AS AMENDED IN THE H.O.R.

No. 18 of 2014

Fifth Session Tenth Parliament Republic of Trinidad and Tobago

HOUSE OF REPRESENTATIVES

BILL

AN ACT to amend the Constitution of the Republic of Trinidad and Tobago

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REPUBLIC OF TRINIDAD AND TOBAGO—2014

THE CONSTITUTION (AMENDMENT) BILL, 2014

Explanatory Note

(These notes form no part of the Bill but are intended only to indicate its general purport)

This Bill seeks to amend the Constitution to limit the period for which a person could serve as Prime Minister, to provide for the recall of members of the House of Representatives, and to permit only candidates who have earned more than fifty per cent of the votes cast in their respective constituencies to be elected as members of the House of Representatives.

By clause 2, the proposed Act would come into operation on such date as is fixed by the President by Proclamation. By clause 3, the proposed Act would be construed as altering the Constitution.

With respect to term limits for the office of Prime Minister, the Bill would, by clause 8, amend the Constitution to limit service as Prime Minister to no more than ten years and six months, whether such service is continuous or has been interrupted. A Prime Minister would therefore be required to vacate his office upon attaining that length of service. No account would, however, be taken of any time spent serving as acting Prime Minister for the purposes of calculating length of service. Further, no one would be appointed as Prime Minister who has served ten years or more in that office, whether or not such service is continuous or has been interrupted.

In relation to the recall of members of the House of Representatives, the Bill would, by clause 5, amend section 49(2) of the Constitution to require a member of the House of Representatives to vacate his seat where the Speaker informs the House that he has received from the Chairman of the Elections and Boundaries Commission, a petition requesting that the member be recalled and that a bye-election be held in the constituency that the member represents. The petition would need to supported by at least two-thirds of all the persons who, on the date of issuance of the petition, were registered voters in that constituency.

By clause 6, a new section 49B of the Constitution would be inserted to provide for the procedure relating to the application for, and the issuance of, a recall petition, as well as the casting of

ballots in support of the petition and the announcement of the vacancy of the seat of the member of the House of Representatives who is the subject of the recall petition.

Two registered voters in a constituency, who also reside in the constituency, would be required to apply to the Elections and Boundaries Commission for the issuance of a petition for the recall of the member of the House of Representatives who was elected to represent that constituency and for the holding of a bye-election in that constituency. An application for a recall petition would be required to be in a form which would be included in a new Fourth Schedule to the Constitution. A person would not be able to apply for a recall petition before the expiration of three years, or after the expiration of four years, from the first poll of the last general election. The Elections and Boundaries Commission would not, however, approve the application unless it is supported by at least ten percent of all the persons who are registered to vote in the constituency.

A person who is registered to vote, and who resides, in the particular constituency would be able to canvass for signatures in support of an application for a recall petition after the expiration of three years from the first poll of the last general election. The text of the petition would need to be on each page containing the signatures of persons who are in support of the application. A person who canvasses for signatures would be required to make a statutory declaration that he is registered to vote, and resides, in the constituency specified in the petition, that the signatures were voluntarily given and were not obtained by means of harassment, intimidation or threat, and that to the best of his knowledge, the signatures were given by persons whose names appear on the list of registered voters in the constituency.

Where the Elections and Boundaries Commission is satisfied that the application has received the support of at least ten per cent of all the persons who are registered to vote in the constituency specified in the application, the Chairman of the Elections and Boundaries Commission would so certify on the application and the Elections and Boundaries Commission would approve the application in principle. The applicants, the member concerned and the Speaker would then be notified of the approval of the application and the Elections and Boundaries Commission would issue the petition within three days of giving such notice.

The Elections and Boundaries Commission would cause the petition to be published in the *Gazette*, newspapers and on its website and would make it available for inspection and for the casting of ballots in support of it at for a period of twenty-one days. Registered voters would be able to cast their ballots at advertised locations between 8.00 a.m. and 4.00 p.m., including on Saturdays and Sundays, but not on public holidays. In as much as the Elections and Boundaries Commission may not have the resources to ensure that each registered voter who casts a ballot still resides in the constituency, a person would be required to make a statutory declaration that he is registered to vote, and resides in the constituency, before he casts his ballot.

Where the Elections and Boundaries Commission is satisfied that the petition has received the support of at least two-thirds of all the registered voters in the constituency, the petition would be certified by the Chairman of the Elections and Boundaries Commission and forwarded to the Speaker who would inform the House of Representatives and announce that the seat of the member concerned has fallen vacant.

A new section 49C of the Constitution would provided for the supervision of the casting of ballots, the daily recording of the number of ballots cast and the announcement of the results of the casting of the ballots on the last day only. The form of the ballot would be included in the new Fourth Schedule.

The Bill would amend section 73 of the Constitution by preventing a candidate in a general election from being elected as the member of the House of Representatives for a constituency, unless he obtains more than fifty per cent of the votes cast in the constituency. Where none of the candidates in a constituency in a general election obtains more than fifty per cent of the votes cast in the constituency, a supplementary poll between those candidates who earned the highest and second highest number of votes would be held within fifteen days of the declaration of the results of the general election and the list of electors for the purposes of the supplementary poll would be the same list which was used for the purposes of the general election.

