



THE REPUBLIC OF TRINIDAD AND TOBAGO

# NOTICE OF ELECTION OFFENCES

## 2021 TOBAGO HOUSE OF ASSEMBLY ELECTIONS AND LOCAL GOVERNMENT BYE-ELECTIONS

The Elections and Boundaries Commission wishes to remind the public of **Offences on Polling Day**, as stipulated in the Representation of the People Act, Chap. 2:01 Laws of Trinidad and Tobago.

### SECTION 88 (1), (2), (3) - PROHIBITION OF EMPLOYMENT OF BANDS OF MUSIC

- (1) No person shall hire or make use of any band of music on polling day within an electoral district for which an election is being held until two hours after the closing of the poll.
- (2) No person shall play in any band of music at any meeting or in any procession held on polling day within an electoral district for which an election is being held until two hours after the closing of the poll.

**(3) Any person who contravenes this section is liable on summary conviction to a fine of seven thousand, five hundred dollars or to imprisonment for six months.**

### SECTION 89 (1), (4) - LOUDSPEAKERS, BANNERS, FAVOURS, BADGES, ETC. PROHIBITED

- (1) No person shall furnish or supply any public address apparatus, loudspeaker, bunting, ensign, banner, standard or set of colours or any flag to any person with intent that it should be worn or used on polling day within an electoral district for which an election is being held on any motor or other vehicle as political propaganda on polling day, and no person shall on polling day carry, wear or use within such electoral district any public address apparatus, loudspeaker, bunting, ensign, banner, standard or set of colours or flag, on any motor or other vehicle or other wise as political propaganda.

**(4) Any person who contravenes this section is liable on summary conviction to a fine of seven thousand, five hundred dollars or to imprisonment for six months.**

### SECTION 90 (1), (2), (3) – PERSONS NOT TO CONGREGATE NEAR POLLING STATIONS

- (1) Subject to subsection (2), during the hours when the poll is open on polling day no persons shall assemble or congregate in a polling station or within one hundred yards thereof.
- (2) This section does not apply to –
  - (a) any electors who are waiting to vote at such polling station and who obey such instructions as may be given by the Presiding Officer or any Police Officer for the purpose of forming a queue with other electors so waiting; or
  - (b) any person who under this Act lawfully enters and remains in such station.

**(3) Any person who contravenes this section is liable on summary conviction to a fine of seven thousand, five hundred dollars or to imprisonment for three months.**

### SECTION 91 (1), (2) – INFLUENCING ELECTORS TO VOTE FOR ANY CANDIDATE

- (1) During the hours that the poll is open upon polling day no person shall, in any polling station or upon any road or in any public place within one hundred yards of any polling station, seek to influence any elector to vote or to refrain from voting for any candidate or political party or to ascertain for whom any elector intends to vote or has voted.

**(2) Any person who contravenes this section is liable on summary conviction to a fine of seven thousand, five hundred dollars or to imprisonment for three months.**

### SECTION 92 (1) – INTOXICATING LIQUOR NOT TO BE SOLD

- (1) No intoxicating liquor shall be sold, offered or exposed for sale, or given away at any premises licensed under the Liquor Licences Act and situated in any electoral district for which an election is being held at any time between the opening and the closing of the poll on polling day.

### SECTION 94 (1), (2), (3) - ILLEGAL VOTING

- (1) A person is guilty of an offence who votes at an election –
  - (a) knowing that he is not entitled to vote at the election;
  - (b) as an elector more than once in the same electoral district or in more than one electoral district; or
  - (c) for which he is entitled to vote as a special elector, otherwise than in accordance with Part IV of the Election Rules.
- (2) A person is guilty of an offence who induces or procures some other person to do an act if he knows that such act is, or but for that other person's want of knowledge would be, an offence by that other person under subsection (1).

**(3) An offence under this section is an illegal practice.**

### SECTION 99 (1), (2), (3), (4) – PERSONATION

- (1) A person is guilty of a corrupt practice if he commits, or aids, abets, counsels or procures the commission of, the offence of personation.
- (2) A person is guilty of personation at an election if he –
  - (a) votes as some other person whether that other person is living or dead or is a fictitious person;
  - (b) votes for a person whom he knows or has reasonable grounds for supposing to be dead or to be a fictitious person; or
  - (c) votes when there is upon any of his fingers any mark of electoral ink.
- (3) For the purposes of this section a person who has presented himself to a Poll Clerk for the purpose of voting at an election or who has marked whether validly or not and returned a ballot paper for the purpose of voting shall be deemed to have voted.

**(4) A person charged with personation shall not be convicted except on the evidence of not less than two credible witnesses.**

### SECTION 100 (2) – PENALTY FOR CORRUPT PRACTICE

- (2) A person who commits the offence of personation or of aiding, abetting, counselling or procuring the commission of the offence of personation is liable on conviction on indictment to a fine of thirty thousand dollars and to imprisonment for five years.

### SECTION 101 (1) – PENALTY FOR ILLEGAL PRACTICE

- (1) Except as otherwise specifically provided, a person guilty of an illegal practice is liable on summary conviction to a fine of fifteen thousand dollars or to imprisonment for six months.