)

[Penalty 29](#_Toc22737611)

[**ELECTION REGISTRATION REGULATIONS:-** 29](#_Toc22737612)

[Penalty 29](#_Toc22737613)

[Destroying or defacing documents 30](#_Toc22737614)

[Information from householders, etc. 30](#_Toc22737615)

[False declaration 30](#_Toc22737616)

## **OFFENCES UNDER THE ELECTIONS ACT (CAP.1.04)**

# **Qualification of voters**

12. **(1)** Subject to the provisions of subsection (2), every person who—

(a) has attained the age of eighteen years;

(b) is not a person of unsound mind so found under any law in force in Montserrat;

(c) is a Commonwealth citizen;

(d) has resided in Montserrat for thirty-six (36) months immediately preceding the date of registration as a voter or is domiciled in Montserrat and is resident therein at the date of such registration; and

(e) is not disqualified under the provisions of this Act from being registered as a voter,

shall be entitled to be registered as a voter and, when registered, to vote at an election:

Providing that, a person who is domiciled in Montserrat may, if he is not resident at the date of registration as a voter, nevertheless be registered as a voter and vote, if he is out of the country to follow a recognized course of full time study or training and obtains a certificate to that effect from the Ministry of Education.

**(2)** No person shall be registered as a voter or be entitled to vote at an election who has been sentenced by any court in Her Majesty’s dominions or in any territory under Her Majesty’s protection to death, penal servitude, or imprisonment for a term exceeding twelve months, and has not either suffered the punishment to which he was sentenced or such other punishment as by competent authority may have been substituted for the same or received a free pardon from Her Majesty.

# **Registration regulations**

19. **(1)** The Governor acting on the advice of Cabinet may make regulations with respect to the registration of voters, the forms to be used therein, and the appointment of and remuneration to enumerators.

**(2)** Regulations made under this section may prescribe penalties for any breach thereof not exceeding $250 or six months imprisonment on summary conviction therefore.

**(3)** Regulations made under this section may be given retroactive effect, provided that, no such retroactive effect shall be given so as to attach any criminal or civil liability to any act which was not a criminal or civil wrong at the time when such act was committed.

# **Voting**

34. **(1)** Subject to the provisions of sections 36[[1]](#footnote-1) and 37, no person shall be entitled to vote in any election unless his name appears on the list of voters and he is able to produce a passport or other document of identification with his photograph to prove that that name is his name: Provided that, where a voter is unable to produce such a photo identification he may be permitted to vote if—

(a) he is known to the Presiding Officer and the Presiding Officer certifies his identity on the prescribed form or;

(b) he is known to a voter on the voting list for that polling station and that voter certifies his identity to the Presiding

Officer and co-signs with the Presiding Officer on the prescribed form.

**(2)** Every person whose name appears upon the official list of voters for any polling station shall, subject to compliance with the provisions of subsection (1) be entitled to vote at that Polling Station notwithstanding that he is not resident in that area on polling day.

**(3)** Any person who—

(a) certifies that a person applying to vote is the person whose name appears on the voting list when in fact he is not that person;

(b) assists by any act or omission, any person seeking to impersonate any person whose name appears on the voting list, shall be guilty of an offence and liable on summary conviction to two years imprisonment.

# **Where transferred voter may vote**

37. **(1)** Every person whose name is transferred in accordance with the provisions of section 36 from any official list of voters to another official list of voters shall vote, if he votes at all, in the polling station of which he is appointed Presiding Officer or poll clerk, as the case may be.

**(2)** Every Presiding Officer who issues to any person whose name has been transferred from any official list of voters to any other official list of voters any ballot paper at any polling station other than the polling station of the electoral district to which such person’s name has been transferred shall be liable, on summary conviction, to a fine of $25 or to imprisonment for one month.

# **Questions which may be put to a voter**

41. **(1)** The Presiding Officer may, and shall if requested by a candidate or his agent, put to the voter the following questions—

(a) Are you the same person whose name appears as “A.B.” on the list of voters now in force for this polling station?

(b) Have you already voted at this election either here or elsewhere?

**(2)** If any person refuses to answer any question put to him as in this section provided, the Presiding Officer shall refuse to give him a ballot paper.

**(3)** If any person makes a false answer to any such question, he shall be liable, on summary conviction, to imprisonment for six months.