This Bill would amend section 67 of the Constitution to provide that where a supplementary poll is to held after a general election, no session of Parliament shall commence before the results of the supplementary poll have been declared, except that where an emergency arises of such a nature that in the opinion of the Prime

Minister it is necessary for the two Houses of Parliament to be summoned before all the supplementary polls can be held, the President, acting in accordance with the advice of the Prime Minister, would be able to summon the two Houses of the preceding Parliament. The supplementary polls would, however, proceed and the Parliament that has been summoned would, if not sooner dissolved, again stand dissolved on the day on which the last supplementary poll is held. The Bill would also amend section 76 of the Constitution to prevent the President from appointing a Prime Minister before the results of all supplementary polls have been declared.

Finally, the Bill would make consequential amendments to the Representation of the People Act, the Registration Rules and the Election Rules, so as to facilitate the implementation of the proposed Act.

THE CONSTITUTION (AMENDMENT) BILL, 2014

Arrangement of Clauses

Clause

1. Short title
2. Commencement
3. Alteration of the Constitution
4. Section 3 amended
5. Section 49 amended
6. Section 49B inserted
7. Section 67 amended
8. Section 73 amended
9. Section 76 amended
10. Fourth Schedule inserted
11. Consequential Amendments

BILL

AN ACT to amend the Constitution of the Republic of Trinidad and Tobago

[, 2014]

ENACTED by the Parliament of Trinidad and Tobago as follows: Enactment

1. This Act may be cited as the Constitution (Amendment) Act, 2014. Short title

2. This Act comes into operation on such date as is fixed by the President by Proclamation. Commencement

3. This Act shall be construed as altering the Constitution. Alteration of the Constitution

Section 3 amended

4. Section 3(1) of the Constitution is amended by inserting in appropriate alphabetical sequence, the following definitions:

" "first poll" means the first poll referred to in section 73(4);

"supplementary poll" means the supplementary poll referred to in section 73(4);".

Section 49 amended

5. Section 49(2) of the Constitution is amended—

(a) by deleting the full stop and substituting the words "; or"; and

(b) by inserting after paragraph *(e)*, the following paragraph:

"*(f)* subject to section 49B, the Speaker informs the House of Representatives that he has received from the Chairman of the Elections and Boundaries Commission, a petition under section 49B which—

(i) requests that the member be recalled and that a bye-election be held in the constituency that the member represents; and

(ii) is certified by the Chairman of the Elections and Boundaries Commission as having received the support of at least two-thirds of all the persons who, on the date of issuance of the petition, were registered voters in the constituency that the member represents.".

6. The Constitution is amended by inserting after section 49A, the following new sections: Section 49B inserted

"Recall petition and announcement of vacation of seat where member is recalled Fourth Schedule

49B.(1) Two persons who are registered to vote, and who reside, in a constituency may, in the form set out as Form No. 1 in the Fourth Schedule, apply to the Elections and Boundaries Commission for the issuance of a petition for the recall of the member who represents that constituency.

(2) An application under subsection (1) (hereinafter in this section referred to as "the application") shall not be made—

(a) before the expiration of three years; or

(b) after the expiration of four years,

from the first poll of the last general election.

(3) The Elections and Boundaries Commission shall not approve the application—

(a) **unless it is supported by at least ten per cent of all the persons who are registered to vote in the constituency specified in the application; or**

(b) **if it has already approved an application in respect of the same constituency within the same period referred to in subsection (2).**

(4) A person who is registered to vote, and who resides in the constituency specified in the application may, at any time after the expiration of three years from the first poll of the last general election, canvass for signatures in support of the application.

(5) The text of the petition applied for shall be printed on each page containing the signatures of persons who are in support of the application.

(6) A person shall not submit to the Elections and Boundaries Commission, the signatures of persons who are in support of the application, unless he first makes a statutory declaration in the form set out as Form No. 2 in the Fourth Schedule declaring that he is registered to vote, and resides in the constituency specified in the petition, that the signatures were voluntarily given and were not obtained by means of harassment, intimidation or threat, and that to the best of his knowledge, the signatures were given by persons whose names appear on the list of registered voters in the constituency.

(7) Where the Elections and Boundaries Commission—

(a) **receives the signatures of persons who are in support of the application, it shall, within three days of such receipt, verify that the signatures are of persons who are registered to vote in the constituency specified in the application; and**

(b) **is satisfied that the application has received the support of at least ten per cent of all the persons who are registered to vote in the constituency specified in the**

application, the Chairman of the Elections and Boundaries Commission shall so certify in the appropriate place on the application and the Elections and Boundaries Commission shall approve the application in principle.

(8) Where the Elections and Boundaries Commission approves the application in principle, it shall—

(a) notify the applicants, the member specified in the application and the Speaker of the approval; and

(b) issue the petition in the form set out as Form No. 3 in the Fourth Schedule within three days after notice is given under paragraph *(a)*.

(9) The Elections and Boundaries Commission shall cause a petition issued under subsection (8)*(b)* (hereinafter in this section referred to as "the petition") to be—

(a) published in the *Gazette*, at least two newspapers in daily circulation in Trinidad and Tobago and on its website within seven days of issuing the petition; and

(b) available for inspection and the casting of ballots in support thereof—

(i) between the hours of 8.00 a.m. and 4.00 p.m. for a period of twenty–one days from the date of its first publication in a

newspaper, including inspection and the casting of ballots on Saturdays and Sundays, but not on public holidays; and

(ii) at such locations as the Elections and Boundaries Commission shall advertise in at least two newspapers in daily circulation in Trinidad and Tobago and on its website.

(10) The Elections and Boundaries Commission shall ensure that ballots in support of the petition are cast only—

(a) during the twenty-one day period and at the locations referred to in subsection (9)*(b)*;

(b) by persons who, on the date of the issuance of the petition, were registered voters in the constituency specified in the petition; and

(c) once by a registered voter referred to in paragraph *(b)*.

