

SAINT LUCIA**No. 13 of 2016****ARRANGEMENT OF SECTIONS**

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I ASSENT

[L.S.]

PEARLETTE LOUISY,
Governor-General.

May 11, 2016.

SAINT LUCIA

No. 13 of 2016

AN ACT to amend the Elections Act, Cap. 1.02.

[17th May, 2016]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the House of Assembly and the Senate of Saint Lucia, and by the authority of the same, as follows:

Short title

1. This Act may be cited as the Elections (Amendment) Act, 2016.

Interpretation

2. In this Act, “principal Act” means the Elections Act, Cap. 1.02.

Amendment of section 2

3. Section 2 of the principal Act is amended by —

(a) inserting the following definitions in the correct alphabetical sequence—

“advance poll” means a poll held prior to polling day;

“advance polling station” means a polling station established under section 46;

“care facility” means a place where seniors or people with disabilities reside;”

“Chief Fire Officer” means the Chief Fire Officer appointed under section 5 of the Fire Service Act, Cap. 14.04;

“correctional facility” means a correctional facility declared under section 3 of the Correctional Services Act, Cap. 14.02;

“Director of Correctional Services” means the person appointed under section 6 of the Correctional Services Act, Cap. 14.02;

“Fire Service” means the Saint Lucia Fire Service established under section 3 of the Fire Service Act, Cap. 14.04;”;

(b) deleting the words “or on any supplementary list subsequent thereto” where the words appear in the definition of the word “elector”;

(c) inserting in the definition of the words “polling station” immediately after the word “day” the words “includes an advance polling station;

(d) deleting the definition of the words “supplementary list”.

Amendment of section 5

4. Section 5 of the principal Act is amended by inserting immediately after subsection (4) the following —

“(5) A registration officer shall, as directed by the Chief Elections Officer, undertake annual field registration exercises within the electoral district for which he or she is appointed.”.

Amendment of section 10

5. Section 10 of the principal Act is amended by inserting after subsection (2) the following subsections (3) and (4):

“(3) An application made under subsection (1) must be supported by a statutory declaration.

(4) Notwithstanding subsection (1), the Chief Elections Officer may, if he or she considers it necessary, exempt an elector from the payment of the fees prescribed for the issue of another identification card.”.

Amendment of section 16

6. Section 16 of the principal Act is amended —

- (a) by adding the words “correctional facility electors and fire service electors” after the words “police electors” wherever the words appear in the heading;
- (b) by adding “correctional facility electors and fire service electors” after “police electors” wherever the words appear in subsection (1), (2), (3) or (4);
- (c) in subsection (2) by adding the words “Fire Service and correctional facilities” after the word “Force”.

Amendment of section 20

7. Section 20 of the principal Act is amended by deleting the words “a supplementary list containing” where it appears in subsection (1).

Amendment of section 39

8. Section 39 of the principal Act is amended by —

- (a) deleting the word “\$250” where it appears in subsection (6) and substituting the words “five hundred dollars”;
- (b) inserting immediately after subsection (5) the following—
“(5A) Every candidate shall at the time of his or her nomination deliver or cause to be delivered to the returning officer a coloured passport size photograph of himself or herself.”.

Amendment of section 40

9. Section 40 of the principal Act is amended by deleting the words “section 39(8)” where the words appear in subsection (1) and substituting the words “section 39(6)”.

Amendment of section 45

10. Section 45 of the principal Act is amended by —

- (a) inserting immediately after the word “which” where it appears in subsection (2), the following words “coloured passport sized photograph,”;
- (b) inserting immediately after subsection (5) the following—
“(6) This section applies to the taking of an advance poll at an advance polling station.”.

Amendment of section 46

11. Section 46 of the principal Act is amended by —

- (a) inserting the designation “(1)” before the word “The”;
- (b) inserting immediately after subsection (1) the following—
“(2) Where a hospital, care facility or other similar institution exists in a polling division, the returning officer shall establish an advance polling station to take an advance poll in such institutions.”;

- (c) inserting immediately after subsection (2) the following—
 - “(3) Before establishing an advance polling station, the returning officer shall be satisfied that the institution has level access as far as practicable to facilitate persons with physical disabilities or convenient access.”;
- (d) inserting immediately after subsection (3) the following—
 - “(4) Notwithstanding subsection (2), the returning officer shall establish advance polling stations to take an advance poll for registered electors of—
 - (a) the Commission;
 - (b) the Electoral Department including—
 - (i) the Chief Elections Officer and Staff,
 - (ii) polling day workers such as the returning officer, election clerk, assistant election clerk, presiding officer, poll clerk and assistant poll clerk;
 - (c) the Royal Saint Lucia Police Force;
 - (d) the Fire Service; or
 - (e) any correctional facility in the polling division consisting of the officers and staff of the correctional facility.”.

