

**COMMONWEALTH OF DOMINICA**

## ARRANGEMENT OF SECTIONS

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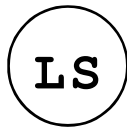
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**COMMONWEALTH OF DOMINICA**

ACT NO. 2 OF 2025.

*I assent*SYLVANI BURTON  
*President*

21st March, 2025

**AN ACT TO MAKE NEW PROVISION FOR THE  
ELECTION OF MEMBERS TO THE HOUSE OF  
ASSEMBLY, TO REPEAL THE HOUSE OF  
ASSEMBLY (ELECTIONS) ACT, CHAP. 2:01,  
AND FOR RELATED MATTERS.**

*(Gazetted 25th March, 2025)*

**BE IT ENACTED** by the Parliament of the Commonwealth of  
Dominica as follows:

1. This Act may be cited as the-

Short title.

**HOUSE OF ASSEMBLY (ELECTIONS)  
ACT, 2025.**

Interpretation.

2. (1) In this Act, unless the context otherwise requires –

“approved electronic voting system” means an electronic voting system approved by the Commission under section 51;

“Chief Elections Officer” means the Chief Elections Officer appointed under section 87 of the Constitution;

“Commission” means the Electoral Commission established under section 56 of the Constitution;

“candidate” means a person aspiring for or seeking an elected public office who –

(a) is duly nominated by a political party or seeks office independently; and

(b) has been issued a certificate of candidacy under section 14(7);

“constituency” means –

(a) one of the twenty-one constituencies into which Dominica is divided by the Boundaries Commission Order, 1989; and

(b) any other constituency established by modification of or in substitution for any of such constituencies, by Order made under section 57 of the Constitution;

“election” means an election of a member or members to serve in the House of Assembly for a constituency;

“election documents” means the documents that the returning officer is required by section 45(1) to transmit to the Chief Elections Officer after an election;

“election petition” means a petition referred to in section 69;

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“election officer” includes the Chief Elections Officer, every returning officer, election clerk, presiding officer, poll clerk, assistant poll clerk or other person having a duty to perform pursuant to this Act, to the faithful performance of which duty the person may be sworn;

“elector” means a person whose name is, for the time being, on a register or list of electors prepared or revised under the Registration of Electors Act and last published under that Act; Chap. 2:03.

“electronic voting system” means a system that utilises electronic components for the functions of ballot presentation, vote capture, vote recording and tabulation which are logically and physically integrated into a single unit;

functions” include powers and duties;

“independent candidate” means a candidate who is not a member of or is not representing, a political party and who has been issued with a certificate of candidacy under section 14(7);

“official list of electors” or “official list” means the register of electors, constituted under the Registration of Electors Act and which, pursuant to that Act, shall be used at an election;

“poll book” means the book in which the name and other particulars of every person applying to vote are consecutively entered by the poll clerk;

“polling day” means the day fixed for holding the poll at an election;

“polling district” means a polling district constituted under section 4 of the Registration of Electors Act;

“polling station” means any room secured by the returning officer for the taking of votes of the electors on polling day and to

which the official list of electors for a polling district is allotted;

“prescribed” means prescribed by regulations;

“regulations” means regulations made under this Act;

“rejected ballot paper” means a ballot paper which has been handed by the presiding officer to an elector to cast his or her vote but which at the close of the poll has been found in the ballot box unmarked or so improperly marked that in the opinion of the presiding officer or returning officer it cannot be counted;

“spoiled ballot paper” means a ballot paper which, on polling day—

(a) has not been deposited in the ballot box but has been found by the presiding officer to be soiled or improperly printed; or

(b) has been handed by the presiding officer to an elector to cast his or her vote, and has been spoiled in marking by the elector; and handed back to the presiding officer and exchanged for another;

“voter” means any person who votes at an election; and

“writ” means the writ for an election.

(2) Any reference herein to “this Act” shall, where the context permits, include a reference to any regulations or rules made hereunder.

**3.** In pursuance of section 33 of the Constitution, there shall be elected to the House of Assembly, in the manner specified in this Act, representatives of the constituencies established in accordance with section 57 of the Constitution,



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**PART II****CHIEF ELECTIONS OFFICER AND OTHER  
ELECTION OFFICERS**

4. (1) The Chief Elections Officer shall –

Functions of the Chief  
Elections Officer.

- (a) exercise general direction and supervision over the administrative conduct of elections;
- (b) enforce on the part of all election officers fairness, impartiality and compliance with the provisions of this Act;
- (c) issue to election officers from time to time such directions as may be necessary to ensure effective execution of the provisions of this Act; and
- (d) perform all other functions as may be assigned under this Act.

(2) The Chief Elections Officer shall receive such remuneration as may be approved by Parliament.

5. (1) The Commission may from time to time, on the recommendation of the Chief Elections Officer, appoint for each constituency a returning officer who shall receive such remuneration as may be prescribed.

Returning officers.

(2) On being appointed, a returning officer shall forthwith subscribe an oath in the form set out as Form 1 in the Second Schedule and shall transmit the oath to the Chief Elections Officer.

Second Schedule.

(3) After taking the oath referred to in subsection (2), the returning officer –

- (a) subject to subsection (4), shall forthwith establish

an office in the constituency in respect of which his or her appointment was made or, where a person has been appointed returning officer for more than one constituency, in one of the constituencies, or with the approval of the Chief Elections Officer, at some convenient place outside of any of such constituencies; and

(b) shall cause to be published in such manner as the Commission may direct, a notice specifying the place at which the office has been established.

(4) An office established by a returning officer under subsection (1) shall be at such place and conform to such requirements as the Commission may prescribe.

Elections clerks.

**6.** (1) The Chief Elections Officer may appoint an election clerk to assist each returning officer.

(2) The clerk shall receive such remuneration as may be prescribed.

Second Schedule.

(3) On appointment, the election clerk shall forthwith take an oath in the form set out as Form 2 in the Second Schedule and shall transmit the oath to the returning officer.

(4) If at any time between the issue of a writ for an election and the declaration of the result of that election the returning officer dies or becomes incapable of performing his or her duties as such, the election clerk shall –

(a) forthwith report the fact to the Chief Elections Officer; and

(b) discharge all the duties and exercise all the powers of the returning officer until some other returning officer is appointed or the former officer ceases to be incapable of performing his or her duties, as the case may be.

7. (1) Forthwith upon commencing to discharge the duties of a returning officer in accordance with section 6, the election clerk shall appoint a substitute election clerk who, unless sooner removed by the Chief Elections Officer, shall perform all the duties and exercise all the powers of the election clerk until such time as the election clerk ceases to perform the duties and to exercise the powers of the returning officer.

Substitute election clerk.

(2) Forthwith upon commencing to discharge the duties of the election clerk, the substitute election clerk shall take the oath required by section 6(3) to be taken by the election clerk.

(3) The substitute election clerk shall receive for services provided in that capacity, such sum as the Commission may in any particular case determine.

8. (1) The Chief Elections Officer shall, subject to the approval of the Commission, appoint a presiding officer for each polling station in the constituency, who shall receive such remuneration as may be prescribed.

Presiding officers.

(2) Forthwith on his or her appointment, a presiding officer shall take an oath in the form set out as Form 3 in the Second Schedule and shall transmit the oath to the returning officer.

Second Schedule.

9. (1) The Chief Elections Officer shall appoint a poll clerk and an assistant poll clerk for each polling station in a polling district who shall receive such remuneration as may be prescribed.

Poll clerks.

(2) On appointment, a poll clerk and an assistant poll clerk shall forthwith take and subscribe an oath in the form set out as Form 4 in the Second Schedule and shall transmit the oath to the returning officer.

Second Schedule.

(3) If a presiding officer dies or becomes incapable of performing his or her duties during the taking of the poll, the poll clerk shall forthwith assume the office of presiding officer and, with the approval of the Chief Elections Officer, shall appoint the assistant poll clerk to act as poll clerk.

(4) The assistant poll clerk shall act in accordance with the instructions and directions of the poll clerk.

(5) Every person appointed to act as a poll clerk under subsection (3) shall, if not already taken, forthwith take and subscribe the oath referred to in subsection (2).

Persons before whom oaths may be taken.

**10.** Every election officer and every person who is required by this Act to take an oath may take the oath either before a Justice of the Peace or before any returning officer or presiding officer or poll clerk appointed in accordance with the provisions of this Act or any registering officer appointed under the Registration of Electors Act, and every such returning officer or presiding officer or poll clerk or registering officer is hereby authorised and empowered to administer any oaths required by this Act to be made by an election officer or other person.

### PART III

### ELECTIONS

#### *Arrangements for Elections*

Issue of writs for holding elections.

**11. (1)** For the purposes of –

- (a) a general election of members of the House of Assembly; and
- (b) the election of such members to fill vacancies caused by death, resignation, or otherwise,

the President shall issue writs under the Public Seal of the State, addressed to the returning officers of the respective constituencies for which members are to be returned.

(2) The writs shall be forwarded to the Chief Elections Officer for transmission to the several returning officers.

(3) A writ issued under subsection (1) shall be in the form set out in Part 1 of the First Schedule and shall specify –

First Schedule.

- (a) the day and place of nomination of candidates;
- (b) the day on which, if necessary, the poll shall be taken, being not less than fifteen and not more than twenty-one days after the day fixed for the nomination of candidates; and
- (c) the day on which the writ is returnable to the President.

(4) On receipt of the writ a returning officer shall proceed to hold the election in the manner hereinafter provided.

**12.** On the issue of a writ by the President –

Notice of place and time of election.

- (a) the Chief Elections Officer shall give notice thereof and of the day and place fixed for the nomination of candidates, by publication in the *Gazette* at least ten clear days before the day fixed for the nomination; and
- (b) the returning officer shall give further notice of the issue of the writ and of the time and place fixed for the nomination of candidates by causing a notice in the prescribed form to be posted or affixed in some conspicuous place near the principal door of every court house, police station, and revenue office in the constituency for which he or she was appointed and in such other place as the returning officer may think necessary.

**13.** Before the day fixed for the nomination of candidates, the returning officer shall obtain from the Chief Elections Officer the prescribed number of copies of the official list of electors for the

Copies of official list of electors to be obtained.

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time being in force and such copies may be in electronic form.

*Procedure at Elections*

Nomination of  
candidates.

**14.** (1) On the day and at the place fixed for the nomination of candidates, the returning officer shall attend at nine o'clock in the morning to receive the nomination of candidates for the seat to be filled.

(2) Every person seeking to be a candidate for election -

(a) shall be nominated in writing in the prescribed form by not less than six registered electors of the constituency for which the candidate seeks to be elected; and

(b) shall consent to the nomination in writing,

but no person shall be deemed not to have been validly nominated as a candidate by reason only of the fact that subsequent to nomination day, a person by whom the person's nomination paper was signed is struck off the official list of electors for the constituency in respect of which the nomination was made.

(3) The returning officer shall, at the place fixed for the nomination of candidates and at the time specified in subsection (1) and seven hours thereafter, receive such nomination papers as may be tendered to him or her.

(4) At the time of nomination a person seeking to be a candidate shall deliver or cause to be delivered to the returning officer in the prescribed form, a statutory declaration of the candidate's qualification made and subscribed by the candidate or, if the candidate is absent from the State on nomination day, by the candidate's duly authorised agent.

(5) The nomination of a candidate shall be deemed to be void if the statutory declaration is not delivered as required under subsection (4).

(6) A candidate or someone on the candidate's behalf shall, at the time of the candidate's nomination, deposit or cause to be deposited with the returning officer the sum of one thousand dollars in cash, failing which, the nomination of the candidate shall be deemed to be void.

(7) Where a person satisfies all the requirements set out in this section for nomination as a candidate, the returning officer shall issue to the person a certificate of candidacy in the prescribed form, verifying that the person has been duly nominated as a candidate.

**15.** (1) The full amount of the deposit made under section 14(6) shall forthwith after its receipt be transmitted by the returning officer to the Accountant General.

Disposal of deposit.

(2) The full amount of such deposit shall be returned by the Accountant General to the person who made the deposit or to the person's personal representatives, as the case may be, on the production, by the person or by them, within one month of the conclusion of the election in respect of which the deposit was made, of a certificate from the Chief Elections Officer that the candidate was elected or polled not less than one-eighth of the total number of votes counted at the election, or died before the close of the poll on polling day.

(3) 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 and spoiled ballot papers) counted.

(4) Except as otherwise provided in this section, every such deposit shall, at the expiration of one month, from the conclusion of the election in respect of which it was made, be

credited to general revenue.

Uncontested election.

**16.** If at the expiration of seven hours from the time appointed there is only one candidate duly nominated, the returning officer shall –

- (a) forthwith publicly declare that candidate to be elected;
- (b) immediately thereafter certify the return of that candidate by endorsement on the writ of election in the prescribed form; and
- (c) return the writ so endorsed to the Chief Elections Officer for transmission to the President within the time specified in the writ for the return.

Contested election:  
adjournment to take poll.

**17.** (1) If there is more than one candidate duly nominated, a poll of electors shall be taken and, in such case, the returning officer shall adjourn the election to the day specified in the writ and a 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, give notice in the manner specified in subsection (3) of –

- (a) the day and time on which and the addresses of the polling stations at which the poll will be taken;
- (b) the names of the candidates nominated for election; and
- (c) the place where and the day and time when the number of votes given to the several candidates



will be finally counted.

(3) The notice required to be given under subsection (2) shall be in the prescribed form and shall be –

- (a) published in the *Gazette* and in at least one local newspaper or on national radio; and
- (b) posted or affixed in some conspicuous place near the principal door of every court house, police station and revenue office and in any other place in the constituency as the returning officer may think necessary.

**18.** (1) At any time between the issue of a writ under section 11 and the day appointed by the writ for the holding of the poll at an election, the President may by Proclamation adjourn the holding of the poll for some other day specified in the Proclamation, not being more than thirty days after the day specified in the writ, if the President is satisfied that it is expedient to do so by reason of -

Adjournment of polling day .

- (a) the State having become engaged or being likely to become engaged in a war;
- (b) the proclamation of a state of emergency under the Emergency Powers (Disaster) Act or the Constitution;
- (c) the occurrence of any earthquake, hurricane, flood, fire, outbreak of pestilence or outbreak of infectious disease or other calamity whether similar to the forgoing or not; or
- (d) the likelihood that the official list of electors for all constituencies or for any particular constituency will not be published before the day appointed

Chap. 15:03.

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under section 11 for the holding of the poll or that any essential electoral supplies or materials will not be available in adequate quantities on such day.

(2) A Proclamation made under subsection (1) for the reasons specified in paragraph (c) or (d) may be expressed to apply only to such constituencies as are specified in the Proclamation, in which event, the poll shall be taken in any constituency not so specified on the day appointed for the taking of the poll under section 12.

(3) Where any Proclamation is made under this section, the writs for all constituencies to which the Proclamation applies shall be deemed to have been amended by the substitution, for the day specified in the writs as being the day for the holding of the poll, of the day specified in the Proclamation.

(4) Where any Proclamation under this section is made before the day which would have been nomination day if the Proclamation had not been made, nomination day shall be deemed to have been adjourned to the twenty-third day next before the day to which the holding of the poll is adjourned by the Proclamation; but if the twenty-third day is a public holiday nomination day shall be deemed to be adjourned to the first day not being a public holiday after the twenty-third day.

(5) Where any Proclamation is made under this section after nomination day, the adjournment by the Proclamation of the day upon which the poll is taken shall in no way affect the validity of any nomination validly made upon nomination day and no other nomination shall be made.

Withdrawal of  
candidature.

**19.** (1) A duly nominated candidate may withdraw his or her candidature by giving a notice to that effect signed by him or her to the returning officer not less than seven clear days before the day fixed for taking the poll, as long as there remains at least one

duly nominated candidate after the withdrawal.

(2) Where a candidate withdraws his or her candidature in accordance with subsection (1) or dies before the day fixed for taking the poll, the returning officer shall forthwith notify the Chief Elections Officer in the prescribed form and, in such manner as the Chief Elections Officer may direct, give public notice of the withdrawal or death, as the case may be, and if on the withdrawal or death there remains only one duly nominated candidate, the returning officer shall –

- (a) forthwith declare such candidate to have been elected;
- (b) immediately thereafter, in the prescribed manner, certify by endorsement on the writ of election the return of such candidate; and
- (c) return the writ so endorsed to the Chief Elections Officer for transmission to the President within the time specified in the writ for making the return.

**20.** (1) The poll shall be taken in each polling station by secret ballot in accordance with the provisions of sections 33, 34 and 35, respectively.

Taking of the poll.

(2) The ballot of each voter shall be a printed paper, in this Act called a ballot paper, on which the names, addresses and occupations of the candidates alphabetically arranged in the order of their surnames and numbered accordingly, shall be printed exactly as they are set out in their respective nomination papers.

(3) Opposite to the name of each candidate there shall be a prescribed symbol.

(4) The ballot paper shall be in the prescribed form and

shall have a counterfoil and a stub, and there shall be a line of perforations between the ballot and the counterfoil and between the counterfoil and the stub.

(5) The ballot papers shall be numbered on the top of the stub and the counterfoil, the same number being printed or written on the stub as on the counterfoil.

(6) The ballot papers shall be bound or stitched in books containing ten, twenty-five, fifty or one hundred ballots.

Establishment of polling stations.

**21.** (1) The returning officer shall establish for each polling district such number of polling stations as the Chief Elections Officer shall determine, each polling station being in premises of convenient access, with an outside door for the admission of electors and, where possible, with another door through which electors may leave after they have voted.

(2) A presiding officer shall take steps beforehand to ensure that on polling day any polling station for which he or she has responsibility is provided with proper doors, barriers, tables, chairs and other conveniences, and that the same are properly arranged for carrying out the provisions of this Act with respect to taking of the poll.

Supply of election materials.

**22.** (1) A returning officer shall furnish to each presiding officer at least two clear days before polling day –

- (a) a sufficient number of ballot papers for at least the number of electors on the official list of electors of the presiding officer's polling station;
- (b) a statement showing the number of ballot papers so supplied, with their serial numbers;
- (c) the necessary materials for electors to mark their ballot papers;

- (d) at least three copies of printed directions in the prescribed form for the guidance of electors in voting;
- (e) a copy of or excerpts from this Act;
- (f) three copies of the official list of electors for use at the polling station;
- (g) a ballot box;
- (h) a blank hard copy or electronic poll book;
- (i) the several forms of oath to be administered to electors printed together on a card or in electronic form; and
- (j) the necessary envelopes and such other forms and supplies as may be authorised or furnished by the Chief Elections Officer.

(2) Until the opening of the poll the presiding officer shall keep the blank poll book, copies of the official list of electors, forms of oath, envelopes, ballot papers and election supplies carefully locked up in the ballot box, and shall take every precaution for their safe keeping and to prevent any person from having unlawful access to them.

(3) Before the hour fixed for the opening of the poll the presiding officer shall post up in each compartment of the polling station and in a conspicuous place outside of the polling station one copy of the directions referred to in subsection (1)(d).

**23.** Each presiding officer shall, at least two days before and on the day fixed for taking the poll, visit the polling station to which he or she has been assigned and see that it is provided with all supplies and materials required for taking the poll.

Inspection of polling station by presiding officer.

Hours for taking the poll

**24.** The taking of the poll at each polling station shall be between seven o'clock in the morning and five o'clock in the afternoon of the same day.

Ballot boxes

**25.** (1) The Chief Elections Officer shall supply to each returning officer for a constituency the number of ballot boxes equal to the number of polling stations in the constituency.

(2) Every ballot box shall be made of some durable material, with one lock and key or other securing device and a slit or narrow opening in the top, and so constructed that the ballot papers may be placed in the box but cannot be withdrawn from the box unless it is unlocked.

