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GRENADA

ACT NO. 13 OF 2018

I assent,



24th October, 2018.

CÉCILE E. F. LA GRENADE
Governor-General.

AN ACT to amend the Representation of the People Act
CAP. 286A.

[November 2nd, 2018].

BE IT ENACTED by the Queen's Most Excellent Majesty,
by and with the advice and consent of the Senate and the
House of Representatives and by the Authority of the same
as follows—

1. This Act may be cited as the

Short title.

REPRESENTATION OF THE PEOPLE
(AMENDMENT) ACT, 2018.

and shall be read as one with the Representation of the People
Act, Cap. 286A, hereinafter referred to as the “principal
Act”.

Amendment
of section 6 of
principal Act.

2. Section 6 of the principal Act is amended as follows—

- (a) in the chapeau by inserting after the words “elector in” where they appear the following “a polling division”;
- (b) by repealing paragraph (d) and substituting therefor the following new paragraph—

“(d) can provide proof to the satisfaction of the registration officer, that he or she is ordinarily resident in that polling division in that constituency.”; and
- (c) by inserting after sub-section (1) the following new sub-section—

“(1A) A Commonwealth citizen who wishes to register under this section, shall fill out and swear the declaration contained in Form M in the Second Schedule.”.

Amendment of
section 28 of
principal Act.

3. Section 28 of the principal Act is amended as follows—

- (a) by repealing the words “at least two” where they appear and substituting therefor the words “one or more”;
- (b) by repealing the word “persons” where it appears and substituting therefor the word “person(s)”;
- (c) by inserting after the word “person(s)” the following “an assistant or”; and

- (d) by repealing the word “Supervisors” where it appears and substituting therefor the word “Supervisor(s)”.

4. Section 29 of the principal Act is amended by inserting after sub-section (3) the following new sub-section—

Amendment of
section 29 of
principal Act.

“(4) Notwithstanding subsections (1), (2) and (3), where the Governor-General issues a writ for the holding of a general election in accordance with section 36, a person who is appointed and carrying out the duties of a registration officer under this section may, on the instructions of the Supervisor of Elections carry out the functions of a returning officer for the purpose of the holding of a general election.”.

5. Sub-section (5) of section 39 of the principal Act is hereby repealed and the following new sub-section substituted therefor—

Amendment of
section 39 of
principal Act.

“(5) Every candidate or someone on his or her behalf shall at the time of his or her nomination provide, or cause to be provided to the returning officer an original official receipt from the treasury or revenue office as the case may be, evidencing payment by the candidate of the nomination deposit of five hundred dollars in cash failing which, the nomination of such candidate shall be deemed void.”.

6. Section 40 of the principal Act is amended as follows—

Amendment of
section 40 of
principal Act.

- (a) by repealing sub-section (1);

- (b) in sub-section (2), by inserting after the word “certificate” where it appears the words “in the prescribed form”.

Amendment of
section 44 of
principal Act.

7. Section 44 of the principal Act is amended in sub-section (4) as follows—

- (a) by deleting the “colon” at the end of the word “proclamation” and substituting therefor a “full stop”; and
- (b) by deleting the following—

“Provided that, if such twenty-third day is a Sunday or a bank holiday, nomination shall be deemed to be adjourned to the first day not being a Sunday or a bank holiday after such twenty-third day.”.

Amendment of
section 52 of
principal Act.

8. Section 52 of the principal Act is repealed and the following new section substituted therefor—

“Voting by
candidates

52.—(1) Subject to the provisions of section 51 and this section, no person shall be entitled to vote in any polling division unless his or her name appears on the official list of electors for that polling division.

(2) Notwithstanding sub-section (1), a person who has been nominated as a candidate for election in a constituency, other than the constituency in which his or her name appears on the official list of electors, may vote in any polling station in the constituency for which he or she has been nominated.

(3) A person who has been nominated under sub-section (2), shall not vote in more than one constituency, at more than one polling station or more than once at the same election.

(4) A person who has been nominated and who intends to vote in a constituency other than the constituency in which his or her name appears on the official list of electors shall—

- (a) complete in duplicate a notice in Form No. 5B in the Third Schedule for that purpose supplied by the Parliamentary Elections Office; and
- (b) return the completed notice under paragraph (a), to the Supervisor of Elections at least seven days before the holding of the poll.

(5) Where the Supervisor of Elections receives a notice under sub-section (4), the Supervisor of Elections shall endorse the notice and return the original copy of the notice to the candidate, and shall provide a copy of the endorsed notice to the returning officer, in the constituency where the candidate's name appears on the official list of electors, once the returning officer receives the endorsed copy of the notice, the returning officer shall deliver the said copy of the notice to the presiding officer at the polling station where the candidate intends to cast his or her vote.