(11) A person shall not cast a ballot in support of the petition unless he resides in the constituency specified in the petition and first makes a statutory declaration in the form set out as Form No. 4 in the Fourth Schedule declaring that he is registered to vote, and resides in that constituency.

(12) Where the Elections and Boundaries Commission is satisfied that the petition has received the support of at

least two-thirds of all the persons who are registered to vote in the constituency specified in the petition and that the requirements of subsections (10) and (11) have been met, the Chairman of the Elections and Boundaries Commission shall so certify in the appropriate place on the petition and shall immediately forward the petition to the Speaker.

(13) At the next sitting of the House of Representatives after he receives the petition, which sitting shall be convened as soon as practicable and, in any event, before the expiration of four years from the first sitting of Parliament after the last general election, the Speaker shall inform the House of Representatives of his receipt of the petition and announce that the seat of the member specified in the petition is vacant.

Interpretation of certain words and phrases

49C. (1) For the purposes of the casting of ballots in support of a petition under section 49B, there shall be a Presiding Officer, a Deputy Presiding Officer and such number of Poll Clerks as may be necessary for each location.

(2) Immediately after the last registered voter has cast his ballot in support of a petition under section 49B after 4.00 p.m. on any day, the Presiding Officer shall announce the close of the casting of ballots for that day.

(3) The Presiding Officer shall, in a diary kept for the purposes of this subsection, record the hour at which the casting of ballots is closed on each day and the number of persons who cast ballots at that location as recorded on the numbered stub of the last ballot paper issued, excluding the total number of destroyed and spoiled ballots.

(4) The Presiding Officer shall sign the record in the diary referred to in subsection (3) and cause the Deputy Presiding Officer, the Poll Clerk, any petitioner or his agent, and the member specified in the petition or his agent, to append their signatures thereto.

(5) Immediately after the closing of the casting of ballots on the last day of the twenty-one-day period referred to in section 49B(9)*(b)*, the Chief Election Officer shall ascertain the result of the casting of the ballots and publicly declare and announce the same.

(6) No result of the casting of ballots under section 49B shall be publicly declared or announced, except in accordance with subsection (5).

(7) For the purposes of section 49B, a ballot in support of a petition shall be in the form set out as Form No. 4 in the Fourth Schedule.".

Fourth Schedule

Section 67 amended

7. Section 67 of the Constitution is amended—

(a) in subsection (1), by deleting the word "Each" and substituting the words "Subject to subsection (3), each";

(b) by inserting after subsection (2), the following subsection:

" (3) Subject to subsection (4), where**, after the first poll of a general election,** one or more supplementary polls are, or are to be held in accordance with section 73(4), no session of Parliament shall commence before the **appointment of the Prime Minister in accordance with section 76(1) or (1C).**

(4) Where, between the first poll **of a general election** and one or more supplementary polls referred to section 73(4), an emergency arises of such a nature that in the opinion of the Prime Minister it is necessary for the two Houses of Parliament to be summoned before all the supplementary polls can be held **or the Prime Minister is appointed under section 76(1C), whichever is sooner**, the President, acting in accordance with the advice of the Prime Minister, may summon the two Houses of the preceding Parliament but the supplementary polls shall proceed and the Parliament that has been summoned shall, if not sooner dissolved, again stand dissolved on the day on which the last supplementary poll is held **or the Prime Minister is appointed under section 76(1C), whichever is sooner**.".

8. Section 73 of the Constitution is amended by inserting after subsection (2), the following subsections: Section 73 amended

" (3) A candidate shall not be elected in accordance with subsection (1) as the member of the House of Representatives for a constituency, unless he obtains more than fifty per cent of the votes cast in the constituency.

(4) Where a poll (hereinafter in this section referred to as "the first poll") is held and no candidate is elected in accordance with subsections (1) and (3) as the member of the House of Representatives for a constituency, a supplementary poll between those candidates who earned the highest and second highest number of votes shall be held—

(a) on the fifteenth day following the date of the first poll; or

(b) if the fifteenth day under paragraph *(a)* falls on a Saturday, Sunday or public holiday, on the first following day that is not a Saturday, Sunday or public holiday,

and the list of electors for the purposes of the supplementary poll shall be the same list which was used for the purposes of the first poll.".

Section 76 amended

9. Section 76 of the Constitution is amended—

(a) in subsection (1)—

(i) by inserting after the words "Where there is occasion", the words ", whether following a general election or otherwise,"; and

(ii) by inserting after the words "Prime Minister" in the last place where they occur, the words "; save that no one shall be appointed who has served ten years or more as Prime Minister, whether or not such service is continuous or has been interrupted";

(b) by inserting after subsection (1), the following subsections:

" (1A) No person shall hold the office of Prime Minister for more than ten years and six months, whether or not such service is continuous or has been interrupted, and on attaining that length of service the Prime Minister shall vacate his office.

(1B) In calculating the length of service of a Prime Minister, no account shall be taken of any time spent serving as acting Prime Minister without having been appointed Prime Minister.

(1C) Without prejudice to the generality of subsection (1), where, after the first poll of a general election, one or more supplementary polls are, or are to be, held in accordance with section 73(4), the President shall proceed to appoint the Prime Minister in accordance with subsection (1)*(a)* as soon as practicable after he identifies a person who can be so appointed.".

