



Government of the
Republic of Trinidad and Tobago

Report
of
The Commission of Enquiry
into the
Functioning of the Elections and
Boundaries Commission of
Trinidad and Tobago

Friday, 31st May, 2002

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*Presiding Officer Calling
Names of Electors
after Elector had
voted
Initials of Presiding Officer
and Deputy Presiding
Officer Not in Polling
Station Diary
Unauthorised Initials on
Ballot Paper*

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EXECUTIVE SUMMARY

1. On January 29, 2002, the President of the Republic of Trinidad and Tobago appointed a Commission of Enquiry into the functioning of the Elections and Boundaries Commission. The Commission received 72 submissions, held public hearings over the period March 13 to May 15, 2002 and paid visits to selected Offices of the EBC.
 2. Although the Commission fully understood that it was not a judicial enquiry it, nevertheless, saw its task as arriving at an understanding of what really transpired in respect of those matters referred to in its Terms of Reference. In doing so, the Commission strove to establish a proper balance between fairness to any persons who might be named on the one hand and the public interest on the other.
 3. In accordance with its Terms of Reference, there were three main questions which the Commission sought to answer --
 - (1) *Were the Electoral Lists for the 2000 and the 2001 General Elections accurately compiled?*
 - (2) *Are the processes and procedures employed by the EBC conducive to accuracy of the Electoral Lists and the competent functioning of EBC staff?*
 - (3) *What changes, if any, should be made to ensure that the integrity of the Electoral Process is preserved?*
 4. On the question of the Electoral Lists: While the Commission has arrived at a definitive answer with respect to the 2001 General Election, the same cannot be said for the 2000 Election. In the case of the 2001 Election, the obvious reliance on the House-to-House Survey for modifying the Electoral List meant that the accuracy of the List for that year was directly linked to the quality of the Survey. In respect of the 2000 List, there was not much evidence before the Commission relating to the compilation procedures adopted. With respect to this List, the Commission cannot state as a finding of fact that the Electoral List for 2000 was inaccurate, although it appears that the probabilities point in this direction.
 5. In its extensive consideration of the processes and procedures employed by the EBC, the Commission was confronted with a number of areas of weakness. Our findings are that there are reasons for very serious concern in relation to -
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- (i) the security of EBC information on registrants*
- (ii) delays in the processing of basic registration transactions*
- (iii) the quality of field checks in the different registration areas and*
- (iv) the execution of a national registration update exercise.*

The Commission was informed that most of these problems are directly related to a bigger problem - that of *underfunding* – and that the EBC has had to live with this over the years.

6. In the light of these findings, the Commission has arrived at a number of recommendations. In summary these are -
- (i) Give the EBC a chance to be guided by a new vision**
 - (ii) Undertake a thorough repair of the Electoral Lists in the five marginal Constituencies before going into the next General Election**
 - (iii) Decide at governmental level to put the funding of the EBC on a footing consistent with its crucial role in the maintenance of our democracy**
 - (iv) Provide the EBC with appropriate staffing, paying special attention to the Data Section**
 - (v) Undertake a detailed review of the Representation of the People Act with the intention of making it possible for greater stakeholder involvement, greater transparency, and higher levels of accuracy in the production of Electoral Lists.**

21. That the Act be amended to provide for a Revising Tribunal.
22. That the Registration and Election Rules be amended as follows -
 - (1) A Statutory Declaration be included in the following Forms:
 - Form 10 – Registration Record Card
 - Form 22 – Notice of Change of Residence
 - Form 24 – Application for Replacement of Identity Card
 - Form 31 – Option where Person has more than one place of residence
 - (2) Election Rule 39(1) be amended to make it mandatory for the EBC to issue or cause to issue Poll Cards to prospective voters whose names appear on the Revised List of Electors at the address stated thereon.
 - (3) Election Rule 54(1) be amended to include the initials of the Presiding Officer and the Deputy Presiding Officer and any other officer authorized by the Presiding Officer to initial ballot papers in the station diary.
- (23) That the Representation of the People Act, Chap 2:01 be put before Parliament for amendment following the Review of the Act as recommended.

RECOMMENDATIONS

WE RECOMMEND -

1. That the Commissioners of the EBC tender their resignations to His Excellency the President.
2. That a suitably qualified person in Management and knowledgeable in Human Resources and Information Systems be recruited on contract to the post of Chief Election Officer.
3. That the EBC immediately revisit and redo the entire field-check exercises carried out in the 2001 House to House Survey in the Marginal Constituencies.
4. That the field-check exercises referred to in paragraph 3 be done before the next General Election.
5. That the field-check exercises referred to in paragraph 3, be continued in the remaining Constituencies as soon as is practicable thereafter.
6. That the EBC take **immediate** steps to ensure the security of all Registration Record Cards and other Registration Documents.
7. That the EBC take **immediate** steps to cancel the Registration Record Cards of all Electors whose names have been deleted from the Electoral List.
8. That the EBC take **immediate** steps to obtain information on persons falling under Section 15(1)(a) and (b) of the Act and update the Electoral List on a continuous basis in respect of these persons.

9. That the EBC should streamline its field investigation procedures and abolish the use of Form A134.
10. That the EBC should as a matter of policy, refer to the Police all cases of registration transactions which after a **proper** field-check are found to be invalid.
11. That the EBC streamline its registration and re-registration procedures to ensure that ID Cards are available to the Registrant within one month from the date of application.
12. That the EBC utilize its power under Section 4 of the Act to register Electors and update the Register of Electors on a continuing basis.
13. That the EBC post lists of Additions to and Deletions from the Electoral List in every Polling Division on a quarterly basis.
14. That the EBC print the Elector's File Number on the ID card and on Electoral Lists and Poll Cards.
15. That the EBC should ensure that on Polling Day -
 - (1) Pending an amendment to the Rules, the "initials of the Presiding Officer and the Deputy Presiding Officer should be displayed in the Station Diary.
 - (2) The Duplicate Poll Cards carry Electors' Registration Numbers and organized for convenient use by the Poll Clerks.
 - (3) The Poll Clerk check the Registration Number on an Elector's ID card against the Registration Number on the Duplicate Poll Card in every case and use the Duplicate Poll Card in the Voting Process.