(6) On polling day, the candidate shall present the presiding officer with the original endorsed copy of the notice, received from the Supervisor of Elections under sub-section (5), and the presiding officer shall make an entry in the poll book setting out the particulars.

(7) Subject to sub-section (8), every person whose name appears on the official list of electors for any polling division shall be entitled to vote in that polling division notwithstanding that he or she is not resident in that polling division upon polling day.

(8) No person shall vote in more than one constituency or at more than one polling station or more than once on the same day.”.

Amendment of
section 87 of
principal Act.

9. Sub-section (1) of section 87 of the principal Act is repealed and the following substituted therefor—

“Influencing
electors

87.—(1) During the hours that the poll is open upon election day, no person shall by whatever means upon any public road, or in any public place, or in any place, or building, recklessly or intentionally seek to influence any elector or member of the public, who is or is likely to be within one hundred yards of any building in which a polling station is situated to vote for any candidate or to ascertain for which candidate any elector intends to vote.”.

Amendment of
section 96 of
principal Act.

10. Section 96 of the principal Act is amended as follows—

- (a) in paragraph (e) by deleting the “semi-colon” and the word “or”;
- (b) in paragraph (f) by deleting the “comma” after the word “election” and substituting therefor “; or”;
- (c) by inserting after paragraph (f) the following new paragraph—

“(g) uses a cellular phone, digital camera or any other electronic device to record, photograph or otherwise capture and publish the image of a marked ballot on polling day,”.

11. The principal Act is amended by inserting after section 96 the following new section—

Insertion of
new section in
principal Act.

“Prohibition
on electronic
devices at
polling booth

96A.—(1) Subject to sub-section (2), no person shall have in his or her possession any electronic device upon entering a polling booth to cast his or her ballot on polling day.

(2) A person who has an electronic device in his or her possession shall upon entering the polling station on polling day, hand over the electronic device to the returning officer or his or her designate.

(3) After the person has cast his or her ballot, the returning officer or his or her designate shall return the electronic device to the person.

(4) A person who contravenes this section commits an offence and is liable on summary conviction to a fine of five hundred dollars or to a term of imprisonment for six months.

(5) For the purposes of this section “electronic device” includes a cellular phone and a digital camera.”.

Amendment of
First Schedule to
principal Act.

12.—(1) The First Schedule to the principal Act is amended in Part A as follows—

- (a) in the chapeau of Rule 3(1) by inserting after the word “case” where it appears the following “as provided by the elector or as otherwise determined by the Supervisor of Elections”;
- (b) by inserting after Rule 4 the following new Rule—

“4A. Proof of ordinary residence.—(1) The following documents may be used by a person to establish proof of ordinary residence—

- (a) a recent utility bill;
- (b) a copy of a current lease agreement;
- (c) a copy of current recent receipts;
- (d) a copy of property tax demand notice; or
- (e) any other document that the Supervisor of Elections may deem acceptable.

(2) Notwithstanding sub-section (1), where a person is residing with his or her parent or guardian, the requirement under sub-section (1) shall be satisfied if that person provides the registration officer with a signed declaration of his or her parent or guardian in

the prescribed form, setting out the applicant's place of ordinary residence accompanied by any one document listed under sub-section (1), evidencing proof of residence of the declarant.

(3) It is the duty of every person who is registered as an elector under section 6, to inspect the current list to ensure that his or her place of ordinary residence is correctly stated thereon.

(4) Where after inspecting the current list, a person determines that his or her place of residence is incorrectly stated thereon, that person shall fill out and submit a claim in the form set out as Form No. 23 in Part B of the First Schedule.

(5) A person who—

- (a) fraudulently procures any of the documents under this Rule;
- b) fraudulently assist in the preparation of a fraudulent document; or
- (c) knowingly present fraudulent documents to the registration officer for the purposes of this Rule,

commits an offence and is liable on summary conviction to a fine of one thousand dollars and to a term of imprisonment for one year or to both.”.

- (c) in Rule 90 by inserting after sub-rule (2) the following new sub-rule—

“(2A) A person who requests the re-issuance of a voter identification card pursuant to sub-rule (2)(c) shall provide proof to the registration officer that he or she is ordinarily resident in that polling division in that constituency.”;

(2) The First Schedule to the principal Act is amended in Part B headed “Registration of Electors Forms” as follows—

- (a) by repealing Form No. 34 and substituting therefor with the following new Form—

“FORM NO. 34

THE REPRESENTATION OF THE PEOPLE ACT

CAP. 286A

**THE REGISTRATION OF ELECTORS
RULES**

(Rules 90, 91)

**APPLICATION FOR RE-ISSUANCE OF VOTER
IDENTIFICATION CARD**

***to be accompanied by Forms No. 24 and No.
25 as the case may be***

To: The Registration Officer for the Constituency of
..... at
(Address of registration office)

I,
(Name)
.....
(Address)

in Polling Division No of the Constituency of
.....

whose Registration No. is

- (i) hereby declare that my Voter Identification Card has been lost/stolen/destroyed/mutilated/defaced, and I do hereby apply for a new Identification Card (tick or circle the appropriate).
- (ii) hereby declare that there has been a change of my—
name from to;
date of birth from to;
address from to
(tick or circle the appropriate).