# **Maintenance of order at polling booths**

47. **(1)** Subject to the provisions of subsection during the hours when the poll is open upon polling day, no persons shall assemble or congregate within 100 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 so waiting; or

(b) to any person who may under the provisions of this Act lawfully enter or remain in such polling station.

**(3)** Every person who contravenes or fails to comply with any of the provisions of this section shall be liable on summary conviction to a fine of $240 or to imprisonment for six months.

# **Influencing of voters to vote for any candidate**

48. **(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 100 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 $240 or to imprisonment for six months.

# **Election Return**

49.  **(1)** The Returning Officer within the time specified for the return of any writ shall forward to the Supervisor of Elections—

(a) the writ with his return in the form set out as Form 22 in the Schedule endorsed thereon with the names of those candidates who having received the required 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) 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.

**(2)** The Supervisor of Elections shall, on receiving the return of the members elected to serve in the Assembly, cause it to be entered, in the order in which such return is received by him, in a book to be kept by him for such purpose and thereupon immediately cause a notice to be published in the Gazette of the names of candidates so elected and in the order in which it was received.

**(3)** The Supervisor of Elections shall, on receiving the return of members elected to serve in the Legislative Assembly, transmit the writ with the return endorsed thereon to the Governor within the time specified in such writ. The Governor shall within seven days of the receipt of the said writ return the same to the Supervisor of Elections for safe custody in accordance with the provisions of section 50.

**(4)** The Supervisor of Elections shall, immediately after each general election, cause to be printed a report giving, the number of votes polled for each candidate, the number of rejected ballot papers, the number of names on the lists of voters, together with any other information that he may deem fit to include; and shall also, at the end of each year, cause to be printed a similar report on the by-elections held during the year.

**(5)** If any Returning Officer wilfully delays, neglects or refuses duly to return any person who ought to be returned to serve in the Assembly, and if it has been determined on the hearing of an election petition 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 $500 and costs in addition to all damages sustained.

# **Custody of election documents**

**50.** **(1)** The Supervisor of Elections shall keep the election documents referred to in section 49(1) in safe custody and shall allow no person to have access to them: Provided that, if an election petition has been presented questioning the validity of any election or return, the Supervisor of Elections shall, on the order of a Judge of the High Court, deliver to the proper officer of that Court the documents relating to the election that is in dispute:

Provided also that, after the expiration of twelve months from the day of any election it shall be lawful for the Supervisor of Elections to cause the said documents used at such election to be burnt.

**(2)** No such election documents in the custody of the Supervisor of Elections shall be inspected or produced except on the order of a Judge of the High Court; and an order under this subsection may be made by any such Judge upon his being satisfied by evidence on oath that the inspection or production of such election documents is required for the purpose of instituting or maintaining a prosecution for an offence in relation to an election or for the purpose of a petition which has been filed questioning an election or return.

**(3)** Any such order for the inspection or production of election documents may be made subject to such conditions as to persons, time, place and mode of inspection or production as the Judge deems expedient.

# **Avoidance of election of candidate certified guilty of corrupt or illegal practice**

**54.** If a candidate who has been elected is certified by the Judge who tried the election petition questioning the return or election of such candidate to have been personally guilty or guilty by his agents of any corrupt or illegal practice his election shall be void.

**Avoidance of election for general corruption, etc.**

**55.** Where on an election petition it is shown that corrupt or illegal practices or illegal payments or employments committed in reference to the election for the purpose of promoting or procuring the election of any person thereat have so extensively prevailed that they may be reasonably supposed to have affected the result, his election, if he has been elected, shall be void and he shall be incapable of being elected to fill the vacancy or any of the vacancies for which the election was held.

# **Trial of election petitions**

**56.** Every election petition shall be tried in the same manner as an action in the High Court by a Judge sitting alone. At the conclusion of the trial the Judge shall determine whether the member of the Assembly whose return or election is complained of or any, and what, other person was duly returned and elected, or whether the election was void, and shall certify such determination to the Governor, and, upon his certificate being given, such determination shall be final; and the return shall be confirmed or altered, or a writ for a new election issued, as the case may require, in accordance with such determination.

# **Powers of Judge**

**57.** At the trial of an election petition the Judge shall, subject to the provisions of this Act, have the same powers, jurisdiction and authority, and witnesses shall be subpoenaed and sworn in the same manner, as nearly as circumstances admit, as in the trial of a civil action in the High Court, and such witnesses shall be subject to the same penalties for perjury.

# **Intoxicating liquor not to be sold or given on Polling Day**

**58.** **(1)** No intoxicating liquor shall be sold, offered for sale, or given away at any premises to which a licence issued under the Liquor Licence Act, applies, at any time between the opening and the closing of the poll on polling day.

 **(2)** Any person who contravenes the provisions of this section shall be liable on summary conviction to a fine of $2,000 or to imprisonment for six months.

# **Employers to allow employees time**

**59**. **(1)** Every employer shall, on polling day, allow to every voter in his employ a reasonable period for voting, and no employer shall make any deduction from the pay or other remuneration of any such voter or impose upon or exact from him any penalty by reason of his absence during such period.

**(2)** Any employer who, directly or indirectly, refuses, or by intimidation, undue influence, or in any other way, interferes with the granting to any voter in his employ, of such period for voting, as in this section provided, shall on summary conviction be liable to a fine of $2,000 or to imprisonment for six months.

# **Offences by election officers**

**60.** 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; or

(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; or

(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; or

(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; or

(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, on conviction on indictment, shall be liable to be imprisoned for two years.

# **Loudspeakers, ensigns, banners, etc. prohibited on Polling Day**

**61. (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.

# **Flags, ribbons or favours not to be furnished or worn**

**(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 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 either 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)** Any person who contravenes any of the provisions of this section shall be liable on summary conviction to a fine of $2,000 or to imprisonment for six months

# **Definition of bribery**

**62. (1)** The following persons shall be deemed guilty of bribery within the meaning of this Act—

(a) every person who, directly or indirectly, by himself or by any other person on his behalf, gives, lends, or agrees to give or lend, or offers, promises, or promises to procure or to endeavour to procure any money or valuable consideration to or for any voter, or to or for any person on behalf of any voter, or to or for any other person in order to induce any voter to vote or refrain from voting, or corruptly does any such act as aforesaid on account of any voter having voted or refrained from voting at any election

(b) every person who, directly or indirectly, by himself or by any other person on his behalf, gives or procures, or agrees to give or to procure, or offers, promises, or promises to procure or to endeavour to procure, any office, place or employment to or for any voter, or to or for any person on behalf of any voter, or to or for any other person in order to induce such voter to vote or refrain from voting, or corruptly does any such act as aforesaid on account of any voter having voted or refrained from voting at any election;

(c) every person who, directly or indirectly, by himself or by any other person on his behalf, makes any such gift, loan, offer, promise, procurement or agreement as aforesaid to or for any person, in order to induce such person to procure, or endeavour to procure, the return of any person as an elected member of the Assembly, or the vote of any voter at any election;

(d) every person who, upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procures or engages, promises or endeavours to procure the return of any person as an elected member of the Assembly or the vote of any voter at any election;

(e) every person who advances or pays or causes to be paid, any money to or to the use of any other person, with the intent that such money, or any part thereof, shall be expended in bribery at any election, or who knowingly pays or causes to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any such election;

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

 (g) every person who, after any election, directly or indirectly, by himself or by any other person on his behalf, receives any money or valuable consideration on account of any person having voted or refrained from voting, or having induced any other person to vote or refrain from voting at any such election.

**(2)** The foregoing provisions of this section shall not extend or be construed to extend to any money paid or agreed to be paid for or on account of any legal expenses incurred in good faith at or concerning an election.

**(3)** For the purpose of this section, “legal expenses” includes—

(a) the payment of the agents, clerks, canvassers and messengers of candidates;

 (b) payments made for the purpose of hiring vehicles for the conveyance of voters to or from a polling station;

(c) payments made for the use of any premises for a public meeting in furtherance of the candidature of any person or for the use of any committee room or office for the purpose of promoting or procuring the election of a candidate;

(d) payments made in respect of postage, stationery, printing, advertising, the distribution of advertising material and the use of any public address system.

# **Definition of treating**

**63.** The following persons shall be deemed guilty of treating within the meaning of this Act—

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

(b) every voter who corruptly accepts or takes any such food, drink, entertainment or provision.