Poling district in which elector may vote

**26.** (1) Subject to the provisions of sections 29 and 30, no person shall be entitled to vote in any polling district unless his or her name appears on the official list of electors for that polling district.

(2) Every person whose name appears upon the official list of electors for any polling district shall be entitled to vote in that polling district notwithstanding that the person is not resident in that polling district on polling day; but no person shall vote in more than one constituency or at more than one polling station in the same constituency or more than once in the same constituency on the same day.

Penalty for multiple voting.

**27.** Any person who contravenes section 26(2) commits an offence and is liable on summary conviction to a fine of five thousand dollars or imprisonment for a term not exceeding six months.

Voting for more than one candidate prohibited.

**28.** No person shall vote in more than one polling district or wilfully seek to vote in more than one polling district or to vote more than once in the same polling district, and any person who acts in contravention of this section commits an offence and is liable on summary conviction to imprisonment for a term not exceeding six months.

**29.** (1) Where a person whose name appears on the official list for a polling station is appointed as presiding officer, poll clerk or assistant poll clerk for some other polling station in the same constituency, the returning officer shall transfer the name of the presiding officer, poll clerk or assistant poll clerk as the case may be, to the list for the polling station of which such person is appointed the presiding officer, poll clerk or assistant poll clerk, as the case may be.

Transfer of electors in special cases.

(2) The returning officer shall give notice in writing to every candidate in the constituency for which he or she is appointed 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 but for the provisions of section 30.

**30.** (1) A person whose name is transferred in accordance with section 29 from an official list to another official list shall vote, if such person votes at all, in the polling station of which he or she is appointed presiding officer, poll clerk or assistant poll clerk as the case may be.

Where transferred elector to vote.

(2) A presiding officer who issues to any person whose name has been transferred from one official list to another official list, a ballot paper at any polling station other than the polling station of the polling district to which that person's name has been transferred, commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding six months.

**31.** (1) At the hour fixed for the opening of the poll, the presiding officer, poll clerk or assistant poll clerk shall, in the presence of the candidates, their agents and such of the electors as are present, open the ballot box and ascertain that there are no ballot papers or other papers in it, after which –

Proceedings at the poll.

(a) the ballot box shall be secured with a key or other

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securing device (which shall be kept by the presiding officer) and placed on a table in full view of all present (where it shall be maintained until the close of the poll); and

(b) immediately thereafter, the presiding officer shall call upon the electors to vote.

(2) The presiding officer shall secure the admittance of every elector into the polling station, and shall see that electors are not impeded or molested at or about the polling station.

(3) Voting shall proceed as follows –

(a) each elector, upon entering the polling station, shall declare his or her voter name, residence and occupation and present his or her voter identification card;

(b) the poll clerk or assistant poll clerk shall then ascertain if the name of the elector appears on the official list of electors used at the polling station and verify the elector's identity;

(c) when it has been ascertained that the elector is qualified to vote at the polling station, the elector's name, address and occupation shall be entered by the poll clerk or assistant poll clerk in the poll book (which shall be in the prescribed form) and the elector's identification number inserted in the appropriate column of the poll book; and

(d) immediately thereafter, the elector shall be allowed to vote, unless an election officer or an agent of a candidate present at the polling station desires that the elector be first sworn.



- (4) The poll clerk or assistant poll clerk shall -
- (a) make such entries in the poll book as the presiding officer directs pursuant to any provision of this Act;
  - (b) enter in the poll book opposite the name of each voter as soon as the voter's ballot paper has been deposited in the ballot box, the word "Voted";
  - (c) enter in the poll book the word "Sworn" or "Affirmed" opposite the name of each elector, to whom any oath or affirmation has been administered indicating the nature of the oath or affirmation; and
  - (d) enter in the poll book the words "Refused to be sworn" or "Refused to affirm", opposite the name of each elector who has refused to take an oath or to affirm, when he or she has been legally required to do so, or the words "Refused to answer questions" if the elector has refused to answer questions which he or she has been legally required to answer.

**32.** (1) The presiding officer shall keep order at the polling station and shall regulate the number of voters to be admitted at a time, and shall exclude all other persons except the assistants to the presiding officer, the candidates, one agent for each candidate appointed by the candidate in writing in the prescribed form, the constables on duty, election observers and members of the media accredited by the Electoral Commission and such accredited election observers and media as may be authorised in writing by the Commission.

Persons permitted in  
polling station.

(2) The agents shall be posted in such a place that they can see each person who presents himself or herself as an elector, and hear the person's name as given by him or her, but so that they cannot see how any voter votes.

(3) Agents shall not interfere in the proceedings except in so far as may be allowed by this Act.

(4) If any person, after being warned, persists in disobeying the directions of the presiding officer or in acting in contravention of this section, the presiding officer may cause the person to be removed from the polling station.

General mode of taking  
ballot

**33.** (1) Each elector shall receive from the presiding officer a ballot paper –

(a) on which such officer has previously put his or her initials, so placed as indicated in the ballot paper, that when it is folded the initials can be seen without opening the ballot paper; and

(b) on the counterfoil of which the presiding officer has placed the elector's identification number entered in the poll book opposite the name of the elector.

(2) The presiding officer shall instruct each elector how to make his or her mark, and shall properly fold the elector's ballot, directing the elector to return it, when marked, folded as shown, but without inquiring or seeing for whom the elector intends to vote, except when the elector is unable to vote in the manner specified in this Act on account of blindness or other physical incapacity.

(3) On receiving the ballot paper, an elector –

(a) shall forthwith enter one of the polling

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compartments and there mark the ballot paper by marking, with a pencil, pen or other writing instrument provided, a cross within the space containing the name of the candidate for whom he or she intends to vote; and

(b) shall then fold the ballot paper as directed so that the initials of the presiding officer and the numbers on the counterfoil can be seen without opening the ballot paper; and hand the paper to the presiding officer.

(4) On receipt of a ballot paper under subsection (3)(b), the presiding officer shall, without unfolding it, ascertain by examination of the initials and numbers appearing on it that it is the same ballot paper as that delivered to the elector, and if the same, the presiding officer shall forthwith, in full view of the voter and all the others present, remove the counterfoil and deposit the ballot paper in the ballot box.

(5) An elector who has inadvertently so dealt with the ballot paper delivered to him or her that it cannot conveniently be used shall return it to the presiding officer who shall cancel it by writing the word "Spoiled" across the face of the ballot paper immediately place it in the envelope marked spoiled ballots and shall then deliver another ballot paper to the elector.

(6) Every elector shall vote without undue delay and shall leave the polling station as soon as his or her ballot paper has been put into the ballot box.

(7) If at the hour of closing of the poll there are any electors inside the polling station who are qualified to vote and have not been able to do so since their arrival at the polling station, the poll shall be kept open a sufficient time to enable them to vote, but subject to subsection (8), no one not actually present within the polling station at the hour of closing shall be allowed to vote.

(8) If the polling station is too small to accommodate all the people present, the presiding officer shall allow to vote any elector who at the hour of closure of the poll was present at the station for the purpose of voting, notwithstanding that such person was not actually within the station.

Questions that may be put to elector.

**34.** (1) The presiding officer may and, if requested by a candidate or his agent, shall put to the elector the following questions -

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

“Have you already voted at this election either here or elsewhere?”

and if any person refuses to answer any question put to him or her as in this section provided, the presiding officer shall refuse to give the person a ballot paper.

(2) If any person makes a false answer to any such question the person commits an offence and is liable on summary conviction to imprisonment for a term not exceeding six months.

Mode of taking ballot in special cases.

**35.** (1) Subject to all other provisions of this Act as to proof of qualification as an elector and as to the administration of oaths, if a person representing himself or herself to be a particular elector applies for a ballot paper after another person has voted as that person, he or she shall be entitled to receive a ballot paper and to vote after taking the oath of identity in the form set out as Form 5 in the Second Schedule and otherwise establishing his or her identity to the satisfaction of the presiding officer.

Second Schedule.

(2) In the circumstances described in subsection (1), the presiding officer shall initial the ballot paper and insert the voter's identification number that is entered in the poll book opposite the name of the voter, and the poll clerk shall enter in the poll book -

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- (a) the name of the voter;
  - (b) a note of his or her having voted on a second ballot paper issued under the same name;
  - (c) the fact of the oath of identity having been required and taken, and the fact of any other oaths being so required or taken; and
  - (d) any objections made on behalf of any, and of which, of the candidates.

(3) An elector who is incapacitated by any physical cause other than blindness from voting in the manner specified in this Act, may apply to the presiding officer to adopt one of the following modes of voting -

- (a) the elector may request the presiding officer to mark the elector's ballot paper on his or her behalf, in which case, the presiding officer shall require the elector to take an oath in the form set out as Form 6 in the Second Schedule as to the elector's incapacity to vote without assistance and shall thereafter assist the elector by marking the elector's ballot paper in the manner directed by the elector and shall place the ballot paper in the ballot box, and if so requested by the elector, the presiding officer shall mark the ballot paper in the presence of the poll clerk and of the sworn agents of the candidates or any of them but of no other person; or
- (b) the elector may apply to the presiding officer to be allowed to vote with the assistance of another person by whom the elector is accompanied (in this subsection referred to as "the companion"), in which case -

Second Schedule.

Second Schedule.

- (i) the presiding officer shall require the elector to take the oath referred to in paragraph (a); and
- (ii) on the elector taking such oath, the presiding officer shall require the companion to make a declaration in the form set out as Form 7 in the Second Schedule that the companion is a qualified person within the meaning of subsection (4) and that to the best of his or her knowledge and belief has not previously assisted more than one physically incapacitated person to vote at the current election; and
- (iii) on the elector and the companion complying with the provisions of subparagraphs (i) and (ii), and subject to the provisions of this Act, the presiding officer shall grant the application, and thereupon anything which by this Act is required to be done to or by the elector in connection with the giving of his or her vote may be done to, or with the assistance of, the companion.

(4) For the purpose of subsection (3)(b), a person is qualified to assist a physically incapacitated person if that person is -

- (a) a person who is entitled to vote as an elector at the election; or
- (b) the father, mother, brother, sister, husband, wife, son or daughter of the physically incapacitated elector and has attained the age of eighteen years.

(5) The presiding officer shall deal with a blind elector either in the same manner as with an otherwise incapacitated

elector or, at the request of any blind elector who has taken the oath in the form set out as Form 8 in the Second Schedule and is accompanied by a friend who is an elector in the polling district, shall permit the friend to accompany the blind elector into the voting compartment and mark the elector's ballot paper for him or her and, if the elector so requests, the presiding officer shall accompany them into the voting compartment and the friend shall mark the ballot paper in the presence of the presiding officer.

Second Schedule.

(6) No person shall at any election be allowed to act as the friend of more than one blind elector.

(7) A friend who is permitted to mark the ballot paper of a blind elector as provided in this section shall be first required to take an oath in the form set out as Form 9 in the Second Schedule that he or she will keep secret the name of the candidate for whom the ballot of the blind elector is marked by him or her, and that he or she has not already acted as the friend of a blind elector for the purpose of marking a ballot paper at the current election.

Second Schedule.

(8) Whenever an elector has had his or her ballot paper marked as provided in subsection (3) or (5), the poll clerk shall enter in the poll book opposite the elector's name, in addition to any other requisite entry, the reason why the ballot paper was so marked.

**36.**(1) A person shall be entitled to receive a ballot paper and to vote where –

Entitlement to receive ballot paper.

- (a) there appears in the official list of electors a name, address and occupation that correspond so closely with the name, address and occupation of the person as to suggest that the entry in the official list of electors was intended to refer to that person; and
- (b) in all other aspects, the person has complied with

Second Schedule.

the provisions of this Act and has taken the oath in the form set out as Form 10 in the Second Schedule.

(2) The name, address, occupation and elector's identification number of a person to which subsection (1) refers shall be entered in the poll book and the fact that the oath has been taken shall be entered in the proper column of the poll book.

Second Schedule.

(3) An elector shall take an oath of qualification in the form set out as Form 11 in the Second Schedule, if he or she is required to do so by the presiding officer, poll clerk, one of the candidates, an agent of a candidate or another elector present.

(4) Where a person refuses to take the oath when required to do so under subsection (3), erasing lines shall be drawn through the person's name in the official list of electors and also in the poll book, if the name has been entered therein, the words "refused to be sworn" shall be written thereafter and the person shall be denied a ballot paper.

(5) Notwithstanding subsection (1), a person whose name appears in the register of electors who is unable to produce his voter identification card, or whose card is so mutilated or damaged that the material particulars are not available, visible, or legible, may be issued a ballot paper if –

(a) the presiding officer is satisfied that:

- (i) a voter identification card has not been delivered to him or the voter identification card delivered to him is lost or destroyed; and
- (ii) he is the same person whose name appears in the register of electors on his production of his valid passport or any other form of



identification issued to the general public by a Government of Dominica department or a photo identification issued by the Dominica Social Security or any other evidentiary document that may be required by the Chief Registering Officer to authenticate the identity of the elector; and

(b) he takes the oath in Form 12.

**37.** (1) In addition to the presiding officer, poll clerk and assistant poll clerk, only the candidate, one agent for each candidate, the constables on duty, and observers accredited under section 78, and no others, shall be allowed to remain in the polling station during the time the poll remains open; but a candidate and his or her agent shall not be in the same polling station at the same time for more than five consecutive minutes.

Who may remain in  
polling station

(2) The agent of each candidate, on being admitted to the polling station, shall take an oath in the form set out as Form 13 in the Second Schedule, to keep secret the name of the candidate for whom any of the voters has marked his or her ballot paper in the agent's presence.

Second Schedule.

(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 previous to the close of the poll.

**38.** (1) Forthwith on the close of the poll, the presiding officer shall take the actions specified in subsection (2) in the presence and in full view of the poll clerk, assistant poll clerk and the candidates or their agents and, if the candidates or any of them is absent, then, in the presence of such of them as are present, and if none of the candidates is represented, in the presence of at least two electors.

Preliminary counting  
of votes .

(2) The presiding officer shall, in the following order –

- (a) 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), and sign his or her name thereto;
- (b) count the spoiled ballot papers, if any, place them in the special envelope supplied for that purpose, indicate on the envelope the number of the spoiled ballot papers and [shall be sealed by the presiding officer and by such agents or witnesses present as may desire to seal them or to sign their names thereon in addition or instead];
- (c) count the unused ballot papers, place them with all the stubs of all the used ballot papers in the special envelope supplied for that purpose and indicate on the envelope the number of unused ballot papers;
- (d) 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;
- (e) open the ballot box and empty its contents on the table; and
- (f) record and count the number of votes given to each candidate on the tally sheet supplied, giving full opportunity to those present to examine each ballot paper.

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(3) The 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 presiding officer.

(4) The count of votes under this section shall be referred to as the preliminary count.

(5) In counting the votes, the presiding officer shall reject all ballot papers –

(a) that have not been supplied by the presiding officer;

(b) that have not been marked for any candidate;

(c) on which votes have been given for more than one candidate; or

(d) on which there is any writing or mark by which the voter could be identified.

(6) No ballot paper shall be rejected under subsection (5) on account of –

(a) any writing, number or mark placed on it by a presiding officer; or

(b) any mark on it, other than the voter's mark, or any smear or smudge from any cause however arising, unless the ballot paper fails to convey the intention of the voter to vote for a particular candidate.

(7) If, in the course of counting the votes, a ballot paper is found with the counterfoil still attached to it, the presiding officer shall (carefully concealing the numbers on the ballot paper from all persons present and without examining them himself or

herself) remove the counterfoil, and shall not reject the ballot paper merely by reason of his or her previous failure to remove the counterfoil.

(8) If, in the course of counting the votes, the presiding officer discovers that his or her initials have not been affixed to a ballot paper, as specified in section 33(1), the presiding officer shall, in the presence of the poll clerk and the agents of the candidates –

- (a) affix his or her initials to the ballot paper; and
- (b) count the ballot paper as if it had been initialled by him or her in the first place,

but the actions specified in paragraphs (a) and (b) shall be taken only if the presiding officer is satisfied that the ballot paper is one that had been supplied by him or her and that such an omission was really made and also, that every ballot paper supplied to him or her by the returning officer has been accounted for, as provided by subsection (2)(d).

(9) Nothing in subsections (6), (7) or (8) shall relieve the presiding officer from any penalty to which he or she may have become liable for having placed any writing, number or mark, other than initials, on any ballot paper or for having failed to remove the counterfoil at the time of the casting of the vote to which it relates or for having failed to initial a ballot paper before handing it to an elector.

(10) All the ballot papers not rejected by the presiding 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, and the ballot papers which, respectively, indicate the votes given for each candidate, shall be put into separate envelopes.

(11) All rejected ballot papers shall be put into a special

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envelope and all such envelopes shall be endorsed so as to indicate their contents, and shall be sealed by the presiding officer and by such agents or witnesses present as may desire to seal them or to sign their names thereon in addition or instead.

**39.** (1) The presiding officer shall keep a record on the special form printed in the poll book of every objection made by a candidate or a candidate's agent or an elector present, to any ballot paper found in the ballot box, and every such objection shall be numbered and a corresponding number placed on the back of the ballot paper and initialled by the presiding officer.

Objection to ballot paper.

(2) The presiding officer shall decide every question arising out of the objection, and the decision of the presiding officer shall be final, subject to reversal on the final count by the returning officer or on petition questioning the election or return.

**40.** (1) Immediately after the completion of the counting of the votes, the presiding officer and the poll clerk shall take and subscribe, the oaths specified in relation to them in the form set out as Forms 14 and 15, respectively, in the Second Schedule, which shall remain attached to the poll book.

Actions to be taken after votes counted.

Second Schedule.

(2) The presiding officer shall make a sufficient number of copies of the statement of the poll (which shall be in the prescribed form) to allow –

- (a) one copy to be attached to the poll book;
- (b) one copy to be retained by the presiding officer; and
- (c) one copy to be supplied to the returning officer, such copy to be enclosed in a special envelope supplied for the purpose, sealed and delivered personally or transmitted by the presiding officer to the returning officer.

(3) There shall be placed in the large envelope supplied for the purpose –

- (a) the poll book;
- (b) several envelopes containing the ballot papers unused, spoiled, rejected or counted for each candidate (each lot in its proper envelope);
- (c) the envelope containing the official list of electors and other documents used at the poll, and such envelope shall then be sealed and placed in the ballot box which shall then be secured and sealed with the seal of the presiding officer and forthwith transmitted or delivered to the returning officer.

(4) The returning officer may specially appoint one or more persons for the purpose of collecting the ballot boxes from a given number of polling stations and such person or persons shall, on delivering the ballot boxes to the returning officer, take the oath in the form set out as Form 16 in the Second Schedule.

Second Schedule.

(5) The presiding officer shall, with the ballot box, transmit or deliver to the returning officer, in the envelope provided for that purpose, the key or other securing device of the ballot box, and the statement of the poll.

(6) The presiding officer shall transmit to the returning officer in such manner as the Chief Elections Officer may direct

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- (a) the secured and sealed ballot box;
- (b) the envelope containing the key or other securing device for the ballot box; and
- (c) the statement of the poll.

(7) A presiding officer who omits to enclose within the ballot box, and in the proper envelopes provided, any of the documents mentioned in this section shall, in addition to any other punishment to which he or she may be liable, forfeit all right to payment for services as a presiding officer.

41. Each candidate may select one agent appointed in accordance with section 32(1), to attend the preliminary and final count of the votes by the presiding officer and the returning officer.

Selection of agent to attend vote counting.