- (4) The Poll Clerk should call the sequential number and the name of every Elector as the Elector is being processed by the Poll Clerk.
 - (5) Where a Voter does not have an ID Card or his/her name does not appear on the Electoral List, the Poll Clerk should check the Voter's Registration Record Card in the Unit Register in every case.
 - (6) Pending an amendment to the Rules, that the EBC must regard it as a mandatory practice to send out Poll Cards to every Elector before an Election.
 - (7) That the EBC continue the practice of printing the registration number of Electors on the Electoral List provided to the staff at Polling Stations and ensure that these Lists reach the Presiding Officer prior to polling day.
16. That the EBC should as soon as possible acquire the new computer recommended in this Report and update its Identity Card Issuance System.
 17. That the EBC make Voter Education one of its priorities and immediately embark upon a planned programme to accomplish this.
 18. That Government provide adequate funding to the EBC to enable it to carry out its Constitutional and Legal Functions.
 19. That Government guarantee to the EBC the funds allocated to it in the Annual Budget and ensure timely releases of these funds.
 20. That a competent local Attorney be appointed to carry out a review of the Representation of the People Act, Chap.2:01.
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TRINIDAD AND TOBAGO

**REPORT OF THE COMMISSION OF ENQUIRY INTO THE
FUNCTIONING OF THE ELECTIONS AND BOUNDARIES
COMMISSION**

A. PRELIMINARY

1. By Instrument dated the 29th day of January, 2002, His Excellency the President of Trinidad and Tobago appointed a Commission to enquire into the functioning of the Elections and Boundaries Commission of Trinidad and Tobago ("the EBC") with the following Terms of Reference:

" (i) To inquire into:

- The entire process involved in the compiling of the lists of electors used in the 2000 and the 2001 General Elections for all the electoral districts in Trinidad and Tobago with special attention being paid to the process as it relates to the constituencies of Tunapuna, Barataria/San Juan, San Fernando West, St. Joseph and Ortoire/Mayaro
- The systems and procedures followed by the Elections and Boundaries Commission to ensure the accuracy of the lists of electors in 2000 and 2001 in circumstances where
- registered persons change their places of residence from one registration area to another

- registered persons die or no longer have their places of residence in Trinidad and Tobago or otherwise cease to be qualified to be registered as electors in their registration areas
 - The systems, processes and procedures followed by the Elections and Boundaries Commission to ensure that members of its staff exercise their functions competently, and in accordance with democratic practice and principles
- (ii) To make such observations and recommendations arising out of its deliberations as the Commission may deem appropriate to ensure that the integrity of the electoral process is preserved.”

2. The Commissioners are:

- | | | |
|--|---|----------|
| Justice Lennox Deyalsingh Retired Judge of the Supreme Court | - | Chairman |
| Professor Karl Theodore Professor in Economics and Head of the Economics Department, The University of the West Indies St. Augustine | - | Member |
| Dr. Noel Kalicharan Senior Lecturer in Computer Science, The University of the West Indies St. Augustine | - | Member |
| Mrs. Myrtle Palacio Chief Elections Officer, Belize | - | Member |
| Mr. Kyrion Arthur Retired Assistant Commissioner, Trinidad and Tobago Police Service | - | Member |

3. The Commission held its first meeting on February 5, 2002. Memoranda from the public were invited with a closing date of March 7, 2002. Since political parties were considered to be key stakeholders in the electoral process, the Commission by separate communication, invited all political parties to submit memoranda and be represented by Attorneys at the Commission's public hearings.

4. The Commission received a total of 72 memoranda as follows:

| | |
|---------------------|---------|
| Political Parties | 4 |
| Other Organisations | 6 |
| Individuals | 62 - 72 |

The Political Parties represented at the Enquiry were the People's National Movement ("the PNM") and the United National Congress ("the UNC") with the UNC's appearance being limited only to any allegations of misconduct by the UNC raised at the Enquiry.

5. Except for a very few sessions which were held in camera, the Commission sat in public over the period March 13, 2002 to May 15, 2002.

6. The evidence heard by the Commission covered the period March 13, 2002 to May 15, 2002 - a total of 34 working days. The Record of Evidence consists of 3655 pages and 261 Exhibits from 58 witnesses - 17 called by the PNM, 11 called by the EBC and 30 by this Commission. In addition, our investigation included visits to Registration Offices, Data Analysis, Statistical Analysis and Literature Review. To say the least, it was voluminous.

7. The volume of the evidence was such that the Commission could not possibly examine and arrive at a determination on each individual transaction highlighted in the evidence. Such an exercise would require hundreds of witnesses and would take several months. The Commission's

approach was to look at the evidence in a broad and sensible manner and attempt to arrive at conclusions deriving from the particular facts which could be found and from our general "feel" of the issues as they emerged. There was no "lis" before us with specific issues of fact to be found as in a Court of Law. There was before us a mass of evidence, often incomplete and disjointed, often leaving us unable to come to a specific finding of fact on specific issues but in the final analysis cogent and sufficient to lead to broad and reasonable inferences. **The Commission is satisfied that, at the end of the day, the conclusions reached are justified in the context of all the evidence we have heard.**

B. ROLE OF COMMISSIONS OF ENQUIRY

8. "Commissions of Enquiry are not judicial proceedings. They are not even quasi-judicial for they decide nothing; they determine nothing. They only investigate and report. But this should not lead us to minimize the significance of their task. They have to make a report which may have wide repercussions. They may, if they think fit, make findings of fact which are very damaging to those whom they name. They may accuse some; they may condemn others; they may ruin reputations or careers.
9. Seeing that their work and their report may lead to such consequences, **they must act fairly**. They can obtain information in any way they think best, but before they condemn or criticize a man, they must give him a fair opportunity for correcting or contradicting what is said against him.
10. They must be masters of their own procedure. **They should be subject to no rules save this: they must be fair. This being done, they should make their report with courage and frankness, keeping nothing back. The public interest demands it"** - See Re Pergamon Press Ltd. P.535 at p.539 (c) to (f) and p.540 (c).