10. The Constitution is amended by inserting after the Third Schedule, the following Schedule: Fourth Schedule inserted

"FOURTH SCHEDULE

[Sections 49B(1), (6), (8)*(b)* and (11) and 49C(7)]

FORM NO. 1

(FRONT)

APPLICATION FOR RECALL PETITION

[Pursuant to section 49B(1) of the Constitution of the Republic of Trinidad and Tobago]

To: The Elections and Boundaries Commission

We, A.B. of [Residential Address] (proposer of the requested petition) and C.D. of [Residential Address] (seconder of the requested petition), who are registered to vote, and who reside, in the Constituency of , hereby apply for a petition for the recall the Honourable [Name of Member] MP, the Member of Parliament for that constituency, and for the holding of a bye-election in that constituency.

Signed this day of , 20

(a) Proposer of the Requested National Identification No.: Petition

(b) Seconder of the Requested National Identification No.: Petition

STATUTORY DECLARATIONS

I, [Name of Proposer of Requested Petition] do solemnly and sincerely declare that I am registered to vote, and that I reside in the Constituency of .

I make this declaration conscientiously believing the same to be true and according to the Statutory Declarations Act, Chap. 7:04 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.

(Signed).....
Declarant

Declared this day of 20 .

Before me,

(Signed) .....
Commissioner of Affidavit/Justice of the Peace

I, [Name of Seconder of Requested Petition] do solemnly and sincerely declare that I am registered to vote, and that I reside in the Constituency of .

I make this declaration conscientiously believing the same to be true and according to the Statutory Declarations Act, Chap. 7:04 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.

(Signed).....
Declarant

Declared this day of , 20 .

Before me,

(Signed) .....
Commissioner of Affidavit/Justice of the Peace

(BACK)

SIGNATURES OF SUPPORTERS OF APPLICATION

We, the undersigned persons who are registered to vote, and who reside in the Constituency of , hereby support this application for a petition for the recall of the Honourable [Name of Member of Parliament to be recalled] MP from office pursuant to section 49B of the Constitution and for the holding of a bye-election in that constituency.

Name of Registered Voters (in Block letters)	Residential Address	Signature	National ID No.	Date
1.				
2.				
3.				

CERTIFICATION BY THE CHAIRMAN, ELECTIONS AND BOUNDARIES COMMISSION*

I, [Name of the Chairman, Elections and Boundaries Commission], Chairman of the Elections and Boundaries Commission, certify that this application has been supported by at least ten per cent of all the persons registered to vote in the Constituency of , that is to say, by at least [number of petitioners] out of [number of registered voters in the constituency on the date of receipt of the application] registered voters.

Dated this day of , 20...

(Signed) .....

Commissioner of Affidavit/Justice of the Peace

*May be omitted when form is used for collecting signatures.

FORM NO. 2

STATUTORY DECLARATION OF PERSON SUBMITTING SIGNATURES IN SUPPORT OF AN APPLICATION FOR A RECALL PETITION

[Pursuant to section 49B(6) of the Constitution of the Republic of Trinidad and Tobago]

I, [Name of Registered Voter] do solemnly and sincerely declare that I am registered to vote, and that I reside in the Constituency of and that the signatures submitted by me in support of the application dated , 20 for a petition for the recall of the Honourable [Name of Member of Parliament to be recalled] MP from office pursuant to section 49B of the Constitution and for the holding of a bye-election in that constituency, were voluntarily given and were not obtained by means of harassment, intimidation or threat, and that to the best of my knowledge, the signatures were given voluntarily by persons whose names appear on the list of registered voters in the constituency.

I make this declaration conscientiously believing the same to be true and according to the Statutory Declarations Act, Chap. 7:04 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.

(Signed).....
Declarant

Declared this day of , 20 .

Before me,

(Signed) .....
Commissioner of Affidavit/Justice of the Peace

FORM NO. 3

RECALL PETITION

[Pursuant to section 49B(8)*(b)* of the Constitution of the Republic of Trinidad and Tobago]

Issued by the Elections and Boundaries Commission on this day of 20 .

(Signed) .....
Chairman, Elections and Boundaries Commission

We, the undersigned persons who are registered to vote, and who reside in the Constituency of , hereby petition for the recall of the Honourable [Name of Member of Parliament to be recalled] MP from office pursuant to section 49B of the Constitution and for the holding of a bye-election in that constituency.

Signed this day of , 20 .

(a) Proposer of the Requested National Identification No.: Petition

(b) Seconder of the Requested National Identification No.: Petition

CERTIFICATION BY THE CHAIRMAN, ELECTIONS AND BOUNDARIES COMMISSION

I, [Name of the Chairman, Elections and Boundaries Commission], Chairman of the Elections and Boundaries Commission, certify that this petition was supported only—

(a) by ballots cast at the locations specified by the Elections and Boundaries Commission during the period of twenty-one days from the date of the first publication of the petition in a newspaper;

(b) by persons who were, on the date of issuance of the petition, registered to vote in the constituency specified in the petition; and

(c) once by each registered voter named herein,

and I further certify that this petition has been signed by at least two-thirds of all the persons referred to in paragraph *(b)*, that is to say, by at least [number of petitioners] out of [number of registered voters in the constituency on the date of issuance of the petition] registered voters.

Dated this day of 20 .

(Signed) .....
Chairman, Elections and Boundaries Commission

FORM NO. 4

BALLOT PAPER IN SUPPORT OF RECALL PETITION

(FRONT)

CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

BALLOT PAPER IN SUPPORT OF RECALL PETITION

[Pursuant to section 49C(7) of the Constitution of the Republic of Trinidad and Tobago]

I have read*/have had read to me* the petition for the recall of the Honourable [Name of Member of Parliament to be recalled] MP from office pursuant to section 49B of the Constitution and for the holding of a bye-election in the Constituency of and I understand it.