*Procedures Subsequent to Polling Day*

42. (1) On receipt of each of the ballot boxes, the returning officer shall take every precaution for its safe-keeping and for preventing any person other than himself or herself or the election clerk from having access to them, and shall seal the ballot boxes with the seal of the returning officer so that they cannot be opened without the seal being broken, but without effacing or covering any other seals affixed to the ballot boxes.

Final counting of votes.

(2) After the ballot boxes have been received, they shall be opened, at the place, date and time specified in the notice referred to in section 17(2) for the final count of the votes and in the presence of such of the candidates or their representatives as are present, by the returning officer or, where the same person is returning officer for more than one constituency, by the returning officer or the election clerk for the constituency concerned, and the returning officer or the election clerk, as the case may be, shall –

- (a) count the votes contained in the ballot boxes cast for each candidate (allowing the candidates and their representatives to see the votes) and determine whether any of the votes so cast should be rejected;
- (b) count the votes rejected by the presiding officer

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(allowing the candidates and their representatives to see the votes) and determine whether any of the votes should be regarded as having been validly cast for any, and if so, for which candidate;

(c) add up the total number of votes cast for each candidate, including any votes rejected by the presiding officer but which he or she thinks should not have been so rejected; and

(d) make any necessary amendments to the statement of the poll and sign the amendments.

(3) The provisions of section 38(5) shall apply to the returning officer or election clerk, as the case may be, as they apply to the presiding officer.

(4) The provisions of subsections (1) and (2) of section 39 shall apply to the returning officer or election clerk, as the case may be, as they apply to the presiding officer except that –

(a) for references to the presiding officer in those subsections there shall be substituted references to the returning officer or election clerk, as the case may be; and

(b) the words “on the final count by the returning officer or” shall be deemed to be omitted from the subsection (2).

(5) The provisions of subsections (10) and (11) of section 38 shall apply to the returning officer or election clerk, as the case may be, as they apply to the presiding officer except that –

(a) the words “returning officer” shall be deemed to be substituted for the words “presiding officer”; and



(b) the documents referred to in that subsection shall be replaced in the envelopes from which they were removed by the returning officer and the envelopes shall be fastened by a sheet of paper being pasted over the opening of the envelopes.

(6) If at the final count of the votes none of the candidates or their representatives are present, it shall be the duty of the returning officer or election clerk to secure the presence of at least two electors who shall remain in attendance until the final count of the votes has been completed.

(7) The candidate who, on the final count of the votes is found to have the largest number of votes, shall then be declared elected in writing and a copy of the declaration shall be forthwith delivered to each candidate or agent of the candidate, if present at the final count of the votes, or if a candidate is neither present nor represented thereat, shall be forthwith transmitted to such candidate by registered post.

(8) Whenever, on the final count of votes, an equality of votes is found to exist between any two or more candidates and an additional vote would entitle one of the candidates to be declared elected, the returning officer shall-

(a) when declaring the results of the election declare a void election as between those candidates; and

(b) forthwith decide between the candidates by lot, and proceed as if the candidate on whom the lot falls had received an additional vote.

**43.** (1) If the ballot boxes are not returned to the returning officer by the time specified in the notice referred to in section 17(2), the returning officer shall adjourn the proceedings to a

Where ballot boxes not returned.

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subsequent day, which shall not be more than a week later than polling day.

(2) Where the statement of the poll cannot be found and the number of votes for the several candidates cannot be ascertained or if, for any other cause, the returning officer cannot, at the day and hour appointed by such officer for that purpose, ascertain the exact number of votes given for each candidate, the returning officer may thereupon adjourn to a further day and hour the final count of the votes given for each candidate, not being more than seventy-two hours after the time specified in the notice referred to in section 17(2).

(3) At the time to which the proceedings are adjourned in accordance with the provisions of subsection (2), the returning officer shall ascertain by such evidence as he or she is able to obtain the total number of votes cast for each candidate and shall declare elected the candidate appearing to the returning officer to have the largest number of votes.

(4) For the purposes of this section, the returning officer shall have all the powers of and be deemed to be a commissioner appointed under the Commissions of Inquiry Act, and the provisions of section 12 of that Act shall apply to all persons required by the returning officer to give evidence or to produce any documents before the returning officer as they apply to persons summoned to attend and give evidence or to produce documents before a commission of inquiry under the Commissions of Inquiry Act.

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Declaration of the poll.

**44.** The returning officer shall, as soon as he or she has ascertained the result of the poll, forthwith publicly declare the result and announce the candidate to whom most votes have been given, to be elected as the member for the constituency.

Election return.

**45.** (1) The returning officer, within seven days next following the day on which he or she has made the final count of or ascertained the number of votes given for each candidate, shall

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deliver personally or transmit by registered post to the Chief Elections Officer -

- (a) the writ with the returning officer's return (which shall be in the form set out in Part 2 of the First Schedule) endorsed thereon that the candidate having the majority of votes has been elected;
- (b) a report, in the form specified by the Chief Elections Officer, of the returning officer's proceedings;
- (c) the recapitulation sheets, in the form specified by the Chief Elections Officer, 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 officers;
- (d) the statements of the polls;
- (e) the reserve supply of undistributed blank ballot papers;
- (f) the returns from the various polling stations enclosed in sealed envelopes as specified in this Act, and containing –
  - (i) the poll book used at the poll;
  - (ii) a packet containing the stubs and unused ballot papers;
  - (iii) packets containing the ballot papers cast for the several candidates;

First Schedule.

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- (iv) a packet containing the spoiled ballot papers;
  - (v) a packet containing the rejected ballot papers;
  - (vi) a packet containing the official lists of electors used at the poll; and
  - (vii) the written appointments of candidates' agents; and
- (g) all other documentation used for the election.

(2) The returning officer shall forward to each of the candidates a duplicate or copy of the return to the writ made by him or her.

(3) A premature return shall be deemed not to have reached the Chief Elections Officer until the same should have reached the Chief Elections Officer in due course and, if the circumstances so require, the return and any or all election documents connected with it shall be sent back to the returning officer for completion or correction.

(4) The Chief Elections Officer shall, on receiving the return of any member elected to serve in the House of Assembly, transmit the writ with the return endorsed thereon to the President within the time specified in the writ by which the return shall be made.

(5) The Chief Elections Officer shall, on receiving the return of any member elected to serve in the House of Assembly, enter it in the order in which the return is received, in a book to be kept by the Chief Elections Officer for such purpose and immediately thereafter shall by notice published in the *Gazette* state the name of the candidate so elected and in the order in which the return was received.

(6) The Chief Elections Officer shall, as soon as practicable after each general election, cause to be printed a report giving by polling districts –

- (a) the number of votes polled for each candidate;
- (b) the number of rejected ballots;
- (c) the number of names on the official lists of electors, and
- (d) any other information that the Chief Elections Officer may think fit to include,

and shall also, at the end of each year, cause to be printed a similar report on any by-elections held during the year.

**46.** If a returning officer wilfully delays, neglects or refuses duly to return any person who ought to be returned to serve in the House of Assembly for any constituency, and if it has been determined on the hearing of an election petition respecting the election for that constituency that such person was entitled to have been returned, the returning officer who has so wilfully delayed, neglected or refused duly to make the return of this election, shall forfeit to the person aggrieved the sum of five hundred dollars and costs in addition to all damages sustained.

Penalty for delaying etc. in return of elected candidate

**47.** If in the case mentioned in section 42(8) the returning officer is not an elector or, being an elector, declines to vote, the returning officer shall make a special return of the result of the election, and the House of Assembly shall have the right by resolution to choose one of the candidates to be the member for that constituency.

Power of Assembly to elect where votes equal.

**48.** (1) The Chief Elections Officer shall keep the election documents referred to in section 45(1) in safe custody and shall

Custody of election documents.

allow no person to have access to them; but if an election petition has been presented questioning the validity of any election or return, the Chief Elections Officer shall, on the order of a Judge of the High Court, deliver to the Registrar of the High Court the documents relating to the election that is in dispute.

(2) It shall be lawful for the Chief Elections Officer to cause the documents used at an election to be burnt after the expiration of twelve months from the day of the election.

(3) No such election documents in the custody of the Chief Elections Officer shall be inspected or produced except under the order of a Judge of the High Court, and an order under this subsection may be made by any such Judge on being satisfied by evidence on oath that the inspection or production of the 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 that has been filed questioning and election or return.

(4) 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 thinks fit.

(5) All other reports or statements received from election officers, all instructions issued by the Chief Elections Officer pursuant to the provisions of this Act, all decisions or rulings by the Chief Elections Officer on points arising thereunder, and all correspondence with election officers or others in relation to any election shall be public records and, upon request, may be inspected by any person during business hours.

(6) A person may take extracts from any report, statement or instruction referred to in subsection (5) and shall be entitled to certified copies of them on payment at the prescribed rate for the preparation of the certified copies.

(7) Any such copies purporting to be certified by and under the hand of the Chief Elections Officer shall be receivable in evidence without further proof thereof.

**49.** (1) Forthwith on making the return to the writ in accordance with section 45, the returning officer shall cause the ballot boxes used in the election, with the keys and securing devices, to be deposited in the custody of the member of the police service in charge of a police station in the constituency.

Custody of ballot boxes.

(2) Upon delivery of the ballot boxes, keys and securing devices, the custodian shall issue a receipt, and shall at the next ensuing election, upon request, deliver the boxes, keys and securing devices to the returning officer to whom the writ is directed, taking the returning officer's receipt.

*Access to State-Owned Media Services*

**50.** (1) Subject to subsection (2), a political party and any independent candidate participating in an election shall have access to state-owned media services during the campaign period.

Obligation of state-owned media.

(2) The Commission shall, after consultations with the political parties concerned, independent candidates and the officers responsible for the state-owned media services, monitor the equitable allocation of air-time during the campaign period.

(3) Every state-owned print or electronic media that publishes any information relating to an election shall be guided by the principle of total impartiality and shall refrain from any discrimination in relation to any political party or candidate.

(4) For the purpose of giving effect to this section, the Commission may, in writing, issue directives to the media.

(5) State-owned media are not liable for any defamation or other legal claims arising from statements made or actions

taken by political parties and individuals permitted access to the state-owned media under this section.

(6) The Commission shall issue criteria respecting the access to state-owned media under this section.

(7) For the purposes of this section “state-owned media” means media organisations that are owned and operated by the government or statutory corporations.

#### PART IV

#### ELECTRONIC VOTING SYSTEM

Approval of electronic voting system.

**51.** (1) Elections may be conducted under this Act by means of an electronic voting system.

(2) The Commission may select a supplier of an electronic voting system and such selection shall be carried out by means of a transparent and competitive process.

(3) Subject to subsection (4), the supplier selected shall be approved by the Commission, and notice of such approval shall be published in the *Gazette* and in any other manner directed by the Commission.

(4) The Commission shall approve an electronic voting system only if it is satisfied that –

(a) the supplier of the electronic voting system is reputable and has the capability to supply, operate, maintain and provide rigorous oversight of the system, including performance monitoring;

(b) the electronic voting system –



- 
- (i) incorporates suitable measures and authentication protocols to protect the integrity and confidentiality of the voting process;
  - (ii) is designed to ensure accuracy, security, and transparency of the voting process, including post-election audits;
  - (iii) is accessible to all eligible voters, regardless of their physical or cognitive ability;
  - (iv) provides mechanisms to deal with complaints relating to the operation of the system, including procedures for resolving disputes and addressing concerns about the accuracy and security of the system;
  - (v) is able to generate paper backups or printed receipts to verify and audit the electronic vote count; and
  - (vi) complies with all applicable technical standards and requirements to ensure reliability, accessibility, and usability.

(5) In selecting and approving an electronic voting system the Commission shall take into account the recommendations of the committee established pursuant to section 53(2).

**52.** (1) The Commission may by order published in the *Gazette* and on the website of the Electoral Office, declare that on and after a date stated in the order, elections shall be conducted by means of the approved electronic voting system.

Use of approved  
electronic voting system

(2) The Chief Elections Officer shall ensure that, on and after the date stated in the order published under subsection (1), elections are conducted by means of the approved electronic

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voting system, subject to such regulations as the Commission may prescribe.

Functions of  
Commission relating to  
system .

**53.** (1) The Commission shall –

- (a) disclose, in such manner as it thinks fit, information concerning the approved electronic voting system, including details of the contract with the supplier, system specifications, audit reports and election results;
- (b) implement comprehensive voter education programmes to provide information concerning the approved electronic voting system, including its use, operation and procedures;
- (c) develop and maintain a contingency plan to be implemented in the event of a malfunction or failure of the approved electronic voting system in an election, and such plan shall include procedures for resolving technical issues and implementing back-up systems; and
- (d) retain and dispose of data relating to voting, including electronic and paper-based records, in compliance with laws in force to protect the security and confidentiality of personal information.

(2) For the purposes of overseeing the adoption and implementation of an electronic voter registration system the Commission shall establish a technical committee of the Commission consisting of such members and officers of the Commission and representatives of such other agencies, institutions and stakeholders as the Commission may consider necessary.

(3) The Commission may make Regulations for the implementation of this Part and in particular, Regulations providing

for —

- (a) testing and certification of the approved electronic voting system;
- (b) mechanisms for the conduct of a system audit;
- (c) data storage and information security;
- (d) data retention and disposal;
- (e) access to the software source codes of the approved electronic voter system;
- (f) capacity-building of staff of the Commission and relevant stakeholders on the use of the approved electronic voting system;
- (g) telecommunication network for voter validation and result transmission;
- (i) the development, publication and implementation of a disaster recovery and operations continuity plan; and
- (j) the operations of the technical committee established under subsection (2).

## PART V

### ELECTION OFFENCES

**54.** (1) At any time between the opening and the closing of the poll on polling day —

Prohibition on sale, etc.  
of intoxicating liquor

- (a) no liquor shall be sold, offered for sale or given away, at any premises situated in a constituency

Chap. 70.03.

in which an election is being held and to which a licence issued under the Liquor Licences Act applies; and

(b) no liquor shall be supplied to any person at any premises situated in a constituency in which an election is being held and to which a licence issued under the Liquor Licences Act applies.

(2) Any person who contravenes subsection (1) (a) or (b) commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding six months.

Chap. 70.03.

(3) In this section “ liquor” has the same meaning as is assigned to the expression in the Liquor Licences Act.

Employers to allow  
employees time to vote.

**55.** (1) Every employer shall, on polling day, allow to every elector in his or her employment the prescribed period for voting, and no employer shall make any deduction from the pay or any other remuneration of any such elector or impose upon or exact from an elector any penalty on account of 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 an elector in his or her employment of the prescribed period for voting as provided in subsection (1) commits an offence, and is liable on summary conviction to a fine of not exceeding five thousand dollars or to imprisonment for a term not exceeding six months.

Offences by election  
officers.

**56.** Every election officer who –

(a) makes in any record, return or other document that he or she is required to keep or make under this Act, any entry that he or she knows or has

reasonable cause to believe to be false, or does not believe to be true;

- (b) permits any person who he or she knows or has reasonable cause to believe not to be a blind person or an incapacitated person to vote in the manner provided for blind persons or incapacitated persons, as the case may be;
- (c) refuses to permit any person whom he or she knows or has reasonable cause to believe to be a blind person or an incapacitated person to vote in the manner prescribed for blind persons or incapacitated persons, as the case may be;
- (d) wilfully prevents any person from voting at the polling station at which he or she knows or has reasonable cause to believe such person is entitled to vote;
- (e) wilfully rejects or refuses to count any ballot paper that he or she 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 or she knows or has reasonable cause to believe was not validly cast for such candidate,

commits an offence and on conviction on indictment is liable to imprisonment for a term not exceeding two years.

**57.(1)** No person shall furnish or supply any loudspeaker, bunting, ensign, standard, or set of colours, or any other flag, to any person with intent that it shall be carried, worn or used in motor cars, trucks or other vehicles on polling day as political propaganda,

Loudspeakers, banners, etc., prohibited 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 –

(a) shall furnish or supply any flag, ribbon, label or like favour to or for any person with intent that it should be worn or used by any person within any constituency on polling day, as a party badge to distinguish the wearer as the supporter of a candidate, or of the political or other opinions entertained or supposed to be entertained by such candidate; or

(b) shall use or wear any flag, ribbon, label or like favour as such badge, within any constituency on polling day.

(3) Nothing contained in subsection (1) or (2) shall be deemed to extend to -

(a) the furnishing or supplying of any banner bearing only the name of a candidate or only such name preceded by the words “Vote for” or of any rosette or any favour bearing the symbol allotted to a candidate; or

(b) the use of any such banner on any vehicle or of any such rosette or favour.

(4) A person who contravenes any of the provisions of this section commits an offence and is liable on summary conviction to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding one year.

**58.** (1) Subject to the provisions of subsection (2), during the hours when the poll is open on election day persons shall not assemble or congregate within one hundred yards of any building in which any polling station is situated.

Maintenance of order at polling station.

(2) The provisions of subsection (1) shall not apply -

(a) to electors who are awaiting to cast their votes at the polling station and who obey any instructions that may be given by the presiding officer or any constable for the purpose of forming a queue with other electors also waiting; or

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

(3) Every person who contravenes or fails to comply with the provisions of this section commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars and to imprisonment for a term not exceeding six months.

**59.** (1) During the hours that the poll is open on election day, no person shall on any public road or in any public place within one hundred yards of any building in which a polling station is situated, seek to influence an elector to vote for a candidate, not to vote for a candidate or to ascertain for what candidate an elector intends to vote or has voted.

Influencing, etc. electors in vicinity of polling station prohibited

(2) A person who contravenes the provisions of subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding three thousand dollars and to imprisonment for a term not exceeding six months.

**60.** A person commits the offence of bribery under this Act if the person corruptly -

Bribery.

- (a) directly or indirectly, by himself or herself or by any other person on his or her 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 an elector, or to or for any person on behalf of an elector, or to or for any other person in order to induce an elector to vote or refrain from voting, or corruptly does any such act as mentioned above on account of an elector having voted or refrained from voting at an election;
- (b) directly or indirectly, by himself or herself or by any other person on his or her behalf, gives or procures, or agrees to give or procure, or offers, promises, or promises to procure or to endeavour to procure, any office, place of employment to or for an elector, or to or for any person on behalf of an elector, or to or for any other person in order to induce such elector to vote or refrain from voting, or corruptly does any such act as mentioned above on account of any elector having voted or refrained from voting at an election;
- (c) directly or indirectly, by himself or herself or by any other person on his or her behalf, makes a gift, loan, offer, promise, procurement, or agreement 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 House of Assembly, or the vote of an elector at an election;
- (d) upon or in consequence of any such gift, loan, offer, promise, procurement, or agreement referred to in paragraph (c), procures or engages, promises or endeavours to procure the return of any person



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as an elected member of the House of Assembly or the vote of an elector at an election;

- (e) advances or pays, or causes to be paid any money to or to the use of any other person, with the intent that the money, or any part thereof, shall be expended in bribery at an 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) before or during an election, directly or indirectly, by himself or herself or by any other person on his or her behalf, receives, agrees, or contracts for any money, gift, loan or valuable consideration, office, place of employment for himself or herself or for any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at any such election; or
- (g) after any election, directly or indirectly, by himself or herself or by any other person on his or her 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.

**61.** A person commits the offence of treating under this Act Treating.  
if the person -

- (a) corruptly, by himself or herself 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 the election, or on account of that person or any other person having voted or refrained from voting at the election; or

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

Undue influence.

**62.** A person commits the offence of undue influence under this Act if the person directly or indirectly, by himself or herself or by any other person on his or her behalf –

(a) makes use of or threatens any force, violence, or restraint or inflicts or threatens to inflict, by himself or herself 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 that person to vote or refrain from voting or on account of that person having voted or refrained from voting at an election; or

(b) by abduction, duress, or any fraudulent contrivance, impedes or prevents the free exercise of the franchise of an elector; or

(c) compels, induces, or prevails upon any elector either to give or refrain from giving his or her vote at an election.

Penalty for bribery, treating or undue influence.

**63.** A person who commits bribery, treating or undue influence under this Act is liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding six months.

Personation.

**64.** (1) A person commits the offence of personation under this Act if, at an election, the person –

- (a) applies for a ballot paper in the name of another person, whether the name is the name of a person living or dead, or of a fictitious person; or
- (b) having once voted at an election, applies at the same election for a ballot paper in his or her own name.

(2) A person commits an offence if the person aids, abets, counsel or procures the commission of the offence of personation.

(3) A person who commits an offence under this section is liable, on conviction on indictment to a fine not exceeding twenty-four thousand dollars or to imprisonment for a term not exceeding two years.

**65.** A person who is convicted of bribery, treating, undue influence, 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 of being –

Disqualification for bribery, etc.

- (a) registered as an elector or voting at any election of a member of the House of Assembly; or
- (b) elected a member of the House of Assembly or, if elected before conviction, of retaining a seat as such member.

**66.** (1) A person who -

Illegal practices.

- (a) votes, or induces or procures any person to vote, at any election, knowing that he or she or such other person is prohibited by this Act or by any law, from voting at such an 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; or
- (c) between the date of notification by the Chief Elections Officer of the issue by the President of a writ for purposes of an election and the day after polling at such 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 House of Assembly,

engages in an illegal practice that constitutes an offence under this Act, and such person is liable on summary conviction to a fine not exceeding five thousand dollars and is incapable, during a period of five years from the date of conviction, of being registered as an elector or voting at any election.

(2) A person who, between the date of notification by the Chief Elections Officer of the issue by the President of a writ for purposes of an election and the day after polling at such 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 business of a public meeting called for the purpose of promoting the election of a candidate as a member to serve in the House of Assembly, is guilty of an illegal practice and is liable, on conviction on indictment, to imprisonment for a term not exceeding two years, and is incapable, during a period of five years from the date of conviction, of being registered as an elector or voting at any election.

(3) Any person who, before or during any election, for the purpose of effecting the return of any candidate at the election,

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makes or publishes any false statement of fact in relation to the personal character or conduct of any candidate, engages in an illegal practice that constitutes an offence under this Act and such person is liable on summary conviction to a fine not exceeding five thousand dollars or imprisonment for a term not exceeding six months.

**67.** (1) Every person who -

Offences in respect of  
ballot paper.

- (a) forges or counterfeits, or fraudulently defaces or destroys, a ballot paper;
- (b) without due authority, supplies a ballot paper to any person;
- (c) fraudulently puts into any ballot box any paper other than the ballot paper that he or she is authorised by law to put in such box;
- (d) fraudulently takes out of the polling station any ballot paper;
- (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 an election;
- (f) not being duly registered as an elector, votes at an election; or
- (g) uses any recording device, cellular phone, camera or other photographic equipment in or on a polling station during the hours when balloting is being conducted at that polling station,

commits an offence and is liable on summary conviction, if the person is a returning officer, presiding officer, poll clerk or election

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officer employed at a polling station, to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding two years and, if the person is any other person, to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding one year.

(2) 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 the ballot boxes, ballot papers, or things may be stated to be in the returning officer at the election.

Obligation of secrecy.

**68.** (1) Every officer, clerk and agent in attendance at a polling station—

(a) shall maintain and aid in maintaining the secrecy of the voting in the station; and

(b) except for some purpose authorised by law before the poll is closed, shall not communicate to any person any information as to the name or number on the official list of electors of any elector who has or has not applied for a ballot paper or voted at that station.

(2) Every officer, clerk and 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 the counting as to the candidate or candidates for whom any vote is given in any particular ballot paper.

(3) No person shall interfere with or attempt to interfere with an elector when marking his or her vote or otherwise attempt to obtain in the polling station any information as to the candidate for whom any elector in the station is about to vote or has voted.

(4) No person, shall, directly or indirectly, induce a voter

to display his or her ballot paper after the voter has marked it so as to make known to any person the name of the candidate or candidates for whom or against whose name the voter has so marked his or her vote.

(5) Every person who acts in contravention of any of the provisions of this section commits an offence and is liable on summary conviction, if the person is a returning officer, presiding officer or clerk employed at a polling station, to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding two years and, if the person is any other person, to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding one year.

## PART VI

### ELECTION PETITIONS

**69.** A petition complaining of an undue return or undue election of a member of the House of Assembly, in this Act called an election petition, may be presented to the High Court by any one or more of the following persons -

Petition against  
disputed election.

- (a) a person who voted or had a right to vote at the election to which the petition relates;
- (b) a person claiming to have had a right to be returned at the election;
- (c) a person alleging that he or she was a candidate at the election.

**70.** (1) Every election petition shall be tried before the High Court in the same manner as a suit commenced by a writ of summons.

Trial of election petition.

(2) At the conclusion of the trial, the Judge shall determine whether the member of the House of Assembly whose return or election is complained of, or any other person and if so who, was duly returned or elected, or whether the election was void, and shall certify the determination to the President and, upon the certificate being given, the determination shall be final; and the return shall be confirmed or altered, or a writ for a new election shall be issued, as the case may require, in accordance with the determination.

Powers of Judge.

**71. At the trial of an election petition –**

- (a) the Judge shall, subject to the provisions of this Act and of any Proclamation to be made by the President, have the same powers, jurisdiction and authority as in a trial of a civil action in the High Court; and
- (b) witnesses shall be subpoenaed and sworn, in the same manner as nearly as circumstances will admit, as in a trial of a civil action in the High Court, and shall be subject to the same penalties for perjury.

Presentation of election petition.

**72. (1) The following provisions shall apply with respect to the presentation of an election petition -**

- (a) a petition shall be presented within twenty-one days after the return made by the returning officer of the member to whose election the petition relates, unless it concerns an allegation of corrupt practices on the making of the return of election and specifically alleges a payment of money or other reward to have been made by any member, or on his or her account, or with his or her privity, since the time of the return, in pursuance or in furtherance of the corrupt



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practices, in which case the petition may be presented at any time within twenty-eight days after the date of the payment;

(b) at the time of the presentation of the petition or within three days afterwards, security shall be given on behalf of the petitioner for the payment of all costs, charges and expenses that may become payable by the petitioner -

(i) to any person summoned as a witness on the petitioner's behalf; or

(ii) to the member whose election or return is complained of, or to any other person named as a respondent in the petition;

(c) the security shall be an amount not exceeding twelve hundred dollars and shall be given by recognizance to be entered into any number of sureties, not exceeding four, approved by the Registrar of the High Court, or by deposit of money in the High Court, or partly in one way and partly in the other.

(2) Rules, not inconsistent with the provision of this Act or any law, as to the deposit of security and the practice and procedure for the service and the hearing of election petitions and matters incidental thereto, may be made by the Chief Justice.

(3) The Rules contained in the Fourth Schedule shall have effect as if made under subsection (2) until Rules are made under that subsection, and the Rules contained in such Schedule may be amended or revoked by the Chief Justice.

Fourth Schedule.

## PART VII

## MISCELLANEOUS PROVISIONS

No obligation on voter to disclose vote.

**73.** In any legal proceedings to question the election or return, no person who has voted at an election shall be required to state for whom he or she voted.

Conclusiveness of official list.

**74.** At any election a person shall not be entitled to vote unless the person's name is on the official list of electors for the time being in force and every person whose name is on the official list shall, subject to the provisions of this Act, be entitled to demand and receive a ballot paper and to vote; but nothing in this section shall entitle any person to vote who is prohibited from voting by any Act, or relieve that person from any penalties to which he or she may be liable for voting.

Candidate may undertake duties of agent.

**75.** (1) A candidate may himself or herself undertake the duties which an agent of a candidate, if appointed, might have undertaken, or may assist the agent in the performance of such duties and may, subject to the provisions of this Act, be present at any place at which the agent may, in pursuance of this Act, attend, except when an open vote is being cast.

(2) In this section "open vote" means a vote cast as provided for in section 35(3)(a).

Name and address of agent.

**76.** The name and address of the agent of a candidate appointed to attend the final counting of the votes shall be transmitted to the returning officer at least one day before the opening of the poll; and the returning officer may refuse to admit to the place where the votes are counted any agent whose name and address has not been so transmitted, notwithstanding that the agent's appointment may be otherwise valid.

Absence of agents.

**77.** Where in this Act any expressions are used requiring or authorising or inferring that any act or thing is to be done in the

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presence of the agents of the candidates, such expressions shall be deemed to refer to the presence of the agents of the candidates as may be authorised to attend, and as have in fact attended, at the time and place where the act or thing is being done, and the non-attendance of any agents or agent at such time and place shall not, if the act or thing is otherwise duly done, in any way invalidate the act or thing done.

**78.** The Commission may at any election accredit persons as observers or media representative or any person or institution to report on an election.

Accreditation of  
observers, etc. by  
Commission

**79.** (1) The Commission may make Regulations generally for giving effect to the provisions of this Act and, without prejudice to such general power, may make Regulations with respect to –

Regulations.

- (a) the remuneration and travelling allowances to be paid to election officers;
- (b) the duties of the returning officers and the procedures to be followed in the performance of those duties;
- (c) the symbols to be used on every ballot paper and the mode of allocation of such symbols to candidates;
- (d) the supply of copies of the official list of electors and the persons to whom and the terms on which such list shall be distributed;
- (e) the type or description of a place to be used as the office of a returning officer and the criteria to be used in selecting such a place;

- (f) access to state owned media services by political parties and candidates, including the equitable allocation of air-time, from the beginning of the campaign period relating to an election in any constituency and ending with the declaration of the result of the election;
- (g) the approved electronic voting system;
- (h) the forms required to be prescribed for the purposes of the Act;
- (i) conduct at polling stations; and
- (j) any other matter required by this Act to be prescribed.

Third Schedule.

(2) Regulations contained in the Third Schedule shall have effect as if made under subsection (1) until regulations are made under that subsection, and the Regulations contained in such Schedule may be amended or revoked by the Commission.

Chap 3:01.

(3) Notwithstanding section 29(1)(b) of the Interpretation and General Clauses Act, regulations made under this section may provide that, in respect of a breach thereof, the offender shall be liable on summary conviction to such fine, not exceeding ten thousand dollars or to a term of imprisonment not exceeding nine months, as may be specified in the regulations.

Defray of certain expenses from general revenue.

**80.** All expenses properly incurred by, and all remuneration and travelling allowances payable to, election officers shall be defrayed out of general revenue.

Computation of time.

**81.** (1) In reckoning time for the purposes of this Act, Sunday shall be included but any other public holiday shall be excluded.

(2) Where anything required by this Act or any regulations or rules hereunder to be done on any day falls to be done on a

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Sunday or any such excluded day, that thing may be done on the next day not being one of such excluded days.

**82.** No elector who has refused to take any oath or affirmation or to answer any question as required by this Act, shall receive a ballot paper or be admitted to vote or be again admitted to the polling station.

Refusal of elector to take oath, etc.

**83.** Whenever the presiding officer does not understand the language spoken by an elector, the presiding officer shall appoint and swear or affirm an interpreter who shall be the means of communication between the presiding officer and the elector with reference to all matters required to enable such elector to vote, and in case no interpreter be found, such elector shall not be allowed to vote.

Appointment of interpreter.

**84.** (1) The House of Assembly (Electors) Act, (referred to in this section as the repealed Act) is hereby repealed.

Repeal and savings provisions.  
Chap. 2:01.

(2) Any proceedings in respect of an offence committed or alleged to be committed under the repealed Act may be instituted or, as the case may be, continued on or after the effective date as if the repealed Act had not been repealed.

(3) Where before the effective date an election petition was presented to the High Court in accordance with Part VI of the repealed Act but not determined before the effective date, the High Court shall deal with the petition as if the repealed Act had not been repealed.

(4) In this section “effective date” means the date on which this Act comes into force.

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**FIRST SCHEDULE**  
*(Sections 11(3), 45(1))***PART 1**  
*(Section 11(3))*

## HOUSE OF ASSEMBLY (ELECTIONS) ACT

## FORM OF WRIT OF ELECTION

**BY** \_\_\_\_\_ **HIS/HER**  
**EXCELLENCY**  
**PRESIDENT OF THE COMMONWEALTH OF**  
**DOMINICA.**  
**TO THE RETURNING OFFICER OF THE**  
 \_\_\_\_\_ **CONSTITUENCY**

**WHEREAS** by section 11 of the House of Assembly (Elections) Act it is provided that for the purposes of every general election of members of the House of Assembly, and for the purposes of the election of members to fill vacancies caused by death, resignation, or otherwise, the President shall issue writs under the Public Seal of the State, addressed to the returning officers of the respective constituencies for which members are to be returned:

\* **AND WHEREAS** I think it is expedient that writs should be issued for the election of members to serve in the House of Assembly:

\*\* **AND WHEREAS** the seat of the elected member for the constituency has become vacant in consequence of

\_\_\_\_\_  
**NOW, THEREFORE**, I, President as aforesaid, do hereby require that, notice of the time and place fixed for the nomination of candidates having been first duly given as required by law, you

do on the \_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ in the said constituency,  
cause election to be made according to law of a member to serve  
in the House of Assembly of the State the \_\_\_\_ day of  
\_\_\_\_\_ 20\_\_ and that you do cause the name of the  
member, when so elected, to be certified to me not later than the

\_\_\_\_\_  
Given under my hand and the Public Seal of the State this \_\_\_\_  
day of \_\_\_\_\_, 20\_\_.

- \* To be included in a writ for a general election.
- \*\* To be included in a writ for a by-election.

PART 2  
(Section 45(1))

HOUSE OF ASSEMBLY (ELECTIONS) ACT

RETURN AFTER POLL HAS BEEN TAKEN  
(Section 45)

I hereby certify that the member elected for the  
\_\_\_\_\_ constituency in pursuance of the within  
writ as having received the majority of votes lawfully given is

\_\_\_\_\_  
*(Name, address and occupation as stated in nomination  
paper)*

Dated at \_\_\_\_ this \_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
Returning Officer.

SECOND SCHEDULE

FORM OF OATHS

FORM 1  
(Section 5(2))

HOUSE OF ASSEMBLY (ELECTIONS) ACT

OATH OF RETURNING OFFICER

I, \_\_\_\_\_, having been appointed returning officer for the \_\_\_\_\_ Constituency, do swear/affirm that I will faithfully perform all the duties of a returning officer in accordance with the provisions of the House of Assembly (Elections) Act, and of any regulations and rules made thereunder to the best of my ability.  
SO HELP ME GOD

Signature of returning officer \_\_\_\_\_  
Sworn/Affirmed before me on this \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_

\_\_\_\_\_  
Justice of the Peace

\_\_\_\_\_



FORM 2  
(Section 6(3))

HOUSE OF ASSEMBLY (ELECTIONS) ACT

APPOINTMENT AND OATH OF ELECTION CLERK

**Appointment**

To \_\_\_\_\_ whose occupation is  
\_\_\_\_\_ and whose address is  
\_\_\_\_\_

**Take notice** that I hereby appoint you to be election clerk for the  
\_\_\_\_\_ constituency.

Given under my hand at \_\_\_\_\_ this \_\_\_\_\_ day of  
\_\_\_\_\_ in the year \_\_\_\_\_

\_\_\_\_\_  
Chief Elections Officer.

**Oath**

I, \_\_\_\_\_, the  
undersigned, having been appointed election clerk for the  
\_\_\_\_\_ constituency, do swear/  
affirm that I will act faithfully in the capacity of election clerk and  
also of that of returning officer, if required to act as such in  
accordance with the provisions of the House of Assembly  
(Elections) Act, and of any regulations or rules made thereunder,  
without partiality, fear, favour or affection, to the best of my  
ability.

2025 HOUSE OF ASSEMBLY ACT 2  
(ELECTIONS)

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**SO HELP ME GOD**

Signature of Election Clerk \_\_\_\_\_  
Sworn/Affirmed before me at \_\_\_\_\_ this \_\_\_\_\_ day of  
\_\_\_\_\_ in the year \_\_\_\_\_.

\_\_\_\_\_  
Justice of Peace

FORM 3  
(Section 8(3))

HOUSE OF ASSEMBLY (ELECTIONS) ACT

OATH OF PRESIDING OFFICER

I, \_\_\_\_\_, the undersigned, appointed presiding officer for polling station No. \_\_\_\_\_ of the \_\_\_\_\_ constituency, swear/affirm that I will act faithfully in the 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 or her ballot paper in my presence at this election.

**SO HELP ME GOD.**

Signature of Presiding Officer \_\_\_\_\_

Sworn/Affirmed before me at \_\_\_\_\_ this \_\_\_\_\_ day of  
\_\_\_\_\_ in the year \_\_\_\_\_

\_\_\_\_\_  
Justice of the Peace\

**OR**

\_\_\_\_\_  
Returning Officer

\_\_\_\_\_  
FORM 4  
(Section 9(2))

HOUSE OF ASSEMBLY (ELECTIONS) ACT

OATH OF POLL CLERK

I, \_\_\_\_\_, the undersigned, appointed as poll clerk for the polling station No. \_\_\_\_\_ of the \_\_\_\_\_ constituency, swear/affirm that I will act faithfully in my capacity of poll clerk and also 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 or her ballot paper in my presence at this election.

**SO HELP ME GOD**

Signature of poll clerk \_\_\_\_\_  
Sworn/Affirmed before me at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_

2025 HOUSE OF ASSEMBLY ACT 2  
(ELECTIONS)

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\_\_\_\_\_  
Presiding Officer

**OR**

\_\_\_\_\_  
Poll Clerk

\_\_\_\_\_  
FORM 5  
(Section 35(1))

HOUSE OF ASSEMBLY (ELECTIONS) ACT

OATH OF IDENTITY OF AN ELECTOR

You swear/affirm that you are

\_\_\_\_\_  
*(Name as in official list of electors)*

of

\_\_\_\_\_  
*(Address as in official list of electors)*

whose name is entered on the list of electors now shown you.

**SO HELP YOU GOD.**

Signature of elector \_\_\_\_\_

Sworn/Affirmed before me at \_\_\_\_\_ this \_\_\_\_\_ day of  
\_\_\_\_\_ in the year \_\_\_\_\_

\_\_\_\_\_  
Presiding Officer

FORM 6  
*(Section 35(3)(a))*

HOUSE OF ASSEMBLY (ELECTIONS) ACT

OATH OF INCAPACITATED ELECTOR

You swear/affirm that you are incapable of voting without assistance by reason of physical incapacity.

**SO HELP YOU GOD.**

Signature of elector \_\_\_\_\_  
Sworn/Affirmed before me at \_\_\_\_\_ this \_\_\_\_\_ day of  
\_\_\_\_\_ in the year \_\_\_\_\_

\_\_\_\_\_  
Presiding Officer

FORM 7  
*(Section 35(3)(b)(ii))*

HOUSE OF ASSEMBLY (ELECTIONS) ACT

OATH OF THE COMPANION OF INCAPACITATED  
ELECTOR

1. You swear/affirm that you will keep secret the name of the candidate for whom you mark the ballot paper of the physically incapacitated elector on whose behalf you act.
2. That you are a qualified person under section 35(4) of the Act to assist a physically incapacitated elector.
3. That you have not already acted as the companion of a physically incapacitated elector for the purpose of marking the elector's ballot paper at this election.

**SO HELP YOU GOD.**

Signature of companion of the elector \_\_\_\_\_

Sworn/Affirmed before me at \_\_\_\_\_ this \_\_\_\_\_ day of  
\_\_\_\_\_ in the year \_\_\_\_\_

\_\_\_\_\_  
Presiding Officer

\_\_\_\_\_

FORM 8  
*(Section 35(5))*

HOUSE OF ASSEMBLY (ELECTIONS) ACT

OATH OF BLIND ELECTOR

You ..... of .....  
swear/affirm that you are incapable of voting without assistance  
by reason of your inability to see.

**SO HELP YOU GOD.**

Mark/Signature of blind elector \_\_\_\_\_

Sworn/Affirmed before me at \_\_\_\_\_ this \_\_\_\_\_ day of  
\_\_\_\_\_ in the year \_\_\_\_\_

\_\_\_\_\_  
Presiding Officer

\_\_\_\_\_

FORM 9  
(Section 35(7))

HOUSE OF ASSEMBLY (ELECTIONS) ACT

OATH OF FRIEND OF BLIND ELECTOR

1. You swear/affirm that you will keep secret the name of the candidate for whom you mark the ballot paper of the blind elector on whose behalf you act.
2. That you have not already acted as the friend of a blind elector for the purpose of marking his or her ballot paper at this election.

**SO HELP YOU GOD.**

Signature of friend of blind elector \_\_\_\_\_

Sworn/Affirmed before me at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_

\_\_\_\_\_  
Presiding Officer

\_\_\_\_\_



FORM 10  
(Section 36(1))

HOUSE OF ASSEMBLY (ELECTIONS) ACT

OATH THAT THE ELECTOR IS THE PERSON  
INTENDED TO BE REFERRED TO IN THE OFFICIAL  
LIST OF ELECTORS

You swear/affirm that you are qualified to vote at this election of a member to serve in the House of Assembly and are not disqualified from voting thereat and that you verily believe that you are the person intended to be referred to by the entry in the official list of electors used at this polling station, of the name \_\_\_\_\_ whose occupation is given as \_\_\_\_\_ and whose address is given as \_\_\_\_\_.

**SO HELP YOU GOD.**

Signature of elector \_\_\_\_\_

Sworn/Affirmed before me at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_

\_\_\_\_\_  
Presiding Officer

\_\_\_\_\_

FORM 11  
(Section 36(3))

HOUSE OF ASSEMBLY (ELECTIONS) ACT

OATH OF QUALIFICATION

You swear/affirm

1. That you are a citizen of Dominica of the full age of eighteen years.
2. \*That you are a Commonwealth citizen and have resided in the State for a period of at least twelve months immediately prior to the date of your registration as an elector.
3. \*That you are domiciled in the State and were resident in the State at the date of your registration as an elector.
4. That you have resided in the ..... constituency for a period of at least three months prior to the date of your registration as an elector.
5. That you are not within any of the classes of persons who lack qualification or are disqualified by reason of crime or mental incapacity.
6. That you are not disqualified by any law in force in the State relating to offences connected with elections.
7. That you are not the returning officer for this constituency.

**SO HELP YOU GOD.**

Signature of elector \_\_\_\_\_

Sworn/Affirmed before me at \_\_\_\_\_ this \_\_\_\_\_ day of  
\_\_\_\_\_ in the year \_\_\_\_\_

\_\_\_\_\_  
Presiding Officer

\*Note - Paragraph 3 is alternative to paragraph 2.

\_\_\_\_\_

FORM 12  
(Section 36(5))

HOUSE OF ASSEMBLY (ELECTIONS) ACT

OATH OF PERSON WHOSE NAME APPEARS IN THE REGISTER OF ELECTORS AND WHO IS UNABLE TO PRODUCE HIS VOTER IDENTIFICATION CARD

- I ..... swear/  
affirm
1. That I am domiciled in the State and was resident in the State at the date of my registration as an elector.
  2. That I have not applied for registration in any other polling district.
  3. That I am the same person whose name appears in the register of electors for polling district No. .... of .....
  4. That I am unable to produce my voter identification card.
  5. \*That a voter identification card has not been delivered to me.
  6. \*That a voter identification card was delivered to me and it was lost/destroyed.

**SO HELP YOU GOD.**

Signature of elector \_\_\_\_\_

Sworn/Affirmed before me at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_

\_\_\_\_\_  
Presiding Officer

\* Delete as appropriate

\_\_\_\_\_

FORM 13  
(Section 37(2))

HOUSE OF ASSEMBLY (ELECTIONS) ACT

OATH OF AGENT OF A CANDIDATE

I, \_\_\_\_\_ the undersigned, agent for \_\_\_\_\_ one of the candidates at the election of member of the House of Assembly held on this day in the \_\_\_\_\_ constituency, do swear/affirm that I will keep secret the names of the candidates for whom any elector voting at this polling station marks his or her ballot paper in my presence at this election.

**SO HELP ME GOD.**

\_\_\_\_\_  
Signature of Agent.

Sworn/Affirmed before me at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_

\_\_\_\_\_  
Returning Officer for the \_\_\_\_\_ constituency  
or

\_\_\_\_\_  
Justice of the Peace  
or

\_\_\_\_\_  
Presiding Officer for polling district No. \_\_\_\_\_ of the \_\_\_\_\_ constituency.

\_\_\_\_\_

FORM 14  
(Section 40(1))

HOUSE OF ASSEMBLY (ELECTIONS) ACT

OATH OF PRESIDING OFFICER AFTER COUNTING  
OF VOTES

I, \_\_\_\_\_ the undersigned, presiding officer for polling station No. ....of the \_\_\_\_\_ constituency, do swear/affirm that to the best of my knowledge and belief this poll book kept for the said polling station under my direction has been so kept correctly and that the total number of votes recorded therein is \_\_\_\_\_ and that it contains a true and exact record of the votes given at the said polling station as the said votes were taken thereat; and that I have faithfully performed all duties required of me by law.

\_\_\_\_\_  
Presiding Officer.

Sworn/Affirmed before me at \_\_\_\_\_ this  
\_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_

\_\_\_\_\_  
Poll Clerk.

\_\_\_\_\_

2025 HOUSE OF ASSEMBLY ACT 2  
(ELECTIONS)

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FORM 15  
(Section 40(1))

HOUSE OF ASSEMBLY (ELECTIONS) ACT

OATH OF POLL CLERK AFTER COUNTING OF VOTES

I, \_\_\_\_\_ the undersigned,  
poll clerk for polling station  
No. \_\_\_\_\_ of the \_\_\_\_\_ constituency, do  
swear/affirm that this poll book for the said polling station kept  
under the direction of \_\_\_\_\_ who has acted  
as presiding officer thereat has been so kept by me under the  
presiding officer's direction correctly and to the best of my skill  
and judgment, that the total number of votes recorded therein  
is \_\_\_\_\_ and that to the best of my knowledge and belief it  
contains a true and exact record of the votes given at the above-  
mentioned polling station as the said votes were taken thereat by  
the said presiding officer and that I have faithfully performed all  
other duties as a poll clerk according to law.

\_\_\_\_\_  
Poll Clerk.

Sworn/Affirmed before me at \_\_\_\_\_ this  
\_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_

\_\_\_\_\_  
Presiding Officer

\_\_\_\_\_

FORM 16  
(Section 40(4))

HOUSE OF ASSEMBLY (ELECTIONS) ACT

OATH OF MESSENGER SENT TO COLLECT  
BALLOT BOXES

I, \_\_\_\_\_ the undersigned,  
messenger appointed by \_\_\_\_\_ returning  
officer for the \_\_\_\_\_ constituency do swear/  
affirm that the several boxes to the number of \_\_\_\_\_ which  
were used at polling stations Nos. \_\_\_\_\_ of this constituency  
on polling day now delivered by me to \_\_\_\_\_,  
were handed to me by \_\_\_\_\_ and that the boxes  
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/Affirmed before me at \_\_\_\_\_ this  
\_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_

\_\_\_\_\_  
Returning Officer.

\_\_\_\_\_

**THIRD SCHEDULE***(Section 79 (2))***HOUSE OF ASSEMBLY (ELECTIONS)  
REGULATIONS, 2025**

## ARRANGEMENT OF REGULATIONS

**PART I****PRELIMINARY**

1. Short title.
2. Interpretation.
3. Prescribed forms.

**PART II****PROVISIONS RELATING TO ELECTION OFFICERS**

4. Rates of pay and travelling allowances.
5. Duties of returning officer.

**PART III****ELECTIONS**

6. Notice of Elections
7. List to be supplied.
8. Nomination paper.
9. Declaration of candidate or agent.
10. Certificate of candidacy.
11. Return of candidate where election uncontested.
12. Notice of taking of the poll.
13. Withdrawal or death of candidate.
14. Ballot paper.



- 
15. Symbols for ballot paper.
  16. Printed directions for electors.
  17. Pollbook.
  18. Appointment of agent.
  19. Statement of the poll.
  20. Time-off for employees to vote.
  21. Repeal.  
First Schedule - *Forms*  
Second Schedule - *Symbols*

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**HOUSE OF ASSEMBLY (ELECTIONS)  
REGULATIONS, 2025**  
*(Made under section 79(2))*

**PART I**

**PRELIMINARY**

Short title.

**1.** These Regulations may be cited as the -

**HOUSE OF ASSEMBLY (ELECTIONS)  
REGULATIONS, 2025.**

Interpretation.

**2.** In these Regulations “the Act” means the House of Assembly (Elections) Act, 2025.

Prescribed forms.  
First Schedule.  
Forms

**3.** The forms prescribed in these Regulations are set out in the First Schedule.

**PART II**

**PROVISIONS RELATING TO ELECTION OFFICERS**

Rates of pay and  
travelling allowances.

**4.** (1) Election officers shall be paid such sums for their services in connection with an election as may be approved by the Electoral Commission.

(2) The Chief Elections Officer, the returning officer and the election clerk shall be paid travelling and subsistence allowances at the rate prescribed for public officers by the Travelling Allowances Regulations in force.

(3) There shall be paid to such other election officers, or to any other person whose services may be engaged by the Chief Elections Officer in connection with an election, such travelling allowances as the Chief Elections Officer may consider appropriate.

5. (1) On being appointed under the Act and having taken and subscribed the oath of office prescribed thereunder, a returning officer shall receive and endorse the writ of election and immediately thereafter shall issue the election notice and, subject to the approval of the Chief Elections Officer, make final selection of polling stations.

Duties of returning officer.

(2) A returning officer shall –

- (a) receive and study carefully the Act as well as the instruction books provided to returning officers, presiding officers and poll clerks (Books C and D);
- (b) receive and check the supplies to be used for the taking of the poll;
- (c) secure the necessary number of ballot boxes;
- (d) make a recommendation to the Chief Elections Officer for the selection and appointment of one presiding officer for each polling station and one poll clerk and assistant poll clerk for each station; and
- (e) send to every prospective candidate, one form of the nomination paper and one form of the statutory declaration required under the Act to be furnished by a candidate, and the statutory declaration required to be furnished by an agent in the absence of the candidate.

(3) A returning officer shall –

- (a) attend at the place fixed for nomination from 9:00 a.m. to 4:00 p.m. on nomination day;

- 
- (b) receive the nomination papers and statutory declaration of the candidate or of the candidate's agent, as the case may be with the requisite deposits;
  - (c) issue receipt certificates;
  - (d) supply forms to candidates for the appointment of agents;
  - (e) lodge deposits in the Treasury or Sub-Treasury; and
  - (f) undertake all other duties in connection with the nomination as directed by the Chief Elections Officer.

(4) Where there is only one candidate nominated, a returning officer shall dispatch to the Chief Elections Officer the returns necessary.

(5) Where a returning officer is required to give notice for which no procedure is laid down, the returning officer shall give the notice by posting it up in a conspicuous place outside of the polling stations and police stations within the constituency or in such other manner as the returning officer thinks fit, after consultation with the Chief Elections Officer.

(6) A returning officer shall –

- (a) make all arrangements for and supervise the taking of the poll on polling day; and
- (b) ensure that after the close of the poll on polling day the ballot boxes and the preliminary statements of the poll are collected.

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(7) On the evening of polling day a returning officer shall prepare the preliminary compilation of the votes polled and communicate the results as soon as available to the Chief Elections Officer.

(8) A returning officer shall –

- (a) add up the votes on the day fixed for that purpose by checking all the ballots cast for the candidates or which have been rejected by the presiding officers;
- (b) check and certify accounts for the election clerk, presiding officers, poll clerks, messengers or any other officers appointed to serve in the constituency for election purposes; and
- (c) endorse the return of the writ and forward it to the Chief Elections Officer with the other papers and accounts as directed by the Act.

(9) A returning officer shall perform such duties as the Chief Elections Officer may direct.

(10) A returning officer shall prepare a report to the Chief Elections Officer setting out —

- (a) the day on which the writ was received and endorsed;
- (b) the day on which the election notices were distributed;
- (c) the number of polling stations established in the constituency;

- (d) the nomination papers which were received and the nominations which were void, together with the causes for their being declared void;
- (e) the condition and number of ballot boxes and keys that were received;
- (f) the day or days on which the final addition of the votes was done;
- (g) the day on which the declaration of the candidates elected was made;
- (h) the name of the police officer in whose custody the ballot boxes were deposited;
- (i) any matter of particular significance relating to the polling and the counting of the votes.

### PART III

### ELECTIONS

- Notice of Election.
- Form 1.
- Lists to be supplied.
- 6.** A returning officer shall, in the form specified in Form 1 give notice of the issue by the President of a writ for holding elections and the time and place fixed for the nomination of candidates.
- 7.** (1) For the purpose of a general election, as many copies of each list of electors required for each polling station shall be supplied.
- (2) All election officers shall be entitled to as many copies as they require, and as are approved by the Chief Elections Officer.
- (3) Every prospective candidate shall be entitled to receive, free of cost, one full set of the official list of electors relating to the constituency for which the prospective candidate seeks election.

(4) Copies of the official lists of electors shall be sold to prospective candidates and to the general public at the rate of one dollar per page for the list of electors relating to any polling district.

**8.** The nomination of a person as a candidate for election shall be made in accordance with the Act in the form specified in Form 2.

Nomination paper.  
Form 2.

**9.** The statutory declaration required to be made by a candidate under the Act shall be in the form specified in Form 3 and where such declaration is made by the agent of the candidate, it shall be in the form specified in Form 4.

Declaration of candidate  
or agents.  
Form 4.

**10.** The certificate of candidacy issued by the returning officer to a candidate who has met all the requirements for nomination shall be in the form specified in Form 5.

Certificate of candidacy.  
Form 5.

**11.** Where in an election only one candidate is duly nominated, the returning officer shall certify the return of that candidate by endorsement on the writ of election in the form specified in Form 6.

Return of candidate  
where election  
uncontested.  
Form 6.

**12.** Where in an election more than one candidate is duly nominated, the returning officer shall give notice of the taking of the poll in the form specified in Form 7.

Notice of the taking of  
the poll.  
Form 7.

**13.** If a duly nominated candidate withdraws his or her candidature or dies, the returning officer shall forthwith, in the form specified in Form 8, notify the Chief Elections Officer.

Withdrawal or death of  
candiadate.  
Form 8.

**14.** The ballot paper to be used under the Act to take the poll shall be in the form specified in Form 9.

Ballot paper.  
Form 9.

**15.** (1) There shall be printed on every ballot paper opposite to the name of each candidate, one of the symbols shown in the

Symbols for ballot  
paper.

Second Schedule.

Second Schedule which shall be allotted to each candidate in the manner hereinafter provided.

(2) Where an application has been made to the Chief Elections Officer for a party symbol, then, if satisfied that the applicant is a recognised political party, the Chief Elections Officer shall allocate one of the symbols numbered 1 to 20 (inclusive) in the Second Schedule to such party and the official candidate or candidates of such party, in each constituency, shall be entitled to have the party symbol printed opposite his or her name.

(3) In the case of any other candidates, the Chief Elections Officer shall allocate one of the symbols numbered 21 to 66 in the Second Schedule to each such candidate; but the order in which the symbols are allocated shall correspond with the order in which the names of the candidates, excluding official party candidates, appear on the ballot paper.

Printed directions for electors.

Form 10.

**16.** The copies of the printed directions for the guidance of electors that the returning officer shall supply to each presiding officer at least two days before polling day shall be in the form specified in Form 10.

Poll book.  
Form 11.

**17.** The poll book to be used at an election conducted under the Act shall be in the form specified in Form 11.

Appointment of agent.  
Form 12.

**18.** Where a candidate appoints an agent, the appointment shall be in writing and in the form specified in Form 12.

Statement of the poll.

Form 13.

**19.** The statement of the poll that a presiding officer shall complete after the ballots are counted shall be in the form specified in Form 13.

Time-off for employees to vote.

**20.** On polling day an employer shall allow every employee who is an elector, a period of two hours absence from work for voting, and such period shall be in addition to the normal mid-day meal hour.



21. (1) The House of Assembly (Elections) Regulations made under section 74 of the repealed Act is hereby repealed. Repeal.

(2) In subregulation (1) the “repealed Act” means the House of Assembly (Elections) Act, Chap 2:01, repealed by the House of Assembly Elections Act, 2025.

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**FIRST SCHEDULE**

*(Regulation 3)*

FORM 1

*(Regulation 6)*

HOUSE OF ASSEMBLY (ELECTIONS) REGULATIONS  
2025

NOTICE OF ISSUE OF WRIT OF ELECTION AND OF  
TIME AND PLACE OF NOMINATION OF CANDIDATE

His/Her Excellency the President, having issued a writ for the holding of an election of a member of the House of Assembly for the ..... constituency, the returning officer of the said constituency will on the ..... day of ....., 20..... next ensuing, between the hours of nine a.m. and four p.m. at ..... proceed to the nomination and, if there is no opposition, to the election of a member for the ..... constituency.

Nomination papers may be obtained at the office of .....

2025 HOUSE OF ASSEMBLY ACT 2  
(ELECTIONS)

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at ..... between the hours of .....  
and ..... daily (Sunday excepted).

Every nomination paper must be signed by any six or more electors qualified to vote in the ..... constituency and be handed to the returning officer between the said hours of nine a.m. and four p.m.

A nomination paper shall be void unless it is accompanied by -

- (a) the statutory declaration under section 14(5) of the Act;
- (b) the statutory declaration required by section 14(5); and
- (c) a deposit of five hundred dollars in cash.

In the event of an election being contested the poll will take place between the hours of seven a.m. and five p.m. on ..... and the preliminary counting of votes will take place immediately thereafter at the respective polling stations and the final counting of votes will take place at ..... on ..... at the hour of ..... and at such places as may hereafter be appointed.

The office of the returning officer for the ..... constituency is situated at

.....

.....Signature.....  
Signature

Returning Officer for the ..... constituency.

Date .....

\_\_\_\_\_

FORM 2  
(Regulation 8)

HOUSE OF ASSEMBLY (ELECTIONS) REGULATIONS,  
2025

NOMINATION PAPER

We, the undersigned, electors for the ..... constituency do hereby nominate .....whose address is ..... and whose occupation is ..... as a candidate for election to serve as a member of the House of Assembly for the said ..... constituency.

We certify that to the best of our belief the person is qualified for election as a member of the House of Assembly under the conditions prescribed by section 31 of the Constitution.

Registration Number	Full Name	Signature

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 ..... constituency. My address for serving of process and papers under the House of Assembly (Elections) Act, and other contact information is —

Address .....

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(ELECTIONS)

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Telephone Number .....

Email Address .....

Witness under my hand this ..... day of .....,  
20.....

Signed by the said nominee in the presence of .....

.....  
Signature of Candidate

.....  
Signature of Witness

---

FORM 3  
(Regulation 9)

HOUSE OF ASSEMBLY (ELECTIONS) REGULATIONS  
2025

STATUTORY DECLARATION OF A PERSON  
NOMINATED AS A CANDIDATE FOR ELECTION

Qualification of ..... of  
..... in the ..... of  
..... nominated as a candidate for election as a  
member of the House of Assembly for the .....  
constituency.

I, ..... of ..... in the  
..... of ..... do solemnly and sincerely declare  
as follows:

That I am duly qualified to be elected as a member of the House  
of Assembly for this constituency and that—

1. I am a citizen of Dominica of the age of eighteen years\* over the age of eighteen years.\*

2. I have resided in the State for a period of twelve months immediately before the date of my nomination for election.

\*I am domiciled in the State and was resident therein at the date of my nomination for election.

3. I am able to speak and read the English language with a degree of proficiency sufficient to enable me to take an active part in the proceedings of the House of Assembly.

\*Delete if inapplicable.

\*I am able to speak the English language with a degree of proficiency sufficient to enable me to take an active part in the proceedings of the House of Assembly, but am incapable on account of ..... of reading it.

4. I am not, by virtue of my own act, under any acknowledgement of allegiance, obedience or adherence to a foreign Power or State.

5. I do not hold nor am I acting in any office of emolument in the service of the State.

6. I am not a Minister of religion.

7. I am not an undischarged bankrupt under any law in force in any part of the Commonwealth.

8. I am not a party to or a partner in any firm or a director or manager of any company which is a party to any contract with the State for or on account of the public service.

\*I am a party to \*/a partner in a firm \*/a director of a company \*/a manager of a company\* which is party to a contract with the State for or on account of the public service and have published in the English language in the Gazette and in a newspaper

circulating in the constituency a notice setting out the nature of such contract and \*/my interest, \*the interest of my firm \*/ company therein.

9. I am not a person adjudged to be of unsound mind nor detained as a person found guilty but insane of a criminal offence under any law in force in the State.

10. I have not been sentenced by a Court in any part of the Commonwealth to death or to imprisonment (by whatever name called) for a term exceeding twelve months.

\*I have been sentenced by a Court in ..... a part of the Commonwealth, to imprisonment for a term exceeding twelve months and have suffered the punishment to which I was sentenced.

\*I have been sentenced by a Court in ..... a part of the Commonwealth, to death, and have suffered the punishment substituted therefor by competent authority.

\*I have been sentenced by a Court in ..... a part of the Commonwealth, to imprisonment for a term exceeding twelve months and did not suffer the punishment to which I was sentenced, but have suffered the punishment substituted therefor by competent authority.

\*Delete if inapplicable.

\*I have been sentenced by a Court in ..... a part of the Commonwealth, to death \*/ to imprisonment for a term exceeding twelve months \*/but was granted a free pardon.

11. I am not disqualified for membership of the House of Assembly by any law in force in the State relating to offences connected with elections.

I make this declaration conscientiously, believing the same to be true and according to the Statutory Declarations Act, Ch. 5:53 and I am aware that if there is any statement in this declaration which is false in fact which I know or believe to be false or do not believe to be true I am liable to fine and imprisonment.

Signature of Declarant: .....  
Declared before me this ..... day of ....., 20.....  
Signed .....

FORM 4  
(Regulation 9)

HOUSE OF ASSEMBLY (ELECTIONS) REGULATIONS  
2025

STATUTORY DECLARATION OF AGENT OF A  
PERSON NOMINATED AS A CANDIDATE

Qualification of ..... of  
..... in the ..... of  
..... nominated as a candidate for election as a  
member of the House of Assembly for the .....  
constituency.

I, ..... of ..... in  
the ..... of ..... do solemnly and sincerely  
declare as follows:

That ..... is duly qualified to be elected as a member  
of the House of Assembly for this constituency, and that—

- 1. He/She is a citizen of Dominica of the age of eighteen  
years\* over the age of eighteen years.\*

---

\*Delete if inapplicable.

2. He/She has resided in the State for a period of twelve months immediately before the date of his/her nomination for election.

\*He/She is domiciled in the State and was resident therein at the date of his nomination for election.

3. He/She is able to speak and read the English language with a degree of proficiency sufficient to enable him/her to take an active part in the proceedings of the House of Assembly.

\*He/She is able to speak the English language with a degree of proficiency sufficient to enable him/her to take an active part in the proceedings of the House of Assembly, but is incapable on account of ..... of reading it.

4. He/She is not, by virtue of his/her own act, under any acknowledgement of allegiance, obedience or adherence to a foreign Power or State.

5. He/She does not hold nor is acting in any office of emolument under the State.

6. He/She is not a Minister of religion.

7. He/She is not an undischarged bankrupt under any law in force in any part of the Commonwealth.

8. He/She is not a party to or a partner in any firm or a director or manager of any company which is a party to any contract with the State for or on account of the public service.

\*He/She is a party to \*/a partner in a firm \*/a director of a company \*/a manager of a company\* which is party to a contract with the State for or on account of the public service and has published in the English language in the Gazette and in a newspaper circulating in the constituency a notice setting out the nature of such contract and \*/his/her interest, \*/the interest of his/her firm \*/company therein.



9. He/She is not a person adjudged to be of unsound mind nor detained as a person found guilty but insane of a criminal offence under any law in force in the State.

10. He/She has not been sentenced by a Court in any part of the Commonwealth to death or to imprisonment (by whatever name called) for a term exceeding twelve months.

\*He/She has been sentenced by a Court in ..... a part of the Commonwealth, to imprisonment for a term exceeding twelve months and has suffered the punishment to which he/she was sentenced.

\*He/She has been sentenced by a Court in ..... a part of the Commonwealth, to death, and has suffered the punishment substituted therefor by competent authority.

\*Delete if inapplicable.

\*He/She has been sentenced by a Court in ..... a part of the Commonwealth, to imprisonment for a term exceeding twelve months and did not suffer the punishment to which he was sentenced, but has suffered the punishment substituted therefor by competent authority.

\*He/She has been sentenced by a Court in ..... a part of the Commonwealth, to death \*/to imprisonment for a term exceeding twelve months \*/ but was granted a free pardon.

11. He/She is not disqualified for membership of the House of Assembly by any law in force in the State relating to offences connected with elections.

2025 HOUSE OF ASSEMBLY ACT 2  
(ELECTIONS)

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I make this declaration conscientiously, believing the same to be true and according to the Statutory Declarations Act, Ch. 5:53 and I am aware that if there is any statement in this declaration which is false in fact which I know or believe to be false or do not believe to be true I am liable to fine and imprisonment.

Signature of Declarant.....

Declared before me this ..... day of  
....., 20.....

Signed .....

---

FORM 5  
(Regulation 10)

HOUSE OF ASSEMBLY (ELECTIONS) REGULATIONS,  
2025

CERTIFICATE OF CANDIDACY

I .....  
Returning Officer for .....constituency do  
hereby certify that ..... of ID  
No./Passport No. .... has been duly nominated as a  
candidate in an election to be held in the said constituency for  
membership of the House of Assembly.

Dated this ..... day of ..... 20 .....

Signature: .....  
Returning Officer

---

FORM 6  
*(Regulation 11)*

HOUSE OF ASSEMBLY (ELECTIONS) REGULATIONS  
2025

RETURN OF UNCONTESTED ELECTION

To: Chief Elections Officer

I hereby certify that the member elected for the  
..... constituency in pursuance of the within  
writ is: .....

.....  
.....

(Insert name, address and occupation of member)  
No other candidate having been nominated.

Dated at ..... this ..... day of ....., 20....

.....  
Returning Officer

FORM 7  
*(Regulation 12)*

HOUSE OF ASSEMBLY (ELECTIONS) REGULATIONS  
2025

NOTICE OF GRANT OF A POLL

The ..... constituency.

**NOTICE** is hereby given to the electors of the constituency aforesaid that a poll has been granted for the election now pending for the said constituency and that such poll will be opened on the ..... day of ....., 20.... at the hour of seven in the forenoon and kept open till the hour of five in the afternoon in the following polling stations established in the various polling districts comprised in the said constituency:

Polling stations —

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

And that the candidates in the above constituency are as follows:

Candidates —

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

And that the number of votes given to the several candidates will be counted at ..... commencing at ..... o'clock on the ..... day of ..... of which all persons are hereby required to take notice and govern themselves accordingly.

Given under my hand at ..... this ..... day of ....., 20....

.....

Returning Officer

\_\_\_\_\_

FORM 8  
*(Regulation 13)*

HOUSE OF ASSEMBLY (ELECTIONS) REGULATIONS  
2025

RETURN WHERE CANDIDATE WITHDRAWS OR DIES

To: Chief Elections Officer.

I hereby certify that the member elected for the  
..... constituency in pursuance of the  
within writ is .....  
(Insert name, address and occupation of member elected)  
.....  
(as stated on the nomination paper)  
the other or all other candidates having withdrawn\* or died.\*  
(\*Strike out what does not apply)

Dated at ..... this ..... day of  
..... 20.....

.....  
Returning Officer

FORM 9  
(Regulation 14)

HOUSE OF ASSEMBLY (ELECTIONS) REGULATIONS  
2025

BALLOT PAPER

No.  
6700

No. 6700

GENERAL  
ELECTION.....  
constituency  
Voter's number on roll  
.....

Polling Day .....

Space for initial of P.O.

DO NOT FOLD BEYOND THIS LANE

1. BISHOP, CONRAD D. Queen Mary Street, Plant.	Symbol  (Hammer)
2. O'NELALE, FRANCES. Pottersville, Mechanic.	Symbol  (Ship)
3. ROBINSON, GEORGE. Newton, Merchant.	Symbol  (Hand)

-----

FORM 10  
(Regulation 16)HOUSE OF ASSEMBLY (ELECTIONS) REGULATIONS  
2025

## DIRECTIONS TO ELECTORS

- Each elector may vote at one polling station and for only one candidate.
- The elector will go into one of the compartments and with a black lead pencil there provided, place a cross within the white space containing the name of the candidate for whom he or she votes, thus: X.
- The elector shall then fold the ballot paper so that the initials of the presiding officer and the number of the counterfoil can be seen and the counterfoil detached without opening the ballot paper.
- The elector shall then return the ballot paper so folded to the presiding officer who shall in full view of those present, including the elector, remove the counterfoil and place the ballot paper in the ballot box.
- The elector shall then forthwith quit the polling station.
- 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 the elector another ballot paper.
- 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, the elector's vote will be void and will not be counted.

In the following form of ballot paper, given for illustration, the candidates are Conrad D. Bishop, Frances O'Neale, and George Robinson, and the elector has marked the ballot paper in favour of Frances O'Neale.

2655

GENERAL ELECTION .....  
..... consistency

Polling Day:

SPACE FOR INITIAL OF  
P.O.

DO NOT FLD BEYOND THIS LINE

1. BISHOP, CONRAD D. Queen Mary Street, Plant.	Symbol
2. O'NELALE, FRANCES. Pottersville, Mechanic.	Symbol
3. ROBINSON, GEORGE. Newton, Merchant.	Symbol



FORM 11  
(section 32)  
HOUSE OF ASSEMBLY (ELECTIONS) ACT (CH. 2:01)

POLL BOOK

Consecutive number given each elector as he applies for ballot.	Particulars of elector						Particulars of persons applying for ballot papers after another person has voted as such person			Remarks			
	Name of elector	Occupation	Postal address	Registration No. of elector on List of Electors	Form numbers of oaths if any elector is required to swear	(a) Record that oath sworn or refused	(b) Record that elector has voted	Name	Registration number given each elector as he applies for ballot.		Record that oath sworn		

(a) if sworn insert "sworn", and number of the oath; if refused insert "refused to be sworn".  
(b) when ballot put into Ballot Box insert "word".

2025 HOUSE OF ASSEMBLY ACT 2  
(ELECTIONS)

FORM 12  
(Regulation 18)

HOUSE OF ASSEMBLY (ELECTIONS) REGULATIONS  
2025

APPOINTMENT OF AGENT BY CANDIDATE

I, ..... nominated as a candidate in an election for membership of the House of Assembly for the ..... constituency, do hereby appoint ..... whose address is ..... and whose occupation is ..... as my agent\* for the purposes of the proceedings at polling station No. .... and to attend the preliminary count of votes by the presiding officer and the final count of votes by the returning officer\*\*

.....  
Signature of Candidate.

\*\* Indicate as appropriate.

FORM 13

HOUSE OF ASSEMBLY (ELECTIONS) REGULATIONS  
2024  
(Regulation 19)

STATEMENT OF THE POLL AFTER COUNTING THE  
BALLOTS

..... constituency. Polling station No. ....

Number of ballot papers received from the returning officer .....		.....
.....		
Number of ballot papers cast for .....	.....	

do. do. do. ....	.....	
do. do. do. ....	.....	
do. do. do. ....	.....	
do. do. do. ....	.....	
do. do. do. ....	.....	
do. do. do. ....	.....	
do. do. do. ....	.....	
Number of *rejected ballot papers	.....	
Total number of ballot papers found in box ..... ..		
Number of unused ballot papers undetached from the books .... ..		
Number of †spoiled ballot papers .....		
Total ..... ..		

\*A rejected ballot paper means a ballot paper which has been handed by the presiding officer to an elector to cast his or her vote but which at the close of the poll, has been found in the ballot box unmarked or so improperly marked that it cannot be counted.

†A spoiled ballot paper means a ballot paper which, on polling day, has not been deposited in the ballot box, but has been found by the presiding officer to be spoiled or improperly printed or which has been handed by the presiding officer to an elector to cast his or her vote, and (a) has been spoiled in marking by the elector, and (b) has been handed back to the presiding officer and exchanged for another.

Number of names on official list of electors used at the poll  
.....

I hereby certify that the above statement is correct.

Dated at ..... this ..... day of  
....., 20.....

.....  
Presiding Officer

-----

## SECOND SCHEDULE

*(Regulation 15)*

## SYMBOLS TO BE USED ON BALLOT PAPER

1		HAND	9		KNIFE
2		HAT	10		TREE
3		BOTTLE	11		BIRD
4		HAMMER	12		BICYCLE
5		SHOE	13		CAR
6		SAW	14		SHIP
7		CLOCK	15		TEACUP
8		FORK	16		HEART

17. Head



26. Umbrella



18. Rooster



27. Frog



19. Cow



28. Bulb



20. Gate



29. Chair



21. House



30. Kettle



22. Star



31. Fan



23. Torch



32. Book



24. Key



33. Cutlass



25. Spoon



34. Arrow



35. Chain



43. Pineapple



36. Scooter



44. Breadfruit



37. Computer



45. Television



38. Phone



46. Robot



39. Guitar



47. Football



40. Pencil



48. Plane



41. Ruler



49. Sun



















42. Eraser



50. Crab



- |                |   |                |  |
|----------------|---|----------------|--|
| 51. Trumpet    |    | 59. Radio      |      |
| 52. Microphone |    | 60. Cat        |      |
| 53. Accordion  |    | 61. Dog        |      |
| 54. Pipe       |    | 62. Horse      |      |
| 55. Box        |  | 63. Lion       |    |
| 56. Rabbit     |  | 64. Bat        |    |
| 57. Briefcase  |  | 65. Calculator |    |
| 58. Ladder     |  | 66. Banana     |  ” |

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**FOURTH SCHEDULE***(Section 72(2))***HOUSE OF ASSEMBLY (ELECTION PETITION)  
RULES, 2025**

## ARRANGEMENT OF RULES

## RULE

1. Short title.
2. Interpretation.
3. The petition.
4. Evidence not to be stated.
5. Petitioner to give address for service.
6. Presentation of petition.
7. Publication of Notice of petition.
8. Service of petition.
9. Security for costs.
10. Removal of objection where security declared insufficient.
11. When petition at issue.
12. Amendment of petition.
13. Withdrawal of petition.
14. Substitution of new petitioner.
15. Abatement of petition.
16. Addition or substitution of respondent.
17. Notice of intention not to oppose petition.
18. Respondent not opposing not to appear as party.
19. Several petitions as to the same election.
20. Notice of recrimination when petition complains of undue return and claims seat.
21. Returning officer as respondent.
22. Petition complaining of no return.
23. Mode of trial of petitions.



- 
24. Power to reserve question of law for Court of Appeal.
  25. Evidence of corrupt practice receivable before proof of agency.
  26. Witnesses.
  27. General costs of petition.
  28. Application of Eastern Caribbean Supreme Court Civil Procedure Rules.
  29. Forms.
- SCHEDULE.
- 

**HOUSE OF ASSEMBLY (ELECTION PETITION)  
RULES**

*(Made under section 72)*

1. These Rules may be cited as the—

Short title.

**HOUSE OF ASSEMBLY (ELECTION PETITION)  
RULES, 2025.**

2. In these Rules, unless the context otherwise requires—

Interpretation.

“Act” means the House of Assembly (Elections) Act;

“corrupt practice” means bribery, treating, undue influence, personation or any other offence defined or recognised as a corrupt practice by the law of the Commonwealth of Dominica;

“Court” means the High Court of the Eastern Caribbean Supreme Court established by the Supreme Court Order;

“Court of Appeal” means the Court of Appeal of the Eastern

Caribbean Supreme Court established by the Supreme Court Order;

“court office” means the Registry of the High Court;

“election petition” or “petition” means an election petition or petition complaining of an undue return or undue election of a member of the House of Assembly presented to the High Court under the House of Assembly (Elections) Act and these Rules;

“judge” means a judge of the Court and includes the Chief Justice, any Puisne Judge and any acting Chief Justice or acting Puisne Judge;

“petitioner” means a person who presents a petition to the High Court under these Rules;

“Registrar” means the Registrar of the High Court;

“respondent” means a person against whom a petition is presented to the High Court;

“returning officer” means the returning officer for the constituency to which the petition relates;

“writ” means the writ for an election.

The petition.

**3.** A petition shall be set out as in Form 1 in the Schedule and shall —

(a) be signed by the petitioner or by all the petitioners if more than one;

(b) state the right of the petitioner to petition within section 91 of the Act;

- (c) state the date and result of the election to which the petition relates;
- (d) state the grounds on which relief is sought, setting out with sufficient particularity the facts relied on to sustain the prayer, but not the evidence by which they are to be proved;
- (e) be divided into consecutively numbered paragraphs, each of which, as much as possible, confined to a distinct portion of the subject; and
- (f) conclude with a prayer, setting out particulars of the relief sought as for instance, that a specified person should be declared unduly returned or elected, or that the election should be declared void, or that a return may be enforced.

4. (1) Evidence shall not be stated in the petition, but the judge may, on application, order such particulars as may be necessary to prevent surprise and unnecessary expense and to ensure a fair and effectual trial, in the same way as in ordinary proceedings in the Court, and on terms as to costs and otherwise as may be ordered.

Evidence not to be stated.

(2) Where an allegation is made against a person or persons for the commission of an election offence under the Act, the particulars which may be requested shall include—

- (a) the names of all the persons in the petition against whom the alleged election offence was committed;
- (b) the name, address, telephone number and occupation of the person or persons who are alleged to have committed the election offence, as they appear on the register of electors prepared under the Registration of Electors Act; and

(c) the time when and the place or places where each offence is alleged to have been committed and the amount and nature.

(3) In any case in which the judge orders that particulars of any allegation made in a petition be delivered to the respondent, the judge may fix the time within which the particulars shall be delivered and may also order that the petitioner, at the trial of the petition, may be precluded from going into any case in respect of which the particulars have not been duly delivered, unless it is otherwise ordered.

Petitioner to give address for service.

5. The petitioner shall, in his or her petition, give the name and address of a legal practitioner whom the petitioner authorises to act on his or her behalf, or state that the petitioner acts for himself or herself and, in either case, give an address for service within three miles of the office of the Registrar.

