

UNDUE INFLUENCE S 71

Every person who, directly or indirectly, by himself or by any other person or on his behalf, makes use of or threatens to make use of any force, violence, or restraint, or 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 such person to vote or refrain from voting or on account of such person having voted or refrained from voting at any election, or who by abduction, duress or any fraudulent contrivance, impedes or prevents the free exercise of the franchise of any voter, or thereby compels, induces or prevails upon any voter, either to give or refrain from giving his vote at any election, shall be guilty of undue influence within the meaning of this Ordinance.

Penalty for bribery, treating or undue influence S 72

Every person who is guilty of bribery, treating or undue influence under the provisions of this Ordinance shall on summary conviction be liable to a fine of \$5,000 or to imprisonment for 12 months or to both.

DEFINITION OF PERSONATION S 73

- ◆ Every person who at an election applies for a ballot paper in the name of another person, whether that name be the name of a person living or dead, or of a fictitious person is guilty of personation within the meaning of this Ordinance.
- ◆ Every person who is guilty of personation or of aiding, abetting, counselling or procuring the commission of the offence of personation shall be liable on summary conviction to a fine of \$5000, or to imprisonment for 12 months or to both.

Penalties for certain illegal practices at election: S 75

Every person who-

- ◆ Votes, or induces or procures any person to vote, at any election knowing that he/she or such other person is prohibited by this Ordinance, or by any law in force in the Islands, from voting at such election;
- ◆ 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;
- ◆ Between the date of the publication by the returning officer of a notice in accordance with section 27(1) and the 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,

Shall be guilty of an illegal practice and shall on summary conviction be liable to a fine of \$2,000 and be capable, during a period of 5 years from the date of conviction, of being registered as a voter or of voting at any election.

OFFENCES IN RESPECT OF BALLOT PAPERS S 76

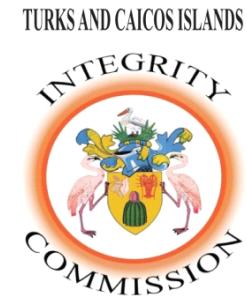
Every person who—

- ◆ Forges or counterfeits, or fraudulently defaces or destroys, any ballot paper; or
- ◆ Without due authority supplies a ballot paper to any person; or
- ◆ Fraudulently puts into any ballot box any paper other than the ballot paper which he is authorised by this Ordinance to put in; or
- ◆ Fraudulently takes out of the polling station any ballot paper; or
- ◆ Without due authority destroys, takes, opens, or otherwise interferes with any ballot box or packet or ballot papers then in use for the purposes of any election; or
- ◆ Not being duly registered as a voter, votes at an election,

Shall be guilty of an offence and liable on summary conviction if he is an election officer, o a fine of \$5000, or to imprisonment for 12 months or both, and if he is not an election officer, to a fine of \$2,500 or to imprisonment for 6 months or both.

SECRECY OF VOTING S 77

- ◆ Every election officer and every agent appointed under section 37 in attendance at a polling station shall maintain and aid in maintaining the secrecy of the voting in such station, and shall not communicate, except for some purpose authorised by law, to any person any information as to the name or number on the official list of voters of any voter who has or has not applied for a ballot paper or voted at that polling station, and no person shall interfere with or attempt to interfere with a voter when marking his vote or otherwise attempt to obtain in the polling station any information as to the candidate for whom any voter in such station is about to vote or has voted.
- ◆ No person shall, Directly or indirectly, induce any voter to display his ballot paper after he has marked it so as to make known to any person the name of the candidate against whose name he has marked his vote.
- ◆ Every person who acts in contravention of any of the provisions of this section shall be guilty of an offence and liable to summary conviction to imprisonment of 6 months or to a fine of \$1000, or both.



Guidance Notes on Election Offences

**Under the Elections Ordinance and
Related Legislation:**

Election Offences Part V S65-77

**The Elections Ordinance
is governed by the
Supervisor of Elections**

Reports should be made to the Supervisor of Elections, the Police, or the Integrity Commission.

INTOXICATING LIQUOR S 65

- ◆ No intoxicating liquor shall be sold, offered for sale, or given away at any premises situate in any electoral district in which an election is being held; to which a licence issued under the Liquor Licensing Ordinance applies at any time between the opening and the closing of the poll.
- ◆ No intoxicating liquor shall be sold, offered for sale or given away at a political meeting.
- ◆ Any person who contravenes the provisions of this section shall be guilty of an offence and liable on summary conviction to a fine of \$1000, or to imprisonment for six months or both.