I hereby support the petition for the recall of the Honourable [Name of Member of Parliament to be recalled] MP from office pursuant to section 49B of the Constitution and for the holding of a bye-election in the Constituency of .

Name of Registered Voters (in Block letters)	Residential Address	Signature or fingerprint	National ID No.	Date

**Delete if inapplicable.*

(BACK)

CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

BALLOT PAPER IN SUPPORT OF RECALL PETITION

Electoral District of

Date:

Space for
Initials
of P.O. or
Chief Election Officer".

11. The written laws set out in the First Column of the Schedule are amended to the extent set out in the Second Column of the Schedule. Consequential amendments

"SCHEDULE

[Section 11]

CONSEQUENTIAL AMENDMENTS

First Column	Second Column
The Representation of the People Act, Chap. 2:01	The Representation of the People Act is amended— *(a)* in section 2(1)— (i) by inserting after the definition of "finger", the following definitions: "'first poll" means the first poll referred to in section 73(4) of the Constitution; "general election" means a general election of members to serve in the House of Representatives and includes a bye-election to elect a member to serve in that House;";

SCHEDULE—CONTINUED

First Column	Second Column
The Representation of the People Act, Chap. 2:01	(ii) by inserting after the definition of "personal expenses", the following definition: " "poll", in relation to an election of a member or members to serve in the House of Representatives, means the first poll or any supplementary poll;"; (iii) by inserting after the definition of "qualifying date", the following definition: " "recall petition" means a petition referred to in section 49B of the Constitution; (iv) by inserting after the definition of "Special Polling Agent", the following definition: " "supplementary poll" means a supplementary poll referred to in section 73(4) of the Constitution;"; *(b)* in section 33— (i) in subsection (2), by deleting the word "poll" and substituting the words "first poll and the date for the taking of any supplementary poll"; (ii) in subsection (3), by deleting paragraph *(b)* and substituting the following paragraph: "*(b)* the day upon which, if necessary— (i) in the case of a general election— (A) the first poll shall be taken, being not less than twenty-one days after nomination day; and

SCHEDULE—CONTINUED

First Column	Second Column
The Representation of the People Act, Chap. 2:01	(B) a supplementary poll shall be taken, which date shall be on the fifteenth day following the date of the first poll or, if that day falls on a Saturday, Sunday or public holiday, on the first following day that is not a Saturday, Sunday or public holiday; (ii) in the case of an election other than a general election, the poll shall be taken, being not less than twenty-one days after nomination day;"; *(b)* in section 34(1), by inserting after the words "the writ for the holding of the poll", the words ", other than a supplementary poll,"; *(c)* in section 37, by inserting after the words "no person", the words "at a poll"; *(d)* in section 96, by inserting after subsection (6), the following subsections: " (6A) A person is guilty of bribery who, directly or indirectly, by himself or by any other person on his behalf— *(a)* gives any money or procures any office to, or for any elector or to, or for any other person on behalf of any elector or to or for any other person in order to induce any elector to support, or refrain from supporting, an application for

SCHEDULE—CONTINUED

First Column	Second Column
The Representation of the People Act, Chap. 2:01	a recall petition or a recall petition; *(b)* corruptly does any act as in paragraph *(a)* on account of any elector having supported or refrained from supporting, an application for a recall petition or a recall petition; or *(c)* makes any gift or procurement as in paragraph *(a)* to, or for any person in order to induce that person to procure, or endeavour to procure, the supporting, or abstention from the supporting of an application for a recall petition or a recall petition, or if upon or in consequence of any such gift or procurement he procures or engages, promises or endeavours to procure the supporting, or abstention from supporting, of an application for a recall petition or a recall petition. (6B) An elector is guilty of bribery who, directly or indirectly by himself or by any other person on his behalf, receives, agrees to receive, or contracts for any money, gift, loan or valuable consideration, office, place or employment for himself or for any other person for supporting or agreeing to support an application for a recall petition or a recall petition, or for refraining or agreeing to refrain from supporting an application for a recall petition or a recall petition. (6C) A person is guilty of bribery who, directly or indirectly by himself or by any other person on his behalf, receives any money or valuable consideration on account of any

SCHEDULE—CONTINUED

First Column	Second Column
The Representation of the People Act, Chap. 2:01	person having supported or refrained from supporting an application for a recall petition or a recall petition, or having induced any other person to support or refrain from supporting a recall petition. (6D) A person is guilty of bribery who— *(a)* advances or pays or causes to be advanced or paid any money to, or to the use of any other person with the intent that the money or any part thereof will be expended in bribery under subsection (6A), (6B) or (6C); or *(b)* 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 under subsection (6A), (6B) or (6C). (6E) Subsections (1), (6A) and (6D) do not extend and shall not be construed to extend to any money paid or agreed to be paid for, or on account of any legal expense incurred in good faith concerning a recall petition."; *(e)* in section 97— (i) by inserting after subsection (2), the following subsection: " (2A) A person is guilty of treating who corruptly, by himself or by any other person on his behalf, directly or indirectly gives or provides or pays wholly or in part the expense of giving or providing any food, drink, entertainment or provision to, or for any person— *(a)* for the purpose of