Presentation of petition.

6. (1) A petition shall be presented in accordance with the Act.

(2) The petitioner shall file the petition along with three copies of it at the court office and the Registrar or his or her deputy or clerk shall give a receipt for it, if required to do so.

Publication of notice of petition.

7. (1) On presentation of the petition, the Registrar shall immediately cause a notice of the petition to be published in the *Gazette* and in a newspaper of general circulation in Dominica.

(2) The costs of publication of the Notice of the petition and of any other matter required to be published by the Registrar under these Rules shall be paid, before the publication, to the Registrar by the petitioner or other person moving the matter in the first instance and shall form part of the general cost of the petition.

8. (1) The petitioner shall serve a petition on the respondent by delivering a notice of the presentation of the petition together with a copy of the petition to the respondent personally within ten days after the presentation of the petition.

Service of petition.

(2) Notwithstanding subrule (1), a judge may, on the application of the petitioner, no later than fourteen days after the petition is presented and supported by affidavit showing what has been done, and on being satisfied that all reasonable effort has been made to effect personal service and cause the matter to come to the knowledge of the respondent, order that what has been done shall be considered sufficient service, subject to any conditions which the judge may think fit to impose.

(3) Where a respondent is evading service, the petitioner may apply to the judge for an order deeming the posting of —

(a) a notice in the office of the Registrar; or

(b) a notice published in a newspaper of general circulation in of Dominica,

stating that the petition has been presented, the name of the petitioner, the prayer and the nature of the proposed security as personal service on the respondent.

(4) The application under subrule (3) shall be supported by evidence on affidavit.

(5) A respondent shall, within ten days after service on him or her of Notice of the petition, lodge with the Registrar and serve on the petitioner a statement of particulars of an address for service similar to those required by rule 5 to be stated by a petitioner in the petition, and the respondent shall state the said particulars in any application made by him or her for the purpose of objecting to the security given by the petitioner or otherwise.

Security for costs.

9. (1) At the time of the presentation of the petition, or within three days afterwards, security for the payment of all costs, charges and expenses that may become payable by the petitioner—

- (a) to any person summoned as a witness on the petitioner's behalf; or
- (b) to the member whose election or return is complained of; or
- (c) to any other person named as a respondent in the petition,

shall be given by the petitioner.

(2) The security shall not exceed [twelve hundred dollars] and shall be given by one or more recognizance to be entered into by any number of sureties approved by the Registrar not exceeding four or by deposit of money in the Court, or partly in one way and partly in the other, to the satisfaction of the Registrar.

(3) The recognizance, which shall be in the form set out as Form 3 in the Schedule, shall contain the name and usual place of abode of each surety with sufficient description as shall enable him or her to be found or ascertained.

(4) Within three days after the giving of security as required by this rule, notice of the nature of the security given shall be served by the petitioner on the respondent.

(5) When the security is given wholly or partly by recognizance, it is lawful for the respondent, within ten days from the date of service on him or her of the notice, to object to the recognizance on the ground that—

- (a) one or more of the sureties is insufficient;

- (b) a surety is dead;
- (c) a surety cannot be found or ascertained for want of sufficient description in the recognizance; or
- (d) a person named in the recognizance has not duly acknowledged the same.

(6) An objection to the security shall be made by application before a judge supported by affidavit of the facts relied on, but the judge may require the person giving evidence on affidavit to attend for personal examination.

(7) The application shall be made on not less than four days' notice to the petitioner and the costs of the application shall be in the discretion of the judge who may decide which party shall pay such costs.

(8) The costs of hearing and deciding an objection on the ground of insufficiency of a surety or sureties shall be paid by the petitioner, unless at the time of leaving the recognizance with the Registrar, the petitioner also left with the Registrar an affidavit sworn by each surety before a justice of the peace, or other person duly authorised to administer oaths, that he or she is possessed of immovable property of the value of double the amount for which the surety is bound by the recognizance, after satisfying all other debts and liabilities due to other persons.

**10.**(1) If, by order made on the application, the security is declared insufficient and the objection is allowed, it is lawful for the petitioner, within a time not exceeding ten days as may be ordered by the judge before whom the application is heard, to remove the objection by a deposit with the Court a sum of money as the judge may direct for the purpose of making the security sufficient.

Removal of objection  
where security declared  
insufficient.

---

(2) If the petitioner does not remove the objection by deposit of the sum of money so directed to be deposited within the period fixed by the order of the judge, no further proceedings shall be taken on the petition and the application stands dismissed.

When petition at issue.

**11.** If by order made on the application the security is declared sufficient, or if no objection is made to the sufficiency of the security within the time limited by these Rules for making the objection, the petition shall be at issue.

Amendment of petition.

**12.** (1) A petition which has been presented questioning a return or election other than on an allegation of a corrupt practice may, for the purpose of questioning the return or election on an allegation of a corrupt practice, be amended with the leave of the Court.

(2) An application for leave to amend must be made to the Court in accordance with the Act.

Withdrawal of petition.

**13.** (1) A petition may be withdrawn with the leave of the Court made on notice of the application in the form set out as Form 10 in the Schedule.

(2) No application under subrule (1) shall be made for the withdrawal of a petition until the petitioner has given notice of his or her intention to the Registrar and the respondent, and the Registrar shall immediately cause the same to be published in the *Gazette* and in a newspaper of general circulation in Dominica.

(3) Where there is more than one petitioner, no application to withdraw a petition shall be made except with the consent of all the petitioners.

(4) Before leave for the withdrawal of a petition is granted —



- 
- (a) a party to the petition and his or her legal practitioner; and
  - (b) the election agents of the parties who were candidates at the election,

shall produce affidavits to the effect stated in subrule (5), but the Court may, on cause shown, dispense with the affidavit of a particular person if on special grounds it appears to the Court just to do so.

(5) Each affidavit shall state that, to the best of the deponent's knowledge and belief —

- (a) no agreement or terms of any kind whatsoever has, or have been, made; and
- (b) no undertaking has been entered into,

in relation to the withdrawal of the petition, but if any lawful agreement has been made with respect to the withdrawal of the petition, the affidavit shall set out that agreement and shall make the foregoing statement subject to what appears from the affidavits.

(6) The affidavits of the applicant and his or her legal practitioner shall further state the ground on which the petition is sought to be withdrawn.

(7) No person shall make any agreement or terms, or enter into any undertaking, in relation to or for the withdrawal of a petition in consideration —

- (a) of any payment;
- (b) that the seat shall at any time be vacated; or
- (c) of the withdrawal of any other petition.

(8) A person who contravenes subrule (7) is guilty of an offence and is liable to a fine of five hundred dollars.

Substitution of new  
petitioner

**14.** (1) A person who might have been a petitioner in respect of the election to which the petition relates may, within five days after the publication by the Registrar in the *Gazette* of a copy of the notice of application for leave to withdraw the petition, apply to the Court to be substituted as a petitioner for the petitioner who desires to withdraw the petition, and the judge may at the hearing of the application, if he or she thinks fit, substitute the applicant as a petitioner.

(2) Where in the opinion of the judge, the proposed withdrawal of a petition is induced by any corrupt bargain or consideration or is the result of any agreement, terms or undertaking prohibited by these Rules, the judge may, by order, direct that the security given on behalf of the original petitioner shall remain as security for any costs that may be incurred by the substituted petitioner.

(3) If no order under subrule (2) is made with respect to the security given on behalf of the original petitioner, security to the same amount as would be required in the case of an original petitioner and subject to like conditions, shall be given on behalf of the substituted petitioner within five days after the order of substitution and before the substituted petitioner takes any step in the proceedings.

(4) Subject to this rule, a substituted petitioner shall stand in the same position, as nearly as may be, and be subject to the same liabilities, as the original petitioner.

(5) If a petition is withdrawn, the petitioner is liable to pay the costs of the respondent.

15.(1) A petition shall be abated by the death of a sole petitioner or the survivor of several petitioners. Abatement of petition.

(2) The abatement of a petition shall not affect the liability of the petitioner's legal personal representative to pay the costs previously incurred.

(3) On the abatement of a petition, a party or person interested in the petition shall give to the Registrar notice of the abatement and the Registrar shall immediately cause the notice to be published in the *Gazette* and in a newspaper of general circulation in Dominica.

(4) Within one month after publication of the notice in the *Gazette* a person who might have been a petitioner in respect of the election to which the petition relates may apply to the Court to be substituted as a petitioner.

(5) The judge may, if he or she thinks fit, substitute as a petitioner the applicant on whose behalf security to the same amount as is required in the case of an original petition is given, and the security shall be subject to the same objection as the security given in an original petition.

16. (1) If, before the trial of a petition —

Addition or substitution  
of respondent.

- (a) the respondent dies, then a person entitled to be a petitioner in respect of the election to which the petition relates may give notice of the death of the respondent by publication in the *Gazette* and in a newspaper of general circulation in Dominica; or
- (b) the respondent gives notice to the Registrar and to the petitioner that he or she does not intend to oppose the petition, the Registrar shall give notice of the intention of the respondent by publication in

the *Gazette* and in a newspaper of general circulation in Dominica.

(2) Within twenty-one days after publication of the notice under subrule (1) in the *Gazette*, a person may apply to the Court to be admitted as a respondent to oppose the petition, and the person shall be admitted accordingly either with the respondent, if there is a respondent, or in place of the respondent.

(3) Any number of persons not exceeding three may be admitted.

Notice of intention not to oppose petition.

**17.** A respondent who does not intend to oppose the petition shall, not less than seven days before the day fixed for the trial, serve notice in the form set out as Form 16 in the Schedule to that effect on the petitioner and all other parties.

Respondent not opposing not to appear as party.

**18.** A respondent who has given the prescribed notice that he or she does not intend to oppose the petition shall not appear or act as a party against the petition in any proceedings on the petition.

Several petitions as to the same election.

**19.** Where more than one petition relating to the same election or return is presented, all the petitions shall be dealt with as one petition, in such manner and on the terms, as the judge directs.

Notice of recrimination when petition complains of undue return and claims seat.

**20.** (1) When a petition complains of an undue return and claims the seat for some person other than the person returned, the respondent may, within ten days after the service of the notice of the petition, give written notice to the petitioner in the form set out in Form 18, that he or she intends to give evidence to prove that the person on whose behalf the seat is claimed was not duly elected.

(2) The grounds on which a respondent intends to complain that a person on whose behalf the seat is claimed was not duly elected shall be set out in the notice and the rules applicable to a

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petition and the particulars of charges made in the petition shall apply to such notice.

**21.** Where a petition complains of the conduct of a returning officer, the returning officer shall, for the purposes of these Rules, except where there is a substitution of respondents in his or her place, be deemed to be a respondent.

Returning officer as respondent.

**22.** A petition complaining of no return may be presented to the Court, and is deemed to be an election petition, and the judge may—

Petition complaining of no return.

- (a) make an order on the petition as he or she thinks expedient for compelling a return to be made; or
- (b) allow the petition to be heard in the manner provided with regard to petitions.

**23.** The following provisions apply to the trial of a petition:

Mode of trial of petitions.

- (a) the trial shall take place in open Court at such time as a judge may appoint, not being less than seven days after notice of trial has been given to the parties and published in the *Gazette* and in a newspaper of general circulation in Dominica;
- (b) the judge may adjourn the trial from time to time, but the trial of every petition so far as practicable, consistently with the interests of justice in respect of the trial, shall be continued from day-to-day on lawful days until its conclusion;
- (c) the judge may make a special report to the President on any matter arising in the course of the trial, an account of which in his or her judgment ought to be submitted;

- 
- (d) where it appears to the judge, on application by either party or without the application, that the case raised by the petition can be conveniently stated as a special case, the judge may direct the same to be stated by the petitioner and the respondent accordingly, and as far as may be, any special case shall be heard before the Court, and the decision of the Court shall be the decision on the petition;
  - (e) where the petitioner and the respondent differ on the stating of the special case, the Court may refer the same to be settled by a legal practitioner conferred with the rank of King's Counsel or Senior Counsel;
  - (f) a copy of the case stated as settled shall be sent to the parties within seven days of settlement of the case stated;
  - (g) the court office shall give the parties at least fourteen days' notice of the date, time and hearing of the special case;
  - (h) the judge shall certify to the President his or her determination in reference to the special case.

Power to reserve  
question of law for Court  
of Appeal.

**24.** (1) If it appears to the judge, on the hearing of any election petition or any special case, that any question of law requires further consideration by the Court of Appeal, the judge may postpone the hearing, or the granting of any certificate to the President, until the determination of the question by the Court of Appeal and for this purpose may reserve any question of law for the determination of the Court of Appeal.

(2) A reference to the Court of Appeal under subrule (1) shall be by way of a special case stated under rule 23.

25. On the trial of a petition, unless the judge otherwise directs, any charge of a corrupt practice may be gone into, and evidence in relation to the charge received, before any proof has been given of agency on the part of any candidate in respect of the corrupt practice.

Evidence of corrupt practice receivable before proof of agency.

26.(1) Witnesses shall be summoned and sworn in the same manner, as nearly as circumstances admit, as in an action tried in a civil trial.

Witnesses.

(2) At the trial, the Court may, by order under the hand of the judge, require a person who appears to the judge to have been concerned in the election to attend as a witness, and a person wilfully refusing to obey the order is guilty of contempt of court.

(3) After the examination of a witness by the Court, he or she may be cross-examined by or on behalf of the petitioner and respondent, or either of them.

(4) A person called as a witness respecting an election before the Court shall not be excused from answering any question relating to any offence at or connected with the election, on the ground of privilege.

(5) Notwithstanding subrule (4)—

- (a) a witness who answers truly all questions which he or she is required by the Court to answer shall, in the discretion of the Court, be eligible to receive a certificate of indemnity under the hand of the Court stating that the witness has so answered; and
- (b) an answer by a person to a question put by or before the Court is not admissible in evidence against that person in any proceeding, civil or criminal, except in the case of any criminal

proceeding for perjury in respect of the evidence.

(6) The reasonable expenses incurred by a person in appearing to give evidence at the trial of a petition, if allowed to the person by order of the judge, is payable in the first instance by the party who calls the person as a witness and the amount payable shall be ascertained and certified by the Registrar.

(7) The expenses may be included in the costs of the petition and shall be paid by the party directed to pay those costs.

(8) The expenses of a witness called and examined by the judge are deemed to be costs of the petition and shall be paid as directed by the order of the judge.

General costs of petition. **27.(1)** Except where specifically provided for in these Rules, all costs, charges and expenses of and incidental to the presentation of a petition, or of any consequent proceedings shall be in the discretion of the Court and shall be defrayed by the parties to the petition in such manner and in such proportions as the Court may determine.

(2) The Court may disallow any costs, charges or expenses which may in its opinion, have been caused by —

- (a) vexatious conduct;
- (b) unfounded allegations; or
- (c) unfounded objections,

on the part of either the petitioner or the respondent, and shall have regard to the discouragement of any needless expense by throwing the burden of defraying the same on the parties by whom it has



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been caused, whether or not the parties are on the whole successful.

(3) The rules and regulations of the Court with respect to costs to be allowed in actions, causes and matters in the Court shall, in principle and so far as practicable, apply to the costs of election petitions and connected proceedings and the amount of the costs may be fixed by the judge or may be directed to be assessed.

(4) Where the petitioner is ordered to pay any costs and he or she fails to pay the costs within fourteen days from the date of the order of the Court -

(a) the Registrar shall pay the costs out of any money deposited with the Court as security under these Rules and execution may be issued against the petitioner and the sureties jointly and severally for any balance not covered by the deposit; or

(b) where security has been given by recognizance, the Registrar shall, on an affidavit of the respondent stating —

(i) the amount of the costs directed to be paid by the petitioner; and

(ii) that neither the petitioner nor any of the sureties has paid them within fourteen days after the order to pay the same,

certify the recognizance to be forfeited.

(5) Execution shall immediately issue out of the Court for the recovery of the amount of the costs ordered to be paid against the petitioner and the sureties jointly and severally to the extent of

the amount for which they are bound by the recognizance, but the petitioner is always liable to pay the full amount of the costs.

(6) If the security given by the petitioner is in the form of money deposited with the Court, the petitioner is entitled to a refund of a portion of the money exceeding the amount of the costs ordered to be paid by him or her.

(7) If a respondent who is ordered to pay any costs to the petitioner fails to do so within fourteen days from the date of the order directing the payment, execution shall immediately be issued out of the Court for the recovery of the amount of costs.

(8) Execution shall be levied in accordance with the law governing execution in civil actions in the Court.

Application of Eastern  
Caribbean Supreme  
Court Civil Procedure  
Rules.

**28.** In any matter not provided for by the Act or by these Rules, the practice and procedure set out in the Eastern Caribbean Supreme Court Civil Procedure Rules for the time being in force, relating to the service of documents other than the election petition, and the conduct of a civil trial may be applied, if a judge so directs.

Forms.

**29.** In proceedings regulated by these Rules the forms contained in the Schedule, or forms to the like effect, shall be used as the documents described by the headings of the form.

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SCHEDULE

FORMS

FORM 1  
(Rule 3)

HOUSE OF ASSEMBLY (ELECTION PETITION)  
RULES, 2025

PETITION

**IN THE EASTERN CARIBBEAN SUPREME COURT  
IN THE HIGH COURT  
COMMONWEALTH OF DOMINICA**

(Title as in the Case of the Petition)

Election for (state the constituency) held on the ..... day  
of ....., 20....

BETWEEN

A.B. .... Petitioner.

and

X.Y. .... Respondent.

The petition of A.B. of .....

(or of A.B. of ..... and C.D. of .....

.....) (as the case may be) whose

name is subscribed.

1. Your petitioner A.B. is a person who voted (or had a right to vote (as the case may be) at the above election (or claims to have had a right to be returned at the above election, or was a candidate at the above election); and your petitioner C.D. .... (here state in like manner the right of each petitioner).

2025 HOUSE OF ASSEMBLY ACT 2  
(ELECTIONS)

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2. Your petitioner states that the election was held on the ..... day of ....., 20....., when E.F., G.H. and I.J. were candidates, and the returning officer has returned E.F. as being duly elected.

3. Your petitioner says that ..... (here state in specific paragraphs the facts and grounds on which the petitioner relies).

WHEREFORE your petitioner prays that it may be determined that the said E.F. was not duly elected or returned, and that the election was void (or that the said G.H. was duly elected and ought to have been returned, or as the case may be).

Dated this ..... day of ....., 20.....

.....  
Petitioner

---

FORM 2  
(Rule 8)

HOUSE OF ASSEMBLY (ELECTION PETITION)  
RULES, 2025

APPLICATION FOR SUBSTITUTED SERVICE

**IN THE EASTERN CARIBBEAN SUPREME COURT  
IN THE HIGH COURT OF JUSTICE  
COMMONWEALTH OF DOMINICA**

(Title as in the Case of the Petition)

Notice of Application

The Petitioner A.B. .... (full

name(s)), of .....  
(full address) applies to the Court for an order for substituted  
service .....

The grounds of the application are—

A draft of the order that I seek is attached.

[An affidavit in support accompanies this application]

Dated .....

Signed .....

[Legal Practitioner for the Applicant] [Applicant]

This application will be heard by [the Judge in Chambers] [Master  
xxxxx] on the ..... day of ..... at ..... a.m./  
p.m. at [xxx xxx xxx].

If you do not attend this hearing an order may be made in your  
absence.

OR

The [Judge in Chambers] [Master] will deal with this application  
by —

**N.B. This notice of application must be served as quickly  
as possible on the respondent to the application.**

The court office is at [xxx xxx xxx] telephone number xxx-xxxx,  
FAX xxx.xxxx.

The office is open between [ ..... a.m.] and [ ..... p.m.]  
..... to ..... except public holidays.

\_\_\_\_\_

FORM 3  
*(Rule 9(3))*

HOUSE OF ASSEMBLY (ELECTION PETITION)  
RULES, 2025

RECOGNIZANCE GIVING SECURITY FOR COSTS

**IN THE EASTERN CARIBBEAN SUPREME COURT  
IN THE HIGH COURT  
COMMONWEALTH OF DOMINICA**

(Title as in the Case of the Petition)

Be it remembered that on the ..... day of  
....., 20.... before me  
..... ( name and description)  
came A.B. of ..... (name and  
description as above) and acknowledged himself/herself (or  
severally acknowledged themselves) to owe to the State the sum  
of ..... (in words) dollars (or the  
following sums) (that is to say) the said C.D., the sum of  
..... (in words) dollars, the said  
E.F., the sum of ..... (in words) dollars, and the said G.H.,  
the sum of ..... (in words) dollars to be levied  
on his/her (or their respective) goods and chattels, lands and  
tenements to the use of the State.

The condition of this recognizance is that if  
..... (here insert the names of  
all the petitioners, and if more than one, add, or any of them) shall  
well and truly pay all costs, charges and expenses in respect of the  
election petition signed by him/her (or them) relating to  
..... (here insert the name of the constituency)  
which shall become payable by the said petitioner under the  
House of Assembly (Election Petitions) Rules to any person, then

this recognizance to be void, otherwise to stand in full force.

.....  
Petitioner and Sureties

Taken and acknowledged by the above named (names of petitioner and sureties) on the ..... day of ....., 20....., before me.

.....  
A Justice of the Peace or person authorised to administer oaths

FORM 4  
(Rule 9 (4))

HOUSE OF ASSEMBLY (ELECTION PETITION) RULES,  
2025

NOTICE OF PRESENTATION OF PETITION AND OF  
THE NATURE OF THE SECURITY

**IN THE EASTERN CARIBBEAN SUPREME COURT  
IN THE HIGH COURT  
COMMONWEALTH OF DOMINICA**

(Title as in the Case of the Petition)

Take notice that a petition complaining of ..... (state the grounds of complaint briefly) and praying that ..... (state briefly the prayer of the petition) was presented to the Court on the ..... day of ....., 20....., and that security for the costs, charges and expenses thereof has been given ..... (state the nature of the security given, i.e. whether by deposit of money

2025 HOUSE OF ASSEMBLY ACT 2  
(ELECTIONS)

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or by recognizance and the names and the description of the sureties and the amounts for which each surety has bound himself/herself).

Dated the ..... day of ....., 20.....

To:  
(Name of Respondent) .....  
(Address) .....  
.....

\_\_\_\_\_  
Petitioner

\_\_\_\_\_  
**FORM 5**  
*(Rule 9 (6))*

HOUSE OF ASSEMBLY (ELECTION PETITION) RULES,  
2025

APPLICATION OBJECTING TO SECURITY

**IN THE EASTERN CARIBBEAN SUPREME COURT  
IN THE HIGH COURT OF JUSTICE  
COMMONWEALTH OF DOMINICA**

(Title as in the Case of the Petition)

Notice of Application

The Petitioner A.B. .... (full name(s)),  
of ..... (full address)  
applies to the Court for an order that the security given by the



respondent be rejected.

The grounds of the application are—

A draft of the order that I seek is attached.

[An affidavit in support accompanies this application]

Dated .....

Signed .....

[Legal Practitioner for the Applicant] [Applicant]

This application will be heard by [the Judge in Chambers] [Master  
xxxxx] on the ..... day of ....., at  
..... a.m./p.m. at [xxx xxx xxx].

If you do not attend this hearing an order may be made in your  
absence.

OR

The [Judge in Chambers] [Master] will deal with this application  
by .....

**N.B. This notice of application must be served as quickly  
as possible on the respondent to the application.**

The court office is at [xxx xxx xxx] telephone number xxx-xxxx,  
email address xxx.xxxx, FAX xxx.xxxx.

The office is open between [ ..... a.m.] and [ .....  
p.m.] ..... to ..... except public holidays.

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FORM 6  
*(Rule 10)*

HOUSE OF ASSEMBLY (ELECTION PETITION)  
RULES, 2025

ORDER UPON AN APPLICATION OBJECTING TO  
SECURITY

**IN THE EASTERN CARIBBEAN SUPREME COURT  
IN THE HIGH COURT  
COMMONWEALTH OF DOMINICA**

Before Mr./Mde. Justice

The ..... day of ....., 20.....

Upon objection to the security given by the petitioner herein made by application on the ..... day of ....., 20..... And Upon reading the affidavit of ..... dated the ..... day of ....., 20....., and hearing the evidence of witnesses personally examined, (if such evidence was required) and counsel on behalf of the parties:

It is declared that the security given by the petitioner in the above-mentioned petition is insufficient and it is ordered that the objection be allowed but that the petitioner be at liberty to remove the objection thereto by depositing with the High Court the sum of ..... dollars within ..... days from this day (the period is not to exceed ten days).

(In case the security is declared sufficient this order shall read. It is declared that the security given by the petitioner in the above-mentioned petition is sufficient and it is ordered that the objection be disallowed and that the costs of this objection be paid by the

petitioner (or the respondent as the case may be).

By the Judge

.....

Registrar

-----

FORM 7  
(Rule 4)

HOUSE OF ASSEMBLY (ELECTION PETITION)  
RULES, 2025

APPLICATION FOR PARTICULARS

**IN THE EASTERN CARIBBEAN SUPREME COURT  
IN THE HIGH COURT OF JUSTICE  
COMMONWEALTH OF DOMINICA**

(Title as in the Case of the Petition)

Notice of Application

The Petitioner A.B. .... (full name(s)),  
of ..... (full address)  
applies to the Court for an order that the petitioner deliver to the  
respondent or his or her legal practitioner particulars in writing of  
.....

The grounds of the application are —

A draft of the order that I seek is attached.

[An affidavit in support accompanies this application]

Dated .....

Signed .....

[Legal Practitioner for the Applicant] [Applicant]

## NOTICE:

This application will be heard by [the Judge in Chambers] [Master xxxxx] on the ..... day of ..... at ..... a.m./p.m. at [xxx xxx xxx].

If you do not attend this hearing an order may be made in your absence.

OR

The [Judge in Chambers] [Master] will deal with this application by.....

**N.B. This notice of application must be served as quickly as possible on the respondent to the application.**

The court office is at [xxx xxx xxx] telephone number xxx-xxxx, email address: xxx-xxxx, FAX xxx.xxxx.

The office is open between [..... a.m.] and [..... p.m.] ..... to ..... except public holidays.

---

FORM 8  
(Rule 4)

HOUSE OF ASSEMBLY (ELECTION PETITION) RULES,  
2025

PARTICULARS DELIVERED

**IN THE EASTERN CARIBBEAN SUPREME COURT  
IN THE HIGH COURT  
COMMONWEALTH OF DOMINICA**

(Title as in the Case of the Petition)

The following are the particulars delivered by the petitioner to the respondent on the ..... day of ....., 20.....

(This form may be adapted to suit other election offences under the Act.)

**BRIBERY**

No. in	Name of	Address	No. on	Name	Time	Place	Amount and
Address particulars	Person		or	of person	when	where	character of
	brided		occupation	bribing	brided	bribed	bribe

---

**FORM 9**  
*(Rule 12)*

HOUSE OF ASSEMBLY (ELECTION PETITION) RULES, 2025

APPLICATION TO AMEND PETITION

**IN THE EASTERN CARIBBEAN SUPREME COURT  
IN THE HIGH COURT OF JUSTICE  
COMMONWEALTH OF DOMINICA**

(Title as in the Case of the Petition)

Notice of Application

2025 HOUSE OF ASSEMBLY ACT 2  
(ELECTIONS)

---

The Petitioner A.B. .... (full name(s)),  
of ..... (full address)  
applies to the Court for an order that the petition be amended.

The grounds of the application are—

A draft of the order that I seek is attached.

[An affidavit in support accompanies this application]

Dated .....

Signed .....

[Legal Practitioner for the Applicant] [Applicant]

This application will be heard by [the Judge in Chambers] [Master  
xxxxx] on the ..... day of ....., at  
..... a.m./p.m. at [xxx xxx xxx].

If you do not attend this hearing an order may be made in your  
absence.

OR

The [Judge in Chambers] [Master] will deal with this application  
by.....

**N.B. This notice of application must be served as quickly  
as possible on the respondent to the application.**

The court office is at [xxx xxx xxx] telephone number xxx-xxxx,  
email address: xxx xxx, FAX xxx.xxx.

The office is open between [..... a.m.] and  
[..... p.m.] ..... to .....  
except public holidays.

---

FORM 10  
*(Rule 13)(1)*

HOUSE OF ASSEMBLY (ELECTION PETITION) RULES,  
2025

APPLICATION FOR LEAVE TO WITHDRAW  
PETITION

**IN THE EASTERN CARIBBEAN SUPREME COURT  
IN THE HIGH COURT OF JUSTICE  
COMMONWEALTH OF DOMINICA**

(Title as in the Case of the Petition)

Notice of Application

The Petitioner A.B. .... (full name(s)),  
of ..... (full address) applies  
to the Court for an order that his/her petition be withdrawn.

The grounds of the application are—

A draft of the order that I seek is attached.

[An affidavit in support accompanies this application]

Dated .....

Signed .....

[Legal Practitioner for the Applicant] [Applicant]

This application will be heard by [the Judge in Chambers] [Master  
xxxxx] on the ..... day of ....., at ..... a.m./p.m.  
at [xxx xxx xxx].

If you do not attend this hearing an order may be made in your  
absence.

OR

The [Judge in Chambers] [Master] will deal with this application by \_\_\_\_\_

**N.B. This notice of application must be served as quickly as possible on the respondent to the application.**

The court office is at [xxx xxx xxx] telephone number xxx-xxxx, email address: xxx xxxx, FAX xxx.xxxx. The office is open between [..... a.m.] and [..... p.m.] to ..... except public holidays.

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FORM 11  
(Rule 13(2))

HOUSE OF ASSEMBLY (ELECTION PETITION)  
RULES, 2025

NOTICE TO REGISTRAR AND RESPONDENT OF  
APPLICATION FOR LEAVE TO WITHDRAW A  
PETITION

**IN THE EASTERN CARIBBEAN SUPREME COURT  
IN THE HIGH COURT  
COMMONWEALTH OF DOMINICA**

(Title as in the Case of the Petition)

1. The petitioner proposes to apply to withdraw his/her petition upon the following grounds:  
..... (Here state the grounds).



2. He/She accordingly prays that a day may be appointed for hearing the application.

Dated the ..... day of .....  
....., 20.....

.....

Petitioner

To: The Registrar

FORM 12  
(Rule 13 (2))

HOUSE OF ASSEMBLY (ELECTION PETITION) RULES,  
2025

NOTICE TO PUBLIC OF APPLICATION FOR LEAVE  
TO WITHDRAW PETITION

IN THE EASTERN CARIBBEAN SUPREME COURT  
IN THE HIGH COURT  
COMMONWEALTH OF DOMINICA

(Title as in the Case of the Petition)

Notice is hereby given that the above-named petitioner has on the ..... day of ....., 20....., lodged at the High Court Registry notice of an application to withdraw the petition of which notice, the following is a copy:  
(Here set out a copy of the notice to Registrar and respondent)

**2025 HOUSE OF ASSEMBLY ACT 2**  
**(ELECTIONS)**

---

And take notice that by the Rule made by the Chief Justice any person who might have been a petitioner in respect of the said election may, within five days after the publication by the Registrar of this notice, give notice in writing of his/her intention on the hearing to apply for leave to be substituted as a petitioner.

Dated the ..... day of  
....., 20.....

.....  
Registrar

\_\_\_\_\_

FORM 13  
*(Rule 15)*

HOUSE OF ASSEMBLY (ELECTION PETITION) RULES,  
2025

NOTICE OF ABATEMENT OF PETITION

**IN THE EASTERN CARIBBEAN SUPREME COURT**  
**IN THE HIGH COURT**  
**COMMONWEALTH OF DOMINICA**

(Title as in the Case of Petition)

Take notice that the petitioner (or the survivor of the several petitioners) in the above petition died on the ..... day of  
....., 20....., at  
..... in the ..... of  
..... and that consequently the said petition was abated  
by such death.

Dated the ..... day of .....,  
20.....

.....  
A party or person interested in the petition

FORM 14  
*(Rule 15)*

HOUSE OF ASSEMBLY (ELECTION PETITION) RULES,  
2025

APPLICATION FOR SUBSTITUTION OF A  
PETITIONER IN PLACE OF A  
DECEASED PETITIONER

**IN THE EASTERN CARIBBEAN SUPREME COURT  
IN THE HIGH COURT OF JUSTICE  
COMMONWEALTH OF DOMINICA**

(Title as in the Case of the Petition)

Notice of Application

The Petitioner A.B. .... (full name(s)),  
of ..... (full address)  
applies to the Court for an order substituting  
..... as a petitioner in place of the deceased  
petitioner .....

The grounds of the application are—

A draft of the order that I seek is attached.

[An affidavit in support accompanies this application]

Dated .....

Signed .....

[Legal Practitioner for the Applicant] [Applicant]

This application will be heard by [the Judge in Chambers] [Master  
xxxxx] on the ..... day of ....., at .....  
a.m./p.m. at [xxx xxx xxx].

If you do not attend this hearing an order may be made in your  
absence.

OR

The [Judge in Chambers] [Master] will deal with this application  
by \_\_\_\_\_

**N.B. This notice of application must be served as quickly  
as possible on the respondent to the application.**

The court office is at [xxx xxx xxx] telephone number xxx-xxxx,  
email address: xxx xxx, FAX xxx.xxxx. The office is open  
between [..... a.m.] and [..... p.m.] .....  
to ..... except public holidays.

\_\_\_\_\_

FORM 15  
*(Rule 16)*

HOUSE OF ASSEMBLY (ELECTION PETITION) RULES,  
2025

NOTICE TO BE PUBLISHED OF DEATH OF THE  
RESPONDENT

**IN THE EASTERN CARIBBEAN SUPREME COURT  
IN THE HIGH COURT  
COMMONWEALTH OF DOMINICA**

(Title as in the Case of the Petition)

Take notice that ..... the respondent  
..... died on the ..... day of  
....., 20....., at ..... in  
the ..... of .....  
.....

A person entitled to be a petitioner in respect of the election  
questioned  
.....

FORM 16  
*(Rule 16)*

HOUSE OF ASSEMBLY (ELECTION PETITION) RULES,  
2025

NOTICE TO BE PUBLISHED BY RESPONDENT OF  
INTENTION NOT TO OPPOSE THE PETITION

**IN THE EASTERN CARIBBEAN SUPREME COURT  
IN THE HIGH COURT  
COMMONWEALTH OF DOMINICA**

(Title as in the Case of the Petition)

Take notice that I, the undersigned respondent, do not intend to  
oppose the above petition.

.....  
Respondent To:  
The Registrar and the petitioner.

---

FORM 17  
*(Rule 16)*

HOUSE OF ASSEMBLY (ELECTION PETITION) RULES,  
2025

APPLICATION TO BE ADMITTED A RESPONDENT  
TO OPPOSE THE PETITION

**IN THE EASTERN CARIBBEAN SUPREME COURT  
IN THE HIGH COURT**

**COMMONWEALTH OF DOMINICA**

(Title as in the Case of the Petition)

Notice of Application

The Petitioner A.B. .... (full name(s)),  
of ..... (full  
address) applies to the Court for an order to be admitted as a  
respondent to oppose the petition in place of .....  
who died on the ..... day of .....,  
20....

The grounds of the application are—

A draft of the order that I seek is attached.

[An affidavit in support accompanies this application]

Dated .....

Signed .....

[Legal Practitioner for the Applicant] [Applicant]

This application will be heard by [the Judge in Chambers] [Master  
xxxxx] on the ..... day of ..... at .....  
a.m./p.m. at [xxx xxx xxx].

If you do not attend this hearing an order may be made in your  
absence.

OR

The [Judge in Chambers] [Master] will deal with this application  
by.....

**N.B. This notice of application must be served as quickly  
as possible on the respondent to the application.**

**2025 HOUSE OF ASSEMBLY ACT 2**  
**(ELECTIONS)**

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The court office is at [xxx xxx xxx] telephone number xxx-xxxx, email address: xxx xxxx, FAX xxx.xxxx. The office is open between [..... a.m.] and [..... p.m.] ..... to ..... except public holidays.

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FORM 18  
*(Rule 20)*

HOUSE OF ASSEMBLY (ELECTION PETITION) RULES,  
2025

NOTICE OF RECRIMINATORY GROUNDS

**IN THE EASTERN CARIBBEAN SUPREME COURT  
IN THE HIGH COURT  
COMMONWEALTH OF DOMINICA**

(Title as in the Case of the Petition)

Take notice that I, the respondent in the above-mentioned petition, intend to complain of the election of ..... the person on whose behalf the seat is claimed undue, and that the following are the grounds on which I intend to rely in support of that complaint: (Here set out the grounds which the respondent intends to complain of)

.  
.....  
Respondent or his/her Legal Practitioner

To:

The petitioner and his/her legal representative.

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FORM 19  
(Rule 23)

HOUSE OF ASSEMBLY (ELECTION PETITION) RULES,  
2025

*NOTICE OF TRIAL*

**IN THE EASTERN CARIBBEAN SUPREME COURT  
IN THE HIGH COURT  
COMMONWEALTH OF DOMINICA**

(Title as in the Case of the Petition)

Take notice that the above petition (or petitions) will be tried in the High Court in Roseau on the ..... day of ....., 20....., commencing at ..... a.m./p.m. and on such other subsequent days as may be needful.

.....  
Registrar

To:  
The petitioner and the respondent and their legal practitioner.

\_\_\_\_\_

FORM 20  
*(Rule 23)*

HOUSE OF ASSEMBLY (ELECTION PETITION) RULES,  
2025

APPLICATION TO TURN PETITION INTO SPECIAL  
CASE

**IN THE EASTERN CARIBBEAN SUPREME COURT  
IN THE HIGH COURT OF JUSTICE  
COMMONWEALTH OF DOMINICA**

(Title as in the Case of the Petition)

Notice of Application

The Petitioner A.B. .... (full name(s)),  
of ..... (full address)  
applies to the Court for an order that the case raised by the  
petitioner be stated as a special case, and that, in the event of the  
parties differing, the same be referred to settle, and that the costs  
of this application be costs in the petition.

The grounds of the application are—

(Here set out the grounds)

A draft of the order that I seek is attached.

[An affidavit in support accompanies this application]

Dated .....

Signed .....

[Legal Practitioner for the Applicant] [Applicant]

This application will be heard by [the Judge in Chambers] [Master

xxxxx] on the ..... day of ....., ..... at  
..... a.m./p.m. at [xxx xxx xxx].

If you do not attend this hearing an order may be made in your  
absence.

OR

The [Judge in Chambers] [Master] will deal with this application  
by.....

**N.B. This notice of application must be served as quickly  
as possible on the respondent to the application.**

The court office is at [xxx xxx xxx] telephone number xxx-xxxx,  
email address: xxx xxxx, **FAX xxx.xxxx**. The office is open  
between [..... a.m.] and [..... p.m.] ..... to  
..... **except public**  
**holidays.**\_\_\_\_\_

Passed in the House of Assembly this 19th day of March, 2025.

**DANIEL JAMES**

*Clerk of the House of Assembly*

**DOMINICA**

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