11. **“Whatever its particular terms of reference, a Public Inquiry should attempt to promote understanding, not only of what may have gone on, but also what led to the events which are the subject matter of the Inquiry, and what may have been the motives and intentions of those involved. In this way, the complexities that surround all events and actions can be exposed and explored. The black and white uncertainties advanced by some may be shown to be illusory and unhelpful.**
 12. A Public Inquiry should aim, indeed it may be as much a duty as a purpose, to be a means whereby all those affected by the events under investigation can feel that their concerns have been aired and heard and that life can move on. It is commonly the case that events leave those touched by them in some kind of personal limbo, prevented by the past from creating a future.
 13. **Further, a Public Inquiry, whatever its formal terms of reference, offers the opportunity for a form of communal catharsis. The importance of this purpose should not be undervalued.** It offers an opportunity for those in authority to be held to account; it allows for the public venting of anger, distress and frustration; it provides a public stage on which this can take place.”
 14. “It has been suggested that restoring public confidence in Government or in a particular organization may be one of the purposes of a Public Enquiry but in talking of restoring public confidence we should add from our experience that a Public Inquiry of itself cannot, and perhaps should not seek to, restore public confidence. The public’s confidence in any particular organization or even government’s role in any particular area has to be won. Indeed, a Public Inquiry may reach the view that confidence is not deserved unless certain actions are taken.” - (See Percy v Secretary of State for Environment, Food & Rural Affairs (2002) EWHC 371 (Admin) (15th March, 2002)).
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15. This Commission of Enquiry has been guided in its functions by all that has been said above. We have not been circumscribed by strict legal procedures, we have sought information from visits to Registration Offices, we have called witnesses on our own initiative, we have striven to be fair and believe that we have been, and we make our Report “with courage and frankness, keeping nothing back”.

C. REGISTRATION SYSTEM

16. Voter registration may be classified based on two (2) main criteria:
- (a) State responsibility model versus self-registration model - registration through State initiative versus responsibility placed on the individual citizen;
 - (b) continuous registration where the Register is updated on a regular basis (much of Western, Central and Eastern Europe, Australia, Peru, Guatemala, Belize, Jamaica) versus non-continuous registration where a new Register is put together for each Election (emerging democracies, Canada before 1997, British Virgin Islands, Bahamas).

Taken from (a) “Voter Turn-out since 1945 – A Global Report” and (b) “Free and Fair Elections International Law and Practice” by Guy S. Goodwin Gill (Inter-parliamentary Union 1994).

17. The system of registration in Trinidad and Tobago is governed by the Representation of the People Act, Chap.2:01 (“the Act”) prescribes to the self-registration model as one of **voluntary permanent personal registration**. The system requires a person wishing to be registered to make an application to the Registration Officer of the Registration Area in which he/she is resident. Once a person is registered, his/her name remains on the Register until it is removed in a manner provided by the Act. Further, since the Act provides for the Register to be continuously updated

by additions (e.g. new registrations) and deletions (e.g. cancellation in cases of death) it can be said that ours is a continuously updated system; but it is only so in a limited way as will be shown later in this Report.

18. The several transactions in the registration process are as follows:
 - (1) Registration of Non-Electors i.e. citizens 15 - 17 years old.
 - (2) Registration of recent Returnees who do not satisfy the residency requirement.
 - (3) Registration of Electors i.e. persons 18 years and over.
 - (4) The deeming of Non-Electors (change of status from Non-Elector to Elector on attaining the age of 18).
 - (5) Transfer of Electors due to change of residence within the same Registration Area or across Registration Areas and for the purposes of a General Election, from one Polling Division to another or from one Constituency to another.
 - (5) Deletion of Electors from the Register by reason of migration, death, mental incapacity, being under a sentence of death imposed by a Court of Law, serving a sentence of imprisonment exceeding twelve months or convicted of an offence relating to elections.
 - (7) Re-registration and Re-Instatement.
 19. The overall process contemplated by the Act is relatively simple. To be registered, a person makes a written application to the Registration Officer in the Registration Area in which he resides. A "field-check" is carried out and if the Registration Officer "is satisfied" with the particulars stated in the application, the person is registered. On attaining the age of 18, a Non-Elector is field-checked; if the check is satisfactory, he/she is transferred to the Register of Electors.
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20. Where an Elector changes his/her residence, he applies on a prescribed form (Form 22) for the change to be made on the Register of Electors and this is done after a "field-check" to confirm the particulars given by the Elector in his/her application.
21. Where a person migrates or is dead or suffers from mental incapacity or is under a sentence of death or serving a sentence of imprisonment exceeding twelve months or has been convicted of an offence relating to elections, he is disqualified, and his name is removed from the Register of Electors. Where a "field-check" satisfies a Registration Officer that an elector is no longer living at his registered address or has yielded no information on the elector, the elector is sent a Notice on a prescribed form (Form 21) that his name will be removed from the List of Electors after the expiration of the time stated in the Notice unless the person satisfies the Registration Officer that his name should not be removed.
22. The Registration Rules (appended to the Act) lay down the procedures to be followed and the Forms to be used in the case of each of the registration transactions mentioned above. The Election Rules lay down the procedures relative to an Election.
23. Generally speaking, the Act and Rules provide for a simple process for the compilation of the Electoral List. Some regulatory imperfections (e.g. short deadline for objections) do not provide for the proper implementation of checks and balances, but if followed both in the letter **and in the spirit**, it would result in an accurate Register of Electors. With the right approach and due diligence, the EBC should be able to maintain an Electoral List which engenders confidence in the public mind.

D. THE ELECTIONS AND BOUNDARIES COMMISSION

24. **The EBC is the authority charged with the maintenance and accuracy of the Electoral Lists.** It is an autonomous body created by the Constitution of Trinidad and Tobago with *inter alia* the function of directing and supervising the registration of voters and the conduct of elections. The Constitution provides:

“ 71.(1) There shall be an Elections and Boundaries Commission for Trinidad and Tobago.

The Commission may regulate its own procedure.

(9) The Commission shall be provided with a staff adequate for the efficient discharge of its functions.

(10) The salaries and allowances of the staff shall be a charge on the Consolidated Fund.

(11) The registration of voters and the conduct of elections in every constituency shall be subject to the direction and supervision of the Commission.

(12) In the exercise of its functions the Commission shall not be subject to the direction or control of any other person or authority.”

25. The Act provides, *inter alia*, that the EBC “shall exercise general discretion and supervision over the administrative conduct of Elections and enforce on the part of all Election Officers fairness, impartiality and compliance with this Act” – Sec. 3(1). The Act goes on to prescribe “Registration Rules” and “Election Rules” specifying the procedures to be used in these two exercises.