SCHEDULE—CONTINUED

First Column	Second Column
The Representation of the People Act, Chap. 2:01	corruptly influencing that person or any other person to support or refrain from supporting an application for a recall petition or a recall petition; or *(b)* on account of that person or any other person having supported or refrained from supporting, or being about to support or refrain from supporting, an application for recall petition or a recall petition. (ii) in subsection (3), by inserting after the word "provision", the words "as is referred to in subsection (2) or (3)"; *(f)* in section 98, by inserting after subsection (2), the following subsection: " (3) A person is guilty of undue influence who— *(a)* directly or indirectly, by himself or by any other person on his behalf, makes use of, or threatens to make use of any force, violence or restraint, inflicts or threatens to inflict, by himself or by any other person, any temporal or spiritual injury, damage, harm or loss upon or against any person in order to induce or compel that person to support or refrain from supporting an application for a recall petition or a recall petition, or on account of that person having supported or refrained from supporting an application for a recall petition or a recall petition;

SCHEDULE—CONTINUED

First Column	Second Column
The Representation of the People Act, Chap. 2:01	*(b)* by abduction, duress or any fraudulent device or contrivance, impedes or prevents the free exercise of the franchise of an elector with respect to the supporting of an application for a recall petition or a recall petition or thereby compels, induces or prevails upon an elector either to support or refrain from supporting an application for a recall petition or a recall petition; or *(c)* by duress, induces a public officer to use his office to prevail upon an elector to support or refrain from supporting an application for a recall petition or a recall petition."; *(g)* in section 99— (i) in subsection (3), by deleting the words "this section" and substituting the words "subsection (2)"; and (ii) by inserting after subsection (3), the following subsection: " (3A) A person is guilty of personation if he casts a ballot in support of a recall petition— *(a)* as some other person whether that other person is living or dead or is a fictitious person; or *(b)* for a person whom he knows or has reasonable grounds for supposing to be dead or to be a fictitious person.".
The Registration Rules, Chap. 2:01	Rule 62 of the Registration Rules is amended— *(a)* in subrule (8), by deleting the word "A" and substituting the words "Subject to subrule (9), a"; *(b)* by inserting after subrule (8), the following subrule: " (9) Subrule (8) and rules 63 to 64A do not apply in the case of a supplementary poll.".

SCHEDULE—CONTINUED

First Column	Second Column
The Election Rules, Chap. 2:01	The Election Rules is amended— *(a)* in rule 4(2)*(e)*, by deleting the word "several"; *(b)* in rule 13, by inserting after subrule (3), the following subrule: " (3A) Subrules (2) and (3) do not apply in the case of a supplementary poll."; *(c)* in rule 14, by inserting after subrule (6), the following subrules: " (7) Notwithstanding the provisions of this rule, where a candidate in a supplementary poll withdraws his candidature under this rule, the Returning Officer shall countermand notice of the poll, and all proceedings with reference to the first poll and any supplementary poll shall be commenced afresh in all respects as if the writ had been received on the day on which the candidature was withdrawn, but no fresh nomination shall be necessary in the case of a person shown in the notice of taking of the first poll as standing nominated. (8) Where proceedings are commenced afresh under subrule (7), the Returning Officer shall fix— *(a)* a new date for the nomination of candidates being a date not more than fourteen days after the date on which the candidature was withdrawn; *(b)* a new date for the taking of the first poll, which date shall not be less than seven days from the new date fixed for the nomination of candidates; and *(c)* a new date for the taking of a supplementary poll, if necessary, which date shall be on the

SCHEDULE—CONTINUED

First Column	Second Column
The Election Rules, Chap. 2:01	fifteenth day following the new date fixed for the first poll or, if that day falls on a Saturday, Sunday or public holiday, on the first following day that is not a Saturday, Sunday or public holiday."; *(d)* in rule 15, by inserting after subrule (3), the following subrule: " (4) This rule does not apply in the case of a supplementary poll."; *(e)* in rule 16(1), by inserting after the words "When a poll", the words ", other than a supplementary poll,"; *(f)* by inserting after rule 16, the following rule: "Notice of taking a supplementary poll 16A (1) When a supplementary poll is to be taken, the Returning Officer shall, as soon as practicable, give notice by publication in one or more daily newspapers of— *(a)* the day on which and the hours during which the supplementary poll will be taken; *(b)* the location of each polling station; and *(c)* the name and address and occupation of each candidate as given in his nomination paper, and the symbol assigned to him. (2) The Returning Officer shall also cause notices in the form set out as Form No. 46A in the Prescribed Forms Rules to be posted at his office and at such places in his electoral district as he may deem necessary.";

SCHEDULE—CONTINUED

First Column	Second Column
The Election Rules, Chap. 2:01	*(g)* in rule 17(2)— (i) in paragraph *(a)*, by deleting the word "and" at the end thereof; (ii) in paragraph *(b)*— (A) by inserting before the words "a new", the words "in the case of an election other than a general election,"; and (B) by deleting the full stop and substituting the words "; and"; (iii) by inserting after paragraph *(b)*, the following paragraph: "*(c)* in the case of a general election— (i) a new date for the taking of the first poll, which date shall not be less than seven days from the new date fixed for the nomination of candidates; and (ii) a new date for the taking of a supplementary poll, if necessary, which date shall be on the fifteenth day following the new date fixed for the first poll or, if that day falls on a Saturday, Sunday or public holiday, on the first following day that is not a Saturday, Sunday or public holiday."; *(h)* in rule 37(2), by inserting after the words "polling station on", the word "that"; *(i)* in rule 38(1), by deleting the words "an election" and substituting the words "a poll"; *(j)* in rule 38(9), by deleting the word "Deputy";

SCHEDULE—CONTINUED

First Column	Second Column
The Election Rules, Chap. 2:01	*(k)* in rule 39, by inserting after subrule (2), the following subrule: "(3) This rule does not apply in the case of a supplementary poll."; *(l)* in rule 40— (i) in subrule (3), by deleting the word "election" and substitute the word "poll"; (ii) in subrule (4), by deleting the word "If" and substituting the words "Subject to subrule (4A), if"; (iii) by inserting after subrule (4), the following subrule: " (4A) In the case of a supplementary poll, the Presiding Officer or his nominee shall, for the purposes of subrule (4) or (7), disregard any mark of electoral ink which he reasonably believes to be electoral ink from the first poll."; (iv) in subrule (6), by deleting the word "index"; (v) by inserting after subrule (6), the following subrule: " (6A) For the purposes of a general election, the colour of the electoral ink used in the first poll shall be different from the colour of the electoral ink used in any supplementary poll."; (vi) in subrule (7), by deleting the word "Where" and substituting the words "Subject to subrule (4A), where"; (vii) in subrule (12), by inserting after the words "polling station on" the word "that"; (viii) in subrule (19), by deleting the word "election" and substituting the word "poll"; *(m)* in rule 50(1), by deleting the words "an election" and substituting the words "a poll"; *(n)* in rule 65, by inserting after the words "rule 63(6)", the words "and, in the case of a supplementary poll, as soon practicable after the first poll";

SCHEDULE—CONTINUED

First Column	Second Column
The Election Rules, Chap. 2:01	*(o)* in rule 101— (i) by repealing subrule (1) and substituting the following subrules: " (1) Where by 12.00 noon on the day following the closing of the poll neither a candidate nor his agent requests the Returning Officer to conduct a final count, the Returning Officer shall confirm the count conducted by the Presiding Officer as set out in his Statement of the Poll, and the Returning Officer shall then— *(a)* in the case of a poll other than the first poll of a general election, declare in writing the candidate who is found to have the most votes to be elected; *(b)* in the case of the first poll of a general election, declare in writing— (i) the candidate who is found to have more than fifty per cent of the votes to be elected; or (ii) that a supplementary poll between those candidates who earned the highest and second highest number of votes shall be held within fifteen days, and a copy of the declaration shall be delivered by the Returning Officer to each candidate or his agent present and where any candidate is neither present nor there represented, the

SCHEDULE—CONTINUED

First Column	Second Column
The Election Rules, Chap. 2:01	Returning Officer shall forthwith transmit by registered post to the candidate a copy of the declaration."; (ii) in subrule (13), by deleting the word "Where" and substituting the words "Except in the case of the first poll of a general election, where"; (iii) in subrule (14), by deleting the word "Where" and substituting the words "Except in the case of the first poll of a general election, where"; (iv) in subrule (15)— (A) by deleting the word "Where" and substituting the words "Except in the case of the first poll of a general election, where"; and (B) by deleting word "election" in both cases where it occurs and substituting in each place the word "poll"; (v) by inserting after subrule (15), the following subrules: " (16) In the case of the first poll of a general election, where a final count results in an equality of votes— *(a)* between two candidates obtaining the most votes, the Chief Election Officer shall so certify to the Returning Officer who shall make a declaration in accordance with subrule (1)*(b)*(ii); *(b)* among three or more candidates obtaining the most votes, the Chief Election Officer or an officer designated for the purpose shall conduct a recount not later than four days after the closing of the poll; or

SCHEDULE—Continued

First Column	Second Column
The Election Rules, Chap. 2:01	*(c)* between two, or among three or more, candidates obtaining the second most votes and no candidate obtains more than fifty per cent of the votes, the Chief Election Officer or an officer designated for the purpose shall conduct a recount not later than four days after the closing of the poll. (17) Where a recount under subrule (16)*(b)* or *(c)* results in— *(a)* one candidate obtaining the most votes and another candidate obtaining the second most votes; or *(b)* an equality of votes between two candidates obtaining the most votes, and no candidate obtains more than fifty per cent of the votes, the Chief Election Officer shall so certify to the Returning Officer who shall make a declaration in accordance with subrule (1)*(b)*(ii). (18) Where a recount under subrule (16)*(b)* or *(c)* does not result in— *(a)* one candidate obtaining the most votes and one other candidate obtaining the second

SCHEDULE—CONTINUED

First Column	Second Column
The Election Rules, Chap. 2:01	most votes; and *(b)* one candidate obtaining more than fifty per cent of the votes, the Chief Election Officer shall so certify to the Returning Officer who shall declare the poll void and a new poll shall, as soon as possible, be held in accordance with these Rules."; *(p)* in rule 103— (i) by deleting the word "Where" and substituting the words "Except in the case of the first poll of a general election, where"; and (ii) by deleting the word "election" and substituting the word "poll"; *(q)* in rule 104, by deleting from the words "the same and announce the candidate for whom most votes have been given to be elected as the member for the electoral district" and substituting the words "and announce the same"; *(r)* in rule 108(1), by deleting paragraph *(a)* and substituting the following paragraph: "*(a)* the writ with— (i) his return in the form set out as Form No. 72 or 73 in the Prescribed Forms Rules, as the case may be, and endorse thereon the candidate who has been elected; or (ii) in the case of the first poll of a general election where no candidate has obtained more than fifty per cent of the votes cast, a notice in the form set out as Form 74 in the Prescribed Forms Rules;";

SCHEDULE—CONTINUED

First Column	Second Column
The Election Rules, Chap. 2:01	*(s)* in rule 109(1), by deleting the words "; and after the expiration of twelve months from polling day the Commission may cause the documents used at the election to be burnt or to be shredded by a suitable shredding machine";
	(t) by inserting after rule 109, the following rule:
	"Destruction of election documents by Commission 109A Notwithstanding rule 109, the Commission may cause the documents used at an election to be burnt or to be shredded by a suitable shredding machine, after the expiration of twelve months from—
	(a) in the case of a general election, the first polling day; or
	(b) in the case of an election other than a general election, polling day.".
The Prescribed Forms Rules, Chap. 2:01	The Schedule to the Prescribed Forms Rules is amended—
	(a) in Form No. 2, by deleting the words "a poll to be taken on the … day of… 20…" and substituting the words "the first poll to be taken on the …day of… 20… and, if necessary, a supplementary poll to be taken on the … day of… 20…*/ a poll to be taken on the … day of… 20…*";
	(b) in Form No. 29, by deleting the words "the election to be held on the …day of…, 20…" and substituting the words "the first poll to be taken on the …day of… 20… and, if necessary, a supplementary poll to be taken on the … day of… 20…*/the poll to be taken on the … day of… 20…*";
	(c) in Form No. 29A, by deleting the words "the election to be held on the …day of…, 20…" and substituting the words

SCHEDULE—CONTINUED

First Column	Second Column
The Prescribed Forms Rules, Chap. 2:01	"the first poll to be taken on the …day of… 20… and, if necessary, a supplementary poll to be taken on the … day of… 20…*/the poll to be taken on the … day of… 20…*";
	(d) in Form No. 30—
	(i) by deleting the words "the election to be held on the …day of…, 20…" and substituting the words "the first poll to be taken on the …day of… 20… and, if necessary, a supplementary poll to be taken on the … day of… 20…‡/the poll to be taken on the … day of… 20…‡"; and
	(ii) by inserting at the end of the form, the words "‡ *Delete if inapplicable*.";
	(e) in Form No. 35—
	(i) by deleting the words "the poll will take place between the hours of 6.00 a.m. and 6.00 p.m. on the …day of…, 20…" and substituting the words "the first poll will take place between the hours of 6.00 a.m. and 6.00 p.m. on the …day of… 20… and, if necessary, a supplementary poll will take place between the hours of 6.00 a.m. and 6.00 p.m. on the … day of… 20…*/ the poll will take place between the hours of 6.00 a.m. and 6.00 p.m. on the … day of… 20…*";
	(ii) by deleting the words "thereafter the preliminary results of the poll" and substituting the words "the preliminary results of any such poll*/the poll*";
	(iii) by inserting after the words "shall confirm", the words "and declare";
	(iv) by deleting the words "and declare the candidates recorded as having received the most to be elected"; and
	(v) by inserting after the words "commencing at the hour of …a.m./p.m.", the words "[and in the case of a supplementary poll, … at … on the … day of…, 20…

SCHEDULE—CONTINUED

First Column	Second Column
The Prescribed Forms Rules, Chap. 2:01	commencing at the hour of … a.m./p.m.*]";

(f) by inserting after Form No. 46, the following form:

"FORM NO. 46A

[Election Rule 16A(2)]

REPRESENTATION OF THE PEOPLE ACT

NOTICE OF TAKING A SUPPLEMENTARY POLL

The Electoral District of.....

NOTICE is hereby given to the electors of the Electoral District aforesaid that a supplementary poll will be taken for the election now pending for the said electoral district and that such poll will be opened on the ..... day of ....., 20....., at the hour of six in the forenoon and kept open till the hour of six in the afternoon in the following polling stations established in the various polling divisions comprised in the said electoral district—

Polling Stations:

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

And that the two candidates in the above electoral district are as follows:

Name Address Occupation Symbol

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

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";

SCHEDULE—CONTINUED

First Column	Second Column
The Prescribed Forms Rules, Chap. 2:01	*(g)* in Form 48, by deleting the word, "ELECTION" and substituting the word "POLLING"; *(h)* in Form 50, by deleting the words "the poll" and substituting the words "any poll"; *(i)* in Form 52, by deleting the words "ELECTION DATE" and substituting the words "POLL DATE"; *(j)* by inserting after Form 72, the following forms: **"FORM NO. 73** **[Election Rule 108(1)*(a)*]** REPRESENTATION OF THE PEOPLE ACT RETURN AFTER FIRST POLL IN A GENERAL ELECTION WHERE THE MEMBER HAS BEEN ELECTED I HEREBY CERTIFY that the member elected for the electoral district of .....in pursuance of the within writ, having received more than fifty per cent of the votes lawfully given, is: ..... *(Name)* ..... *(Address)* Dated at ..... this..... day of ....., 20..... ..... Returning Officer

SCHEDULE—CONTINUED

First Column	Second Column
The Prescribed Forms Rules, Chap. 2:01	**FORM NO. 74** **[Election Rule 108(1)*(a)*]** REPRESENTATION OF THE PEOPLE ACT RETURN AFTER FIRST POLL IN A GENERAL ELECTION WHERE THE MEMBER HAS NOT BEEN ELECTED I HEREBY CERTIFY that, after the taking of the first poll in pursuance of the within writ, no candidate has received more than fifty percent of the votes lawfully given and, accordingly, the member has not been elected for the electoral district of ..... Dated at ..... this..... day of ....., 20..... ..... Returning Officer".

Passed in the House of Representatives this 12th day of August, 2014.

Acting Clerk of the House

I confirm the above.

Speaker

Passed in the Senate this day of , 2014.

Clerk of the Senate

I confirm the above.

President of the Senate

No. 18 of 2014

FIFTH SESSION

TENTH PARLIAMENT

REPUBLIC OF
TRINIDAD AND TOBAGO

BILL

AN ACT to amend the Constitution of the Republic of Trinidad and Tobago

Received and read the

First time .....

Second time .....

Third time .....