# **Definition of undue influence**

**64.** Every person who, directly or indirectly, by himself or by any other person on his behalf, makes use of or threatens to make use of any force, violence, or restraint, or inflicts or threatens to inflict, by himself or by any other person, any temporal or spiritual injury, damage, harm, or loss upon or against any person, in order to induce or compel such person to vote or refrain from voting or on account of such person having voted or refrained from voting at any election, or who by abduction, duress or any fraudulent contrivance, impedes or prevents the free exercise of the franchise of any voter, or thereby compels, induces or prevails upon any voter either to give or refrain from giving his vote at any election, shall be guilty of undue influence within the meaning of this Act.

# **Definition of personation**

**65.** Every person who at an election applies for a ballot paper in the name of another person, whether that name be the name of a person living or dead, or of a fictitious person, or who, having voted once at any election, applies at the same election for a ballot paper in his own name, shall be guilty of personation within the meaning of this Act.

# **Penalty for bribery, treating or undue influence**

**66.** Every person who is guilty of bribery, treating or undue influence, under the provisions of this Act shall, on summary conviction thereof, be liable to imprisonment for six months or to a fine of $2,000.

# **Penalty for personation**

**67.** Every person who is guilty of personation, or of aiding, abetting, counselling or procuring the commission of the offence of personation, shall, on conviction thereof on indictment, be liable to imprisonment for two years.

# **Disqualification for bribery, etc.**

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

(a) of being registered as a voter, or of voting at any election;

(b) of being elected a member of the Assembly or, if elected before his conviction, of retaining his seat as such member.

# **Penalty for certain illegal practices at elections**

**69.** (1) Every person who—

(a) votes, or induces or procures any person to vote, at any election, knowing that he or such other person is prohibited by this Act, or by any law in force in Montserrat, from voting at such election;

 (b) before or during an election knowingly publishes a false statement of the withdrawal of a candidate at such election for the purpose of promoting or procuring the election of another candidate;

(c) between the date of the publication in the Gazette by the Returning Officer of a notice in accordance with the provisions of section 21(1) and the day after polling at the election, whether in a general election or in a by-election, acts in a disorderly manner, with intent to prevent the transaction of the business of a public meeting called for the purpose of promoting the election of a candidate as a member to serve in the Assembly,

shall be guilty of an illegal practice, and shall, on summary conviction thereof, be liable to a fine of $2,000 and be incapable, during a period of five years from the date of conviction, of being registered as a voter or of voting at any election.

# **Offence to incite or conspire to disrupt public meetings of candidates**

**(2)** Every person who, between the date of the publication in the Gazette by the Returning Officer of a notice in accordance with the provisions of section 21(1) [[2]](#footnote-2)and the day after polling at the election, whether in a general election or in a by-election, incites, combines or conspires with others to act in a disorderly manner with intent to prevent the transaction of the business of a public meeting called for the purpose of promoting the election of a candidate as a member to serve in the Assembly, shall be guilty of an illegal practice and shall, on conviction on indictment thereof, be liable to imprisonment for two years, and be incapable, during a period of five years from the date of conviction, of being registered as a voter or of voting at any election.

# **Offences in respect of ballot papers**

70. Every person who—

(a) forges or counterfeits, or fraudulently defaces or destroys, any ballot paper or any nomination paper; or

(b) without due authority supplies a ballot paper to any person; or

(c) fraudulently puts into any ballot box any paper other than the ballot paper which he is authorised by law to put in; or

(d) fraudulently takes out of the polling station any ballot paper; or

(e) without due authority destroys, takes, opens, or otherwise interferes with any ballot box or packet of ballot papers then in use for the purposes of any election; or

(f) not being duly registered as a voter, votes at an election,

shall be liable on summary conviction, if he is an election officer, to imprisonment for six months or to a fine of $2,000 and, if he is any other person, to imprisonment for three months or to a fine of $1,000.

In any information or prosecution for an offence in relation to the ballot boxes, ballot papers, and other things in use at an election, the property in such ballot boxes, ballot papers, or things may be stated to be in the returning Officer at such election.

# **Infringement of secrecy**

**71. (1)** Every Election Officer and every agent appointed under the provisions of section 31[[3]](#footnote-3) in attendance at a Polling Station shall maintain and aid in maintaining the secrecy for the voting in such 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 the Polling Station, no person shall interfere with or attempt to interfere with a voter when marking his vote or otherwise attempt to obtain in the Polling Station any information as to the candidate for whom any voter in such station is about to vote or has voted.