Amendment of section 49

12. Section 49 of the principal Act is amended by—

- (a) inserting the designation (1) immediately before the word “The” ;
- (b) inserting immediately after subsection (1) the following—
 - “(2) The Chief Elections Officer shall, by notice published in two issues of the *Gazette*, at least fourteen days before an election, specify the days or hours during which an advance poll shall be taken at an advance polling station.”.

Amendment of section 53

13. Section 53 of the principal Act is amended by adding the words “correctional facility electors and fire service electors” immediately after the words “police electors” wherever the words “police electors” appear in that section.

Amendment of section 56

14. Section 56 of the principal Act is amended by—

- (a) inserting immediately after subsection (8) the following—

“(9) Subject to section 53 and subsections (10)(11) and (12), this section applies to the taking of an advance poll at an advance polling station.”;
- (b) inserting immediately after subsection (9) the following—

“(10) At an advance polling station established under section 46(2), if the presiding officer considers it necessary, the presiding officer, the poll clerk and the agents shall with the approval of the person in charge of the institution, carry the ballot box and other necessary election documents from room to room to take the vote of electors who are confined to a bed.”;
- (c) inserting immediately after subsection (10) the following—

“(11) When the vote of an elector who is confined to a bed is being taken, the presiding officer shall give the elector the assistance necessary for the elector to vote but not more than one agent for each candidate may be present.”;
- (d) inserting immediately after subsection (11) the following—

“(12) A returning officer shall be supplied with a copy of the Register of Elections for the electoral district and with such ballot papers and such envelopes addressed to the returning officer for each electoral district as may be necessary to enable every elector who is entitled to vote so to vote.”.

Amendment of section 59

15. Section 59 of the principal Act is amended by—

- (a) inserting immediately after the words “black lead pencil” wherever the words appear in subsection (2)(b) and (3) the words “or voting stamp approved by the Commission”;
- (b) inserting immediately before the words “For the purposes of” where the words appear in subsection (2)(b) the words “Where the presiding officer determines that the mark of an elector indicates a clear intention of the elector to vote for a candidate, the mark is deemed to be and counted as a valid vote.”;
- (c) inserting immediately after subsection (3) the following—

“(3A) Notwithstanding subsections (2)(b) and (3), the presiding officer or elector shall not use the voting stamp approved by the Commission unless the Minister by order appoints a date from or after which the voting stamp may be used.”;
- (d) inserting in subsection (6) immediately after the words “inside the polling station” the words “or present on a line outside the polling station”;
- (e) inserting immediately after subsection (6) the following—

“(7) A police officer shall stand behind the last person standing on the line at the hour of closing of the poll.”.

Insertion of section 62A

16. The principal Act is amended by inserting after section 62, the following—

“Use of mobile phone at polling station

“62A. The members of the Commission, the Chief Elections Officer, Assistant Chief Elections Officer or designated Staff, the returning officer, the Elections Clerk, the Assistant Elections Clerk and police officer on duty are the only persons who may use cell mobile phones within a polling station.”.

Amendment of section 65

17. Section 65 of the principal Act is amended by deleting subsection (8) and substituting the following—

“(8) Unless requested, a recount shall be taken only when the difference between the number of votes cast for two or more candidates is not more than three per cent of the total votes cast.”.

Amendment of section 94

18. Section 94 of the principal Act is amended by deleting in subsection (1)(a) the words “preliminary, supplementary and”.

Amendment of Schedule 2

19. Schedule 2 of the principal Act is amended —

- (a) in paragraph 7(1)(a), by inserting immediately after the words “black lead pencil” the words “or voting stamp approved by the Commission”;
- (b) by inserting immediately after the words “police electors” wherever it appears the words “correctional facility electors or fire service electors”;
- (c) by inserting immediately after the words “Commissioner of Police” wherever it appears, the words “Director of Correctional Services or Chief Fire Officer”;
- (d) by inserting immediately after the words “police electoral officers” wherever it appears, the words “correctional facility electoral officers or fire service electoral officers”.

