



ANGUILLA

ELECTIONS (AMENDMENT) ACT, 2014

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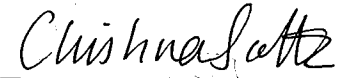
ELECTIONS (AMENDMENT) ACT, 2014

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I Assent

Christina Scott
Governor

30/10/14

Date

ANGUILLA

Act No. 8 of 2014

ELECTIONS (AMENDMENT) ACT, 2014[Gazette Date: 31st October, 2014] [Commencement: Assent under section 57 of the Constitution]

An Act to amend the Elections Act, R.S.A. c. E30 to make provision for the use of electoral ink; to require candidates to make a Declaration as to their qualification and to provide for matters connected therewith and incidental thereto.

ENACTED by the Legislature of Anguilla

Interpretation

1. In this Act, “principal Act” means the Elections Act, R.S.A. c. E30.

Amendment to section 1

2. The principal Act is amended in section 1 by inserting in the appropriate alphabetical order the following definitions—

““appropriate digit” means in the case of a voter—

- (a) who has a right hand upon which there are any digits, that finger on the right hand which is nearest to the thumb, or if the voter has no right thumb, to the right thumb socket; or, if the voter has a right thumb but no fingers on his right hand, the right thumb;

- (b) who has no right hand or has a right hand but no digits upon such hand, the finger on the left hand which is nearest to the left thumb, or if the voter has no left thumb, to the left thumb socket; or if he has a left thumb but no fingers upon his left hand, the left thumb;

“digit” means fingers or thumb;”.

Amendment to section 49

- 3. The principal Act is amended in section 49 as follows —
 - (a) in subsection (1) by inserting immediately before the phrase “Each voter” the phrase “Subject to sections 49A, 49B and 49D”; and
 - (b) in subsection (3)(e) by inserting immediately before the phrase “the presiding officer” the phrase “subject to section 49B”.

Insertion of new sections 49A to 49D

- 4. The principal Act is amended by inserting immediately after section 49 the following new sections—

“Ballot paper not to be given to voter unless no marks of electoral ink appear on voter

49A (1) Subject to the provisions of section 49D, every presiding officer shall refuse to give any ballot paper to any voter unless he is satisfied that there does not appear—

- (a) upon the appropriate digit of that voter; or
- (b) in the case of a voter who the presiding officer is satisfied is suffering from an injury to the appropriate digit, upon any of the other digits of that voter;

any mark of electoral ink.

(2) Subject to subsection (3), where the appropriate digit of a voter who attends a polling station and applies for a ballot is concealed or covered over with any bandage or other material, the presiding officer shall, before giving a ballot paper to that voter, require him to remove that bandage or other material and wholly uncover his appropriate digit and shall refuse to give that voter a ballot paper unless and until he has removed the bandage or other material and has wholly uncovered his appropriate digit.

(3) If any voter on being required to immerse his appropriate digit or any other digit as required under subsection (1) in the electoral ink fails or refuses to immerse his digit, the presiding officer shall immediately destroy the ballot paper handed to him by that voter in the presence of the poll clerk and of the agents of the candidates and shall make an entry in the poll book setting out the particulars in relation to the destruction of that ballot paper.

(4) For the purpose of satisfying himself in the manner required by subsection (1) the presiding officer shall, in the presence of the poll clerk and of the agents of the

candidates, inspect the appropriate digit of each voter or all of the digits of each voter, as the case may require and shall comply with the provisions of subsection (2).

(5) If any voter whose appropriate digit is concealed or covered over refuses to remove that bandage or other material and wholly uncover his appropriate digit or refuses to take the oath in Form 12A, the presiding officer shall draw erasing lines through his name on the official list of voters and in the poll book, if his name has been entered in the poll book, and the words "Refused to be sworn" shall be written after it.

(6) Every presiding officer who refuses to give any ballot paper to any voter under the provisions of this section shall make an entry in the poll book setting out the facts in relation to that refusal.

Voter to immerse appropriate digit in electoral ink

49B. (1) Upon receiving a ballot paper from any voter in accordance with the provisions of section 49, the presiding officer before removing the counterfoil from that ballot paper shall, if the voter possesses on his hand an appropriate digit, satisfy himself that there does not appear upon that digit any substance which in his opinion is likely to prevent the adhesion of electoral ink and shall require the voter to immerse that digit in the electoral ink.

(2) Where the presiding officer is satisfied that the voter is suffering from some injury to his appropriate digit which is of such nature as to render it undesirable for him to immerse that digit in the electoral ink, the presiding officer shall require him to immerse in the ink any other digit upon which the presiding officer is satisfied that there is no substance which is likely to prevent the adhesion of electoral ink.

(3) If any voter on being required to immerse his appropriate digit or any other digit as required under subsection (1) in the electoral ink fails or refuses to immerse his digit, the presiding officer shall destroy the ballot paper handed to him by that voter and shall make an entry in the poll book setting out the particulars in relation to the destruction of that ballot paper.

Penalty for failure of presiding officer to carry out provisions of 49A and 49B

49C. Subject to the provisions of section 49D, every presiding officer who fails or neglects to perform any duty imposed upon him by sections 49A and 49B, is guilty of an offence and is liable on summary conviction to imprisonment for a term of 6 months or to a fine of \$19200.

Non-application of sections 49A and 49B to voter with no hands

49D. The provisions of sections 49A and 49B shall not apply in relation to a voter who has no hands."

Insertion of new section 76A

5. The principal Act is amended by inserting immediately after section 76 the following—

"False Declaration

76A Every person who knowingly or negligently makes a declaration as to their qualification to be elected as a member of the House of Assembly pursuant to sections 36

and 37 of the Anguilla Constitution Order 1982 and that declaration is false, is guilty of making a false declaration within the meaning of this Act.”.

Insertion of new section 78A

6. The principal Act is amended by inserting immediately after section 78 the following—

Penalty for false declaration

78A. Every person who is guilty of false declaration, is liable, on conviction, to imprisonment for 2 years.”.

Amendment to section 79

7. The principal Act is amended in section 79 by deleting the phrase “or personation” and substituting the phrase “personation or false declaration,”.

Amendment to Schedule 2

8. The principal Act is amended in Schedule 2 by—
- (a) deleting Form 5 and substituting the following—

“Form 5
(Section 29 (3))
ANGUILLA
ELECTIONS ACT
NOMINATION PAPER

We the undersigned voters for Electoral District No.;, do hereby nominate the following person as a proper person to serve as a member of the House of Assembly for the Electoral District No; and we certify that to the best of our belief he is qualified for election as a member of the House of Assembly.

	Surname	Other Name	Address	Occupation	Date of Birth	Sex	Ethnicity
1.							
2.							
3.							
4.							
5.							

Signatures

.....
.....
.....
.....
.....

DETAILS OF NOMINEE

Surname	Other Name	Address	Occupation	Date of Birth	Sex	Ethnicity	Party

I nominated in the foregoing nomination paper hereby consent to such nomination as a candidate for election as a member of the House of Assembly for the Electoral District of No..... I hereby declare that I meet the requirements set out in section 36 of the Constitution of Anguilla and I am therefore qualified to be elected as a member of the House of Assembly. I further declare that I am not disqualified from being elected as a member of the Assembly by the provisions set out in section 37 of the Constitution of Anguilla.

Witness my hand thisday of, 20.....

.....

Signed by the nominee in the presence of

.....

_____”

(b) by inserting the following new form immediately after Form 12—

“FORM 12A
(Section 49A(3))
ANGUILLA
ELECTIONS ACT

**OATH/AFFIRMATION OF VOTER THAT APPROPRIATE DIGIT OF THE VOTER IS
CONCEALED FOR REASONS OF INJURY AND THAT THE VOTER HAS NOT VOTED**

I..... of swear/solemnly and sincerely affirm that I have
suffered injury to my appropriate digit which is for that reason covered, concealed or bandaged and that I
have not already voted at this election. So help me God.*

.....


Sworn/Affirmed before me thisday of, 20.....

** Delete if affirmed*


_____”

Citation

9. This Act may be cited as the Elections (Amendment) Act, 2014.


Leroy C. Rogers
Deputy Speaker

Passed by the House of Assembly this 20th day of October, 2014.


Carmen A. Richardson
Clerk of the House of Assembly