 **(2)** Every Election Officer and every such agent in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting and shall not attempt to communicate any information obtained at such counting as to the candidate for whom any vote is given in any particular ballot paper.

# **Conclusiveness of Register of Voters**

**73.** At any election a person shall not be entitled to vote unless his name is on the Register of Voters and every person whose name is on such Register shall, subject to the provisions of this Act, be entitled to demand and receive a ballot paper and to vote: Provided that, nothing in this section shall entitle any person to vote who is prohibited from voting by any law in force in Montserrat, or relieve such person from any penalties for which he may be liable for voting.

##

## **DIRECTIONS FOR THE GUIDANCE OF VOTERS (FORM # 15)**

**6.** If the voter takes a ballot paper out of the polling station or deposits in the ballot box any other paper than the one given him by the Presiding Officer, he shall be liable on summary conviction to imprisonment for three months or to a fine of $240.

## **OFFENCE UNDER THE ELECTION (CONTINUOUS REGISTRATION) REGULATIONS (CAP. 1.04)**

# Penalty

**15.** A person who in an application under these Regulations or who in proceedings before the Supervisor of Elections makes a statement which is false, commits an offence and upon summary conviction is liable to a fine of $2,000 or to a term of imprisonment of six months.

## **ELECTION REGISTRATION REGULATIONS**

## Penalty

**14.** Every enumerator who—

(a) wilfully and without reasonable excuse omits from the preliminary list the name of any person entitled to have his name entered therein; or

(b) enters in the said list the name of any person who is not entitled to have his name entered therein; or

(c) in the course of his duties as an enumerator asks any question or makes any remark with intent to ascertain or influence the political opinions of any person who is registrable as a voter,

shall be liable on summary conviction to a penalty of $100, and, in addition, to forfeiture of his right to payment for his services as enumerator.

# **Destroying or defacing documents**

**43.** If any person without lawful authority destroys, mutilates, defaces or removes, or makes any alteration in any notice published by the Registering Officer in connection with his registration duties, or any copies of a document which have been made available for inspection in pursuance of these Regulations, he shall be liable on summary conviction to a fine of $50.

# **Information from householders, etc.**

**47.** The Registering Officer may require any employer or any householder or any person owning or occupying any land or premises or the agent of such person, to give any information in his possession which the Registering Officer may require for the purpose of his duties as Registering Officer; and, if any person fails to give the required information, or gives false information, he shall be liable, on summary conviction to a fine of $100. Any notice requiring information under this Regulation may be sent by post.

# **False declaration**

**51.** Any person who in the course of revision of any preliminary list makes before a Registering Officer any statement upon oath or any solemn affirmation which he knows to be false, or does not believe to be true, shall be guilty of an offence and upon summary conviction thereof shall be liable to be imprisoned for a term of six months.

1. **Transfer of voters in special cases**

**36. (1)**  Where any person whose name appears upon the official list of voters for any Polling Station is appointed as Presiding Officer or Poll Clerk for some other Polling Station, the Retuning Officer shall transfer the name of the Presiding Officer or Poll Clerk, as the case maybe, to the official list of voters for the Polling Station of which such person is appointed the Presiding Officer or Poll Clerk.

**(2)** The Returning Officer shall give notice in writing to every candidate of any transfer made under subsection (1) and to the Presiding Officer of the Polling Station at which the person whose name is so transferred would have been entitled to vote for the provisions of section 37. [↑](#footnote-ref-1)
2. **Notice of place and time of nomination**

**21. (1)** On receiving such writ, the Returning Officer shall publish in the *Gazette* and in one or more newspapers published in Montserrat a notice in the form set out as Form No. 8 or Form No. 8A as the case maybe in the Second Schedule of the day and place fixed for the nomination of candidates. [↑](#footnote-ref-2)
3. **Polling and counting agent**

**31. (1)** Each candidate may, before the commencement of the poll, appoint one Polling Agent to attend at a Polling Station and one counting agent to attend at the counting of the votes.

**(2)** An agent may be appointed on behalf of more than one candidate.

**(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 maybe. [↑](#footnote-ref-3)