Amendment of Schedule 3

20. Schedule 3 of the principal Act is amended by—

- (a) deleting Form 10 and substituting the following —

“FORM 10

(Section 42(2))

**THE ELECTIONS ACT
NOTICE OF GRANT OF POLL**

The.....
Electoral District

NOTICE is hereby given to the electors of the Electoral District aforesaid that a Poll will be taken for the election now pending for the said electoral district and that such Poll will commence on the day of 20..... at the hour of 6:30 in the forenoon and kept open till the hour of 6 in the afternoon in the following Polling Stations established in the various Polling Divisions comprised in the said electoral district.

Polling Stations
.....
.....
.....

And that the candidates in the above electoral district are as follows—

Candidates	<input type="text" value="Photo"/>
	<input type="text" value="Photo"/>
	<input type="text" value="Photo"/>
	<input type="text" value="Photo"/>
	<input type="text" value="Photo"/>

And that the number of votes given to the several candidates will be finally counted on the day of 20..... in the of which all persons are hereby required to take notice and govern themselves accordingly.

Given under my hand atthis day of20.....

.....
Returning Officer”.;

(b) deleting Form 12 and substituting the following—

“FORM 12

(Section 45)

BALLOT PAPER

<p>No.</p>	<p>GENERAL ELECTION</p> <p>No. Electoral District</p> <p>Voter’s Number on Roll</p> <hr/> <p>Polling Day</p> <div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;"> <p>Space for initials of Presiding Officer</p> </div> <p>_____ Do not fold beyond this line _____</p>
	<p>1. Babulah, Conrad D. 72, Chancery Lane Engineer</p> <div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;"> <p>Photo</p> </div> <p style="text-align: right;">Symbol</p> <hr/> <p>2. Ocean Francis 89, Haynes Stress Merchant</p> <div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;"> <p>Photo</p> </div> <p style="text-align: right;">Symbol</p> <hr/> <p>3. Ronson, Emmanuel 475, Marli Street Insurance Broker</p> <div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;"> <p>Photo</p> </div> <p style="text-align: right;">Symbol</p>

(c) deleting Form 13 and substituting the following—

“FORM 13

(Section 47 (1)(a)(iv))

THE ELECTIONS ACT
DIRECTION OF ELECTIONS

1. Each elector may vote only at one polling station and for only one candidate.
2. The elector will go into one of the compartments and with the black lead pencil or a voting stamp approved by the Commission there provided place a cross or impress the voting stamp approved by the Commission within the space containing the name of the candidate for whom he or she votes, thus X.
3. The elector shall then fold the ballot paper so that the initials of the presiding officer can be seen without opening the ballot paper. He or she shall then place the ballot paper so folded in the ballot box after having shown the initials to the presiding officer. The elector shall then quit the polling station.
4. If an elector inadvertently spoils a ballot paper he or she may return it to the Presiding Officer who on being satisfied of the fact will give him or her another.
5. If an elector votes for more than one candidate or places any mark on the ballot paper by which he or she can afterwards be identified his or her vote will be void and will be counted.
6. In the following form of ballot paper given for illustration the candidates are Conrad D. Babulah, Francis Ocean and Emmanuel Ronson, and the elector has marked his or her ballot paper in favour of Francis Ocean.

Polling Day	<div style="border: 1px solid black; display: inline-block; padding: 5px; margin: 0 auto;">Space for initials of Presiding Officer</div>
<hr style="border: 0; border-top: 1px solid black; margin: 0;"/> Do not fold beyond this line <hr style="border: 0; border-top: 1px solid black; margin: 0;"/>	

1. Babulah, Conrad D. 72, Chancery Lane Engineer	Photo	Symbol
2. Ocean Francis 89, Haynes Stress Merchant	Photo	Symbol
3. Ronson, Emmanuel 475, Marli Street Insurance Broker	Photo	Symbol

Passed in the House of Assembly this 3rd day of May, 2016.

PETER I. FOSTER,
Speaker of the House of Assembly

Passed in the Senate this 10th day of May, 2016.

CLAUDIUS J. FRANCIS,
President of the Senate.