- (iii) hereby declare that my name has been removed from the Police Voters List pursuant to section 24(3) of the Act/ transferred from the Current List pursuant to section 24(4) of the Act and I do hereby apply for re-registration and a new Identification Card. (tick or circle the appropriate).
- (iv) hereby declare that my voter identification card was revoked, and I do hereby apply for re-registration and a new Identification Card.

.....
Date

.....
Signature of Witness

.....
Signature or mark of Applicant

Sworn before me

.....
Justice of the Peace

Delete what is inapplicable."

- (b) by inserting after Form No. 35 the following new Form—

“FORM NO. 36

(Rule 4A)

THE REPRESENTATION OF THE PEOPLE ACT

CAP 286A

**DECLARATION OF PARENT/GUARDIAN
EVIDENCING PROOF OF RESIDENCE**

To: The Registration Officer for the Constituency of

..... at

(Address of registration office)

* I/We

..

currently residing at
 in the parish of St. in the
 Constituency of
 Polling Division No. whose voters registration no(s) is/
 are hereby declare as follows—

* I/We/am/are the parent(s)/guardian(s) of
 who is years of age and who currently resides
 with me/us at my/our residence at in Polling
 Division No. in the Constituency of

* I/we swear this declaration knowing everything to be true
 and in accordance with the Oaths Act Cap 217 of the Laws of
 Grenada.

.....
Signature of Declarant

.....
Date

Sworn before me.

.....
Justice of the Peace.

** Delete what is inapplicable.*

Amendment of
 Second Schedule
 to principal Act.

13. The Second Schedule to the principal Act is amended
 by inserting after Form “L. Oath of substitute Poll Clerk” the
 following Form—

“M. Oath for Commonwealth Citizen

(section 6 (1A))

STATE OF GRENADA DECLARATION

I, of
 in the constituency of hereby solemnly
 and sincerely declare as follow—

1. That I am a member of the Commonwealth having been born in as shown by my birth certificate, hereto attached.
2. That I have been residing in the State of Grenada for the past years.
3. That I presently reside in Polling Division in the said constituency.
4. I am therefore qualified to be registered as an elector in accordance with Part III section 6 sub-section (b) of the Representation of the People Act Cap. 286A.

I make this **DECLARATION**, knowing everything to be true and in accordance with the Oaths Act Cap. 217 of the Laws of Grenada.

Sworn to, before me in the parish)
 of Saint in the)
 State of Grenada, this.....)
 ..
 day of 20.....)

Before me,

Justice of the Peace".

14.The Third Schedule of the principal Act is amended as follows—

Amendment of
Third Schedule
to principal Act.

- (a) by inserting after Form No. 5, the following new Forms—

“FORM NO. 5A

(section 40(2))

Certificate for the return of deposit paid by candidate

This is to certify that candidate for the constituency of was:

- (i) elected
- (ii) polled not less than one-eighth of the total number of votes counted at the election

- (iii) died before the close of the poll on polling day
- (iv) withdrew in accordance with S.45(1)
- (v) failed to meet nomination requirements

Dated this day of 20.....

.....
Supervisor of Elections

(Delete what is inapplicable)

FORM NO. 5B

(section (52))

**NOTICE OF CANDIDATE WHO INTENDS TO
VOTE IN A CONSTITUENCY OTHER THAN THE
CONSTITUENCY WHERE HIS OR HER NAME
APPEARS ON THE OFFICIAL LIST OF ELECTORS**

1. Name of candidate
2. Address of candidate
3. Name of Constituency where candidate name appears on official
list of electors
4. Polling station No. in the Constituency under
paragraph 3
5. Constituency where candidate intends to vote
6. Polling station No. in Constituency where
candidate intends to vote

I hereby certify that the above statement is correct.

Dated this day of 20

.....
Signature of candidate

.....
Supervisor of Elections"

(b) in Form No. 22

(i) by inserting after the words “Total number of ballot papers found in box” the following—

“Number of names on list received

Number of transfers received

Number of special ballots received”

(ii) by deleting the words “Number of names on official list of electors used at the poll” where they appear.

Passed by the House of Representatives this 5th day of October, 2018.

ADRIAN FRANCIS

Clerk to the House of Representatives (Ag.).

Passed by the Senate this 8th day of October, 2018.

ADRIAN FRANCIS

Clerk to the Senate (Ag.).

GRENADA

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