EMPLOYERS MUSY ALLOW: S 66

- ◆ Every employer shall, on polling day, allow to every voter in his employ a reasonable period for voting, and no employer shall make any deduction from the pay or other remuneration of any such voter or impose upon or exact from him any penalty by reason of his absence during such period.
- ◆ Any employer who, directly or indirectly refuses, or by intimidation, undue influence, or in any other way, interferes with the granting to any voter in his employ of such period for voting, as is in this section provided, shall be guilty of an offence and liable on summary conviction to a fine of \$1000 or to imprisonment for six months or both.

OFFENSES BY ELECTIONS OFFICERS S 67

Every election officer who:-

- ◆ Makes, in any record, return or other document which he is required to keep or make under this Ordinance, any entry which he knows or has reasonable cause to believe to be false, or does not believe to be true; or
- ◆ Permits any person whom he knows or has reasonable cause to believe not to be a blind person, an illiterate person or an incapacitated person to vote in the manner provided for blind person, an illiterate person or incapacitated person to vote in the manner provided for blind persons or incapacitated persons, as the case may be
- ◆ Refuses to permit any person whom he knows or has reasonable cause to believe to be a blind person, an illiterate person or an incapacitated person to vote in the manner provided for blind persons, illiterate persons or incapacitated persons as the case may be
- ◆ Wilfully prevents any person from voting at the polling station at which he knows or has reasonable cause to believe such persons is entitled to vote; or

- ◆ Wilfully rejects or refuses to count any ballot paper which he knows or has reasonable cause to believe is validly cast for any candidate in accordance with the provisions of this Ordinance; or
- ◆ Wilfully counts any ballot paper as being cast for any candidate which he knows or has reasonable cause to believe was not validly cast for such a candidate,

NB: Anyone who commits any of the above shall be guilty of an offence against this section and liable on summary conviction to a fine of \$5000 or to imprisonment for twelve months or to both.

- ◆ Loud speakers are prohibited on polling day with the intent that it is used for political propaganda., **S 68**
- ◆ Any person who commits this act is guilty of an offence under the Elections Ordinance and is liable to a summary conviction to a fine of \$1,000 or imprisonment for six months or both.

BRIBERY S 69

A person is guilty of bribery if they directly or indirectly, by themselves or by someone on their behalf, give any money or procure any office to or for any voter, or on behalf of any voter, in order to induce any voter to vote or not vote for a particular candidate or referendum answer, or to vote or refrain from voting.

The following persons shall be deemed guilty of bribery within the meaning of this Ordinance-

- ◆ Every person who, directly or indirectly by himself or by any other person on his 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 any voter, or to or for any other person in order to induce any voter to vote or refrain from voting, or corruptly does any such act as aforesaid on account of any voter having voted or refrained from voting at any election.
- ◆ Every person who, directly, or indirectly by himself or by any other person on his behalf, gives or procures, or agrees to give or to procure, or offers, promises, or promises to procure or to endeavour to procure any office, place or employment to or for any voter, or to or for any other person in order to induce such voter to vote or refrain from voting, or corruptly does any such act as aforesaid on account of any voter having voted or refrained from voting at any election;
- ◆ Every person who, directly or indirectly, by himself or by any other person on his behalf, makes any such gift, loan, offer, promise, procurement or

- ◆ agreement as aforesaid 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 any voter at any election;

- ◆ Every person who upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procures or engages , promises or endeavours to procure the return of any person as an elected member of the House of Assembly or the vote of any voter at any election;

- ◆ Every person who advances , or pays or causes to be paid, any money to or to use any other person with the intent that such money, or any part thereof, shall, be expended in bribery at any election, or 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;

- ◆ Every voter who, before or during any election directly or indirectly, by himself or by any other person on his behalf, receives, agrees or contracts for any money, gift, loan or valuable consideration, office, place or employment for himself or for any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting, at any election;

- ◆ Every person who after any election, directly or indirectly, by himself or by any other person on his behalf, receives any money or valuable consideration on account of any person having voted or refrained from voting at any such election.

TREATING S 70

The following persons shall be deemed guilty of treating within the meaning of this Ordinance, not necessarily on polling day only:-

- ◆ Every person who corruptly by himself 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 such election, or on account of such person or any other person having voted or refrained from voting at such election;
- ◆ Every voter who corruptly accepts or takes any such food, drink, entertainment or provision.