26. The Act sets out the mechanics by which the EBC carries out its constitutional and legal functions. It provides for:

(1) A Chief Election Officer who shall, subject to any general or special directions of the Commissioners of the EBC, perform such functions and duties and exercise such powers of the EBC in such manner as the EBC, may from time to time direct, including the following:

- (a) to make such arrangements and do such things as are necessary for the initiation and maintenance of the Unit and Central Registers in accordance with the Act, and for that purpose to make arrangements for the preparation and issue of the necessary forms and instruments and for the collection and keeping of such records as may be necessary;
- (b) to issue to all Election Officers such instructions as he may, from time to time, deem necessary to ensure the effective execution of the provisions of this Act; and
- (c) to execute and perform all other powers and duties that by this Act or by the EBC are conferred or imposed upon him – Sec. 3(2).

27. **The Chief Election Officer is therefore, the Chief Executive Officer of the EBC. Subject to the directions of the Commissioners of the EBC, he is the officer charged with the responsibility of ensuring that the entire electoral process, from the registration of Non-Electors and Electors to the declaration of the results of the poll on Election Day, is carried out in accordance with the Act.**

28. Further, the Act provides for the appointment by the EBC of the necessary staff for the purposes of an Election e.g. Returning Officers, Election Clerks, Presiding Officers, Poll Clerks etc. – Sec. 6 – 8 and prescribes the Registration Rules and the Election Rules governing these two areas.

E. BACKGROUND TO ENQUIRY

29. The Commission of Enquiry was appointed against a political background of a perception by a significant portion of the public that the Electoral Lists for the 2000 and 2001 Elections were flawed, especially in the Marginal Constituencies: Barataria/San Juan, Ortoire/Mayaro, St. Joseph, San Fernando West and Tunapuna. The PNM was at the forefront of a call for an investigation into allegations of “voter-padding” and the accuracy of the Electoral Lists. The call for an enquiry and the subsequent appointment of this Commission of Enquiry were not supported by the UNC.
 30. There is a strong perception that the pattern of voting in Trinidad and Tobago is based largely on race and as such each party is assured of a number of “safe” seats in Parliament. The marginal seats are those in which relatively few voters, in some cases only in the hundreds, can steer an election to one party or the other. Thus, the marginal seats are very important in the electoral process and the reason why the two major political parties concentrate so much on them in election campaigns.
 31. The Commission is keenly aware of the political background of the Enquiry and the politically sensitive nature of some of the evidence foreshadowed by the memoranda received. The Commission of course, has a duty to admit any evidence that is relevant to its Terms of Reference but it has taken every step open to it to ensure that innocent people are not prejudiced by its proceedings. The Commission has approached its task uninfluenced by any political viewpoint and with a determination to carry out its functions without fear or favour and with justice to all.
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F. ELECTORAL PROCESS – THE BEDROCK OF DEMOCRACY

32. **The Electoral process is the bedrock of any Parliamentary Democracy. The will of the people is paramount and it is through General Elections that the people's will is expressed and determined.** The electoral process starts long before voting day with continuous voter registration and the maintenance of a List of Electors. "The electoral list is thus a crucial feature in the organization of free and fair elections....such a system must be designed to enable **all** qualified citizens to be included, to prevent electoral abuse and fraud...; and be widely acceptable as an authoritative and legitimate means of cataloguing the electoral population and settling disputes" (Goodwin-Gill: 52). It is vital therefore, to our Democracy that systems and procedures be put in place to ensure the free and fair statement of the will of the people on Election Day. Anything which hinders or prevents a voter from casting his vote is unacceptable and must be viewed with serious concern.
33. The goal of any truly democratic Government must be to ensure that any qualified person who wants to vote is given the opportunity to do so. This requires an electoral system that is directed not only to the mechanics of voting but to the particular aspects of the culture of the people which impacts on the voting procedures. Some of us are generally not noted for taking timely action even in matters which can be regarded as important. We come to life at the last moment so to speak. "A regrettable trait", we may say; "a trait which casts a heavy burden on the electoral system". Yet, as regrettable as this may be, it is nevertheless, a reality and the electoral system must take it into account. It is not good enough to formulate and rely on rules and regulations which ignore reality and which result in the disenfranchisement of voters and then blame these voters because they have not adhered to the rules. There will always be people who will wait until it is too late but the system must be such that their number is minimized.

G. BRIEF OVERVIEW OF ELECTIONS – 1986 TO 2001

34. The Act divides Trinidad and Tobago into 14 Registration Areas (Appendix 1) with a Registration Officer in charge of each Area. – Sec 4(1). The Constitution divides Trinidad and Tobago into 36 Constituencies (Appendix 2) with each Constituency returning one member to the House of Representatives – Sec 70(1). It should be noted as a matter of interest, that Registration Areas are not Constituencies. Constituencies are electoral districts for the purpose of General Elections.
35. Prior to 1961, each General Election was preceded by an enumeration exercise from which the Electoral List emerged. In 1961, that system was changed by the Representation of the People Act which introduced a system of permanent and continuous registration of voters. Under this system, provision was made for the registration of all persons 15 years and over.

General Elections – 1986 to 2001

36. General Elections were held in 1986, 1991, 1995, 2000 and 2001. We append hereto (Appendix 3), a Report on Registration Activity in each Parliamentary District for the period September 1994 to December 2001. This Report shows, *inter alia*, the Electorate at the beginning of each period, Transfers In, Transfers Out, Deletions and the Electorate at the end of the Period. It provides much useful information which we looked at very carefully during our deliberations.
37. Save for a significant drop during the period May 1, 2001 to November 26, 2001 (due to the House to House Survey referred to later in this Report), the Electorate has shown a continuous increase over the years as follows:
-

| | | |
|------------------------|---|---------|
| Electorate at 2/09/94 | - | 820,964 |
| Electorate at 1/07/95 | - | 824,175 |
| Electorate at 1/07/96 | - | 850,111 |
| Electorate at 1/07/97 | - | 875,552 |
| Electorate at 1/07/98 | - | 900,525 |
| Electorate at 1/07/99 | - | 920,788 |
| Electorate at 1/07/00 | - | 938,030 |
| Electorate at 1/05/01 | - | 955,198 |
| Electorate at 1/07/01 | - | 958,227 |
| Electorate at 26/11/01 | - | 844,254 |

38. From the above, we see that the Electorate has been increasing since 1996 by an average of 25,000 Electors each year, that is, roughly 2000 Electors per month. With such figures, the EBC must have in place systems and procedures to deal adequately with an increasing Electorate.

H. MAJOR COMPLAINTS

39. For a proper understanding of these complaints, it is necessary to note the relevant Registration procedures in some greater detail and the nature of the Electoral Lists.

Registration Procedures:

(1) **Registration:** A person wishing to be registered makes an application to be so registered at a Registration Office or Sub Office in the Registration Area in which he is resident. There the registrant, with the assistance of a Clerk, completes a Registration Record Card ("RR Card") in duplicate (Prescribed Form 9) and signs the RR Card. Two photographs of the registrant are taken and these are attached to the RR card. A field-check (using a prescribed "Check Card" – Form 19) is done by the Registration Officer or the Assistant Registration Officer to ensure that the particulars stated on the RR Card are correct. The duplicate RR Card is then sent to EBC Headquarters for final processing and the issue of an Identity Card.

The original RR Card is filed in the Unit Register for the Registration Area in which the registrant resides and the duplicate RR Card is filed at the Central Registry at Head Office. Any subsequent change of status of the registrant e.g. change of name, change of residence, is noted on the RR Card. A deleted RR Card is stamped "CANCELLED" and filed separately.

40. The RR Card and the Unit Registers (or Binders) in which the RR Cards are filed, are the basic documents in the entire electoral process. They are the basis for the production of the Electoral Lists and therefore, the only guarantee of an Elector's eligibility to vote. The importance of the RR Cards cannot be over-emphasized. Their safe-keeping and the security arrangements for their protection from unauthorized persons cannot likewise be over-emphasized. Registration Rules 21(1) and 27(1) and (3) sets out specific guidelines for the safe-keeping of documents.
 41. (2) **Transfers:** A Transfer occurs when an Elector changes his place of residence. He gives notice on prescribed Form 22 to the Registration Officer of the Registration Area to which he has moved. A field-check is then carried out using the prescribed Check-Card (Form 19) and upon verification of the particulars stated in Form 22, the Elector's RR Card is transferred to the Unit Register of the new Registration Area and his name appears in due course on the Electoral List for the Polling Division in which he now resides. Transfers can take place within a Constituency or across Constituency boundaries.
 42. (3) **Deletions:** The cancellation of a registration and the consequent deletion from the Electoral List occurs where the Registration Officer "is satisfied" that the registrant:
 - (a) is dead or has migrated or no longer has his place of residence in Trinidad and Tobago – Sec. 41;
 - (b) is mentally ill within the meaning of the Mental Health Act – Sec.15(1)(a);
-

- (c) is under sentence of death or serving a sentence of imprisonment exceeding twelve months – Sec. 15(1)(b);
 - (d) has been convicted of an offence relative to elections – Sec. 15(1)(c).
43. Before cancelling any such registration, the Registration Officer is required to conduct a field investigation to determine validity. When the Registration Officer “is satisfied” that cancellation is warranted, he must send to the elector’s registered address (or deliver to him in person) a Notice of Intention to cancel his Registration (Form 21). At the expiration of the time stated in the Notice, the Registration Officer may cancel the registration and delete the name of the Elector from the Electoral List.

The Electoral Lists

44. There are three lists mentioned in the Act - the Annual List, the Preliminary List and the Revised List. There is also a Supplemental List but this is an adjunct to the Revised List.

(1) The Annual List: This is a List of Electors of each Constituency which the EBC is required to publish on July 1 of each year.

(2) The Preliminary List: Where a Writ of Election is issued by the President, he may direct that an electoral registration shall be conducted and shall fix the commencement and termination dates of the electoral registration. In such a case the Annual List in force is deemed to be the Preliminary List, except that the President may declare any existing List of Electors after the Writ of Election is issued to be the Preliminary List.

(3) The Revised List is the List of Electors resulting from additions to and removals from the Unit Registers made subsequent to July 1 and during the period of electoral registration and is to be published not later than 14 days

before polling day. In short, the Revised List is the Preliminary List with additions and deletions effected subsequent to the Annual List and during the period of electoral registration.

(4) The Supplemental List is a List of Electors inadvertently omitted from and inadvertently included in the Revised List and is to be published not less than 10 days before polling day and read with the Revised List as the final Electoral List.

45. **The major complaint emerging from the evidence before us revolved around the accuracy of the Electoral Lists for the Marginal Constituencies in the 2000 and 2001 General Elections.** This complaint can be summarized thus:
- (1) The Lists contained the names of people who were not eligible to vote in the particular Polling Division in which their names appeared because they had moved from that area or had died or had migrated.
 - (2) The Lists contained the names of people who had transferred from one Polling Division to another without actually having changed their place of residence.
 - (3) The Lists did not contain the names of people who were entitled to vote.
46. **The PNM led evidence of electoral irregularities in four Constituencies – Barataria/San Juan, Diego Martin East, San Fernando West and Tunapuna. Barataria/San Juan, San Fernando West and Tunapuna are Marginal Constituencies.**
47. The PNM monitored the Elections of 2000 and 2001 with a cadre of Polling Agents (monitoring polling day activities in the several Polling Stations) and Canvassers (carrying out field-checks of Electors in the areas to which they were assigned) both before and after the Elections. We heard evidence as to their recruitment, their training, their knowledge of the areas to which they were assigned, and we are satisfied that the results of their monitoring

process can be regarded as generally reliable. There would of course, be and there were in fact, mistakes and oversights but on the whole, we are also satisfied that we can use their evidence to draw broad conclusions as may be necessary.

48. Field Exercises are a regular part of the Electoral Process whether carried out by the EBC or Political Parties. It is important to note that such exercises by two separate entities can lead to different results for a variety of reasons and we take this into account in arriving at our conclusions.

BARATARIA/ SAN JUAN CONSTITUENCY

49. The Electorate in this Constituency at September 2, 1994 was 22,663. The Electorate at November 26, 2001 (Revised List) was 20,695. Appendix 4 is a Table of the Registration History over the period 02/09/94 to 26/11/01.
50. Hereunder is a table of the results for the General Elections of 1991, 1995, 2000 and 2001:

| Election Results – Barataria/San Juan | | | | |
|---------------------------------------|------------|-------|-------|--------|
| Year | Electorate | Party | Votes | Margin |
| 1991 | 21982 | PNM | 6052 | 1363 |
| | | NAR | 2625 | |
| | | NJAC | 188 | |
| | | UNC | 4689 | |
| 1995 | 22603 | PNM | 6666 | 945 |
| | | NLP | 105 | |
| | | UNC | 7611 | |
| 2000 | 25021 | PNM | 7121 | 1977 |
| | | UNC | 9098 | |
| 2001 | 20905 | PNM | 6343 | 1664 |
| | | TU | 163 | |
| | | UNC | 8007 | |

The 2000 General Elections51. **The PNM led evidence to the effect that:**

(1) 172 Electors actually residing at their registered addresses were removed from the 2000 Annual List (Removals) and 599 persons not residing at the registered addresses shown, were added to the List (Additions).

(2) 153 persons registered as Electors in Polling Division 1436 were not in fact resident at their registered addresses.

52. **Responding to (1), the EBC answered as follows:****Re: Removals (EBC's Computer Records)**

| | | |
|-----------------------------|----------|------------|
| Change of address | - | 17 |
| Change of Name | - | 38 |
| Transferred to another area | - | 20 |
| Change of Name and Address | - | 14 |
| Renewal with other changes | - | 28 |
| Re-registered | - | 6 |
| Died | - | 45 |
| Dual Registration | - | 3 |
| Incomplete Registration | - | 1 |
| TOTAL | - | 172 |

Re: Additions (EBC's Field Investigations)

| | | |
|-----------------|----------|------------|
| Still Residing | - | 373 |
| Removed Unknown | - | 154 |
| Removed Known | - | 18 |
| Dead | - | 2 |
| No Information | - | 36 |
| Migrated | - | 16 |
| TOTAL | - | 599 |

Re: Removals

53. The PNM said that these 172 people **were living** at their registered addresses but were removed from the List. The EBC's response is somewhat unclear but we understand it to be saying that some of the 172 were not living at their registered addresses. This would certainly include:

| | |
|-----------------------------|----------------|
| Change of address | 17 |
| Transferred to another area | 20 |
| Change of Name and Address | 14 - 51 |

54. We conclude that the PNM's claim is correct to some extent in this case.

Re: Additions

55. Assuming that the EBC's figures are correct, apart from the "Still Residing" figure of 373, we conclude that the balance i.e. 226 persons were not residing at the registered addresses shown on the List and that the PNM's claim as to the latter figure is correct. It is likely, of course, that these people moved from their registered addresses without notifying the EBC.
56. **Responding to (2)**, the EBC answered that some of these names were subsequently deleted as a result of the House of House Survey of 2001 and that the majority of the remaining names had been registered at their registered addresses over the period 1991 to 1998 as follows:

| | |
|------------------------------|------------------|
| Deletions | - 36 |
| On Electoral List since 1991 | - 70 |
| On Electoral List since 1995 | - 19 |
| On Electoral List since 1996 | - 8 |
| On Electoral List since 1998 | - 1 |
| On Electoral List since 2000 | - 14 |
| Persons Moved | - 2 |
| Not Accounted For | - 3 - 153 |

57. The category "Deletions – 36" is supportive of the PNM's claim. So far as "Being on the Electoral List" is concerned this does not mean that these persons were still living at their registered addresses. **It could mean that they were living at their registered addresses at the time they registered as Electors** but had subsequently moved.
58. We conclude therefore, that the PNM's claim under (2) is substantially correct.

The 2001 General Elections

59. The PNM led evidence that 19 persons registered as Electors in Polling Division 1405 were not in fact resident at their registered addresses.
60. **Responding to this claim**, the EBC stated that:

(1) The results of its 2001 House to House Survey are as follows:

| | |
|--|------|
| Persons residing at registered addresses | - 11 |
| Died | - 1 |
| Moved | - 2 |
| Temporarily Absent | - 1 |
| No Information | - 4 |

(2) The results of subsequent field-checks on April 9, 2002 are as follows:

| | |
|--------------------------------|-----|
| Residing at registered address | - 6 |
| Migrated | - 6 |
| Died | - 1 |
| Moved | - 3 |
| Not Known | - 3 |

61. Assuming that the EBC's field-check is accurate, we conclude that at the least 13 out of 19 persons stated by the PNM as not residing at their registered addresses were not in fact residing there and we conclude that to this extent at least, the PNM's claim was correct.
62. What is noteworthy is that several persons were not picked up as not living at their registered addresses during the 2001 House to House Survey.

THE DIEGO MARTIN EAST CONSTITUENCY

63. The Electorate for this Constituency at September 2, 1994 was 21,094. The Electorate at November 26, 2001 was 21,466.
Annexed hereto (Appendix 5) is a Registration History for Diego Martin East.
64. The PNM complained that:
 - (1) Joseph Street in Paramin was a very short Street, with 11 houses. The Preliminary List for 2001 however, recorded 170 persons living on Joseph Street.
 - (2) 109 persons on the 2001 Preliminary List were not resident at their registered addresses.
 - (3) 23 Poll Cards sent to Electors were produced by the PNM with supporting evidence that the Electors had moved, migrated or had died.

65. **Responding to (1):** The EBC admitted the error but stated that it was due to a “computer glitch”, in this case a wrongly coded street. Incorrect street codes surfaced three times as reasons for errors. It is a serious matter to make a mistake of such magnitude and this may point to inadequate data verification procedures.
66. **Responding to (2):** The EBC agreed that the PNM was correct as to 29 of the 109 persons and omitted these 29 names from the Revised/Supplemental List. The remaining 80 names remained on the Revised List but there was no evidence whether the EBC did any field-checks to verify (or not) the PNM’s contention.
67. **Referring to (3):** The EBC answered that the House to House Survey disclosed that 15 of these persons were located at their registered addresses. The EBC led no evidence as to the remaining 8 Electors.
68. We conclude from the above that there was merit in the PNM’s claim, at least to a fairly substantial degree.

THE ORTOIRE/MAYARO CONSTITUENCY

69. The Electorate at September 2, 1994 was 24,366. The Electorate at November 26, 2001 was 26,385.
Annexed hereto (Appendix 6) is a Registration History for this Constituency.
 70. Hereunder is a Table of the Election Results for the years 1991, 1995, 2000 and 2001:
-

| Election Results – Ortoire/Mayaro | | | | |
|-----------------------------------|------------|-------|-------|--------|
| Year | Electorate | Party | Votes | Margin |
| 1991 | 22214 | PNM | 7578 | 1565 |
| | | NAR | 2593 | |
| | | UNC | 6013 | |
| 1995 | 22948 | PNM | 8201 | 743 |
| | | UNC | 8944 | |
| 2000 | 25640 | PNM | 9303 | 1620 |
| | | UNC | 10923 | |
| 2001 | 22289 | PNM | 9433 | 819 |
| | | TU | 174 | |
| | | UNC | 10252 | |

71. Neither the PNM nor the EBC led any evidence in relation to this Constituency.

SAN FERNANDO WEST

72. The Electorate on September 1, 1994 was 21,735. The Electorate at November 26, 2001 (Revised List) was 21,900.
73. Appendix 7 is a Table of the Registration History over the period September 1, 1994 to November 26, 2001.
74. Hereunder is a Table of the results of the General Elections of 1991, 1995, 2000 and 2001:

| Election Results – San Fernando West | | | | |
|--------------------------------------|------------|-------|-------|--------|
| Year | Electorate | Party | Votes | Margin |
| 1991 | 21506 | PNM | 6934 | 1847 |
| | | NAR | 5087 | |
| | | NJAC | 88 | |
| | | UNC | 2073 | |
| 1995 | 22253 | PNM | 7748 | 1288 |
| | | NAR | 616 | |
| | | UNC | 6460 | |
| 2000 | 25828 | PNM | 8233 | 943 |
| | | UNC | 9176 | |
| 2001 | 22059 | PNM | 7810 | 434 |
| | | TU | 174 | |
| | | UNC | 8244 | |

The 2000 General Elections

75. The PNM led evidence to the effect that –
- (1) 65 persons named in the Preliminary List were not living at their registered addresses.
 - (2) 150 names on the Preliminary List were First Time Registrants in 2000 for San Fernando West.
 - (3) 19 persons residing on Dumfries Road were registered in San Fernando West when they should have been registered in the Oropouche Constituency.
76. **Responding to (1):** the EBC stated that these were objections lodged and of the 65, only three met the statutory requirements. Hearings in accordance with the Act were set up for these three. One was over-ruled by the EBC and the other two were dismissed because the objectors did not appear.

77. Notwithstanding that the objections were invalid, the EBC did field-checks for the remaining 62 and found:

| | | |
|---|---|----|
| Still living address | - | 29 |
| Removed, died or could not be accounted for | - | 33 |

78. Assuming that the EBC's figures are correct, we conclude that the PNM was correct as to 33 persons out of 62.

79. **Responding to (2):** the EBC stated that these names were on various Lists as follows:

| | | |
|---------------------------------------|---|----|
| On the 1991 Revised List | - | 79 |
| On the 1995 Revised List | - | 16 |
| On the Revised List between 1996-1997 | - | 12 |
| On the 2000 Revised List | - | 43 |

80. The PNM and the EBC were speaking about different Lists – the Preliminary and the Revised List. We can assume that the 150 names were in fact, on the Preliminary List as the PNM contends since all the names were on the Revised Lists from 1991 to 2000. The PNM said that all 150 names came on for the first time on the 2000 Preliminary List. Assuming that the EBC's figures are correct, the PNM would be correct only as to 43 names out of 150.

81. **Responding to (3):** the EBC agreed that these people were wrongly registered in San Fernando West but attributed this to the haphazard numbering on Dumfries Road which bordered for San Fernando West and Oropouche Constituencies. Many were in fact registered before 2000, some

as far back as 1985. While this explanation seems plausible, it is the responsibility of the EBC to ensure that people are registered in the Constituencies in which they are entitled to vote especially where Marginal Constituencies are concerned.

The 2001 General Elections

82. The PNM complained that 50 persons registered in the Constituency were not living at their registered addresses.
83. **Responding to this claim, the EBC said:**

| | | |
|--------------------------------------|---|--------|
| Still residing at registered address | - | 30 |
| Moved | - | 13 |
| Not on EBC List of Electors | - | 7 - 50 |

Assuming that the EBC's figures are correct, it means that the PNM was correct as to 13 persons out of 50.

OTHER COMPLAINTS – SAN FERNANDO WEST

Different Colour Ballot Paper

84. There was direct evidence adduced by the PNM that the Ballot Papers in the San Fernando West Constituency for the 2001 Election was of different shades of yellow. This the PNM regarded as highly suspicious. The Government Printer (who prints the Ballot Papers for Elections) explained that Ballot Papers for the 2001 Parliamentary Elections were printed on stocks of Paper that were manufactured in the year 2000 and 2001 and that upon exhausting the 2000 stocks and almost completing 75% of the printing of the Ballot Papers, it was discovered that there was slight variation in the shades of the two papers being used. The Government Printer communicated with the supplier "Arfo Wiggins" who said on this issue:

“Between the manufacturing of the 2000 and 2001 paper, the mill installed the equipment necessary to allow continuous dye addition on the paper machines and discontinued batch dye addition. This installation was to improve in-batch colour control and to speed up grade change times. During the commissioning period one of the dyestuffs that we had been using became unavailable and so the mill switched to an alternative dye. This change was not thought to be significant as the new dye was of a higher quality.

During the manufacture of the 2001 paper, it was seen that the new yellow dye was not able to produce as a match to the colour standard as normal. The manufactured paper was bluer and slightly less bright than the standard. We were faced with the situation that the paper was required quickly so our options were limited, but the visual difference to the old standard was not in our opinion significant so we carried on. In retrospect we should have advised the customer of the change through yourselves.”

85. Further, it was pointed out that the watermark on the Paper is the fundamental security feature of the special Paper used and that the watermarks:

- (1) are extremely difficult to counterfeit as they are part of the paper
- (2) are very easy to verify
- (3) cannot be photocopied
- (4) can personalise a document identifying it and differentiating it from others
- (5) no special training or equipment is needed to check a watermark.

86. We accept this evidence and are satisfied that different shades of yellow on the Ballot Paper for the 2001 Elections was due to the reinstatement of new equipment at the manufacturing stage and not at all attributable to any impropriety by any person or group of persons.

Poll Cards

87. During the recount of Ballot Papers in the San Fernando West Constituency for the 2001 Elections, it was observed that large numbers of Poll Cards did not carry the registration numbers of the Electors. The PNM contended that the Election Rules provided that these numbers be put on the Poll Cards and further, the law required that the Poll Card to carry such numbers imprinted on them before dispatch to the Electors. The EBC admitted that the Poll Cards referred to did not carry the registration numbers of the Electors but argued that the law did not require it to print such numbers on the Poll Cards before dispatch to Electors.
88. The relevant Election Rules provide:
- “38(3) If the name of the elector is included in the (electoral) list, the poll clerk shall record on a poll card the consecutive number of the person appearing on the List, **and ensure that there is correctly recorded thereon** the name, address and **registration number of the person**, the name of the electoral district, the number and address of the polling station and the date of the election
-
- 39(1) During the period intervening between nomination day and polling day the Commission may issue or cause to be issued poll cards to the respective voters whose name appear on the Revised List of Electors and the addresses stated thereon.”
89. We are advised by the Commission’s Attorneys (and we concur) that the law requires that:
- (1) the EBC **may** (not shall) issue or cause to be issued poll cards to Electors and
-

(2) that the Poll Clerk **shall** record the registration number of the person on the Poll Card at the polling station on election day.

90. The failure by the Poll Clerks to enter the registration numbers on the Poll Cards was therefore, a breach of the Election Rules. It was however, competent for the Presiding Officer to accept the Ballots corresponding to the Poll Cards and this was done in the count.
91. In any event, it was agreed between the PNM and the EBC by way of a compromise on this issue, that the EBC would provide for Poll Clerks **only**, a List of Electors having imprinted thereon the registration numbers of each Elector. This, the PNM was satisfied, would remove the possibility of voter-fraud which it feared. Unfortunately, the evidence emerged that several Poll Clerks did not receive or make use of the said List.
92. We conclude that the List did not reach the Polling Stations on time and/or there was a communication problem between the EBC and Presiding Officers. **The EBC should ensure that the matter is corrected in future Elections.**
93. On the issue of whether the EBC should imprint the registration numbers of the elector, we share the view of the EBC that this number (which is the number on a person's Identification Card) should be confidential to the person and should not be imprinted on a Poll Card which can easily fall into the wrong hands. However, during our visit to the Registration Offices it was brought to our attention that there is a File Number that is unique to each elector. We recommend that this File Number be placed on the ID card and printed on electoral lists and poll cards to ensure maximum identity of the voter.

Statement of Poll Does Not Agree with Ballots

94. The complaint was that in Polling Station 3876, the number of Ballots was more than the number stated in the Statement of Poll. The EBC responded that the total number was correct but that one vote belonging to one candidate was mistakenly put in the batch of the other candidate making the count for the first candidate one less (207 instead of 208) and the count for the other candidate one more (278 instead of 277)
95. The Statement of Poll was produced but not the Ballots. However, we have no reason to believe that the EBC's response was incorrect and therefore, accepted it.

Presiding Officer Calling Names of Electors after Elector had voted

96. The complaint here was that a Presiding officer was calling out the Electors' names **after** they had voted and sometimes too softly, making it too late for any Polling Agent to object to an Elector. The proper procedure is that the name of the Elector should be called out by the Poll Clerk when the Elector is being processed by the Poll Clerk. Polling Stations are crowded at times. Polling Agents do sometimes have the wrong List. All these things can cause confusion. We strongly suggest that the proper procedure be followed at all times i.e. the sequential number and name of each Elector be called out by the Poll Clerk.

Initials of Presiding Officer and Deputy Presiding Officer Not in Polling Station Diary

97. The complaint was that specimen initials of the Presiding Officer and Deputy Presiding Officer were not entered in the Station Diary as they should have been. Election Rule 54(2) lists the things to be recorded in the Station Diary. The initials of the Presiding Officer and the Deputy Presiding Officer are not among the things listed. While it may be helpful
-

to have a specimen of such initials for the purpose of verifying the validity of Ballots cast at that Station, the Rule does not provide for this and therefore, the complaint cannot stand.

98. We conclude, however, that this is a valid concern and that the Rules should be amended to provide for specimen initials of the Presiding Officer and the Deputy Presiding Officer to be displayed in the Station Diary.

Unauthorised Initials on Ballot Paper

99. The complaint here was that the initials on several Ballot Papers were unauthorized as they were not the initials of the Presiding Officer or the Deputy Presiding Officer. However, the Election Rules provide that the Presiding Officer may authorize any member of the staff to initial Ballot Papers if for any reason, he has to leave the Station. It has not been shown that the initials complained of were not that of an authorised member of staff at that Polling Station. The complaint therefore, cannot stand. We add, however, that the Rules should be amended to authorize only the Deputy Presiding Officer to initial Ballot Papers in the absence of the Presiding Officer with the provision that any other officer may do so in the absence of both the Presiding Officer and the Deputy Presiding Officer; a hardly likely occurrence but still a possibility in cases of emergency.

ST. JOSEPH CONSTITUENCY

100. The Electorate at September 2, 1994 was 22,876. The Electorate at November 26, 2001 was 21,941.
Appendix 8 is a Registration History for St. Joseph.
101. Hereunder is the Election Results for St. Joseph for the years 1991, 1995, 2000 and 2001:

| Election Results – St. Joseph | | | | |
|-------------------------------|------------|-------|-------|--------|
| Year | Electorate | Party | Votes | Margin |
| 1991 | 22214 | PNM | 5527 | 712 |
| | | NAR | 3497 | |
| | | NJAC | 185 | |
| | | UNC | 4815 | |
| 1995 | 22948 | PNM | 6960 | 604 |
| | | MUP | 327 | |
| | | NLP | 69 | |
| | | UNC | 7564 | |
| 2000 | 25640 | PNM | 7387 | 2366 |
| | | UNC | 9753 | |
| 2001 | 22289 | PNM | 6793 | 2031 |
| | | TU | 242 | |
| | | UNC | 8824 | |

102. No evidence was led in relation to this Constituency.

TUNAPUNA CONSTITUENCY

103. The Electorate in this Constituency at September 2, 1994 was 22,666. The Electorate at November 26, 2001 was 23,221.
Appendix 9 is a Registration History for Tunapuna.
104. Hereunder is a Table of the Election Results for the years 1991, 1995, 2000 and 2001:

| Election Results – Tunapuna | | | | |
|-----------------------------|------------|-------|-------|--------|
| Year | Electorate | Party | Votes | Margin |
| 1991 | 22214 | PNM | 6872 | 2699 |
| | | NAR | 3266 | |
| | | NJAC | 257 | |
| | | UNC | 4173 | |
| 1995 | 22948 | PNM | 7467 | 244 |
| | | NAR | 368 | |
| | | NLP | 43 | |
| | | TPV | 16 | |
| | | UNC | 7223 | |
| 2000 | 25640 | PNM | 8726 | 336 |
| | | UNC | 9062 | |
| 2001 | 22289 | PNM | 8819 | 276 |
| | | TU | 184 | |
| | | UNC | 8543 | |

105. It is obvious from the Table above that since 1995, registration errors (additions or deletions) could easily affect the outcome of an Election in this Constituency and further, that the Tunapuna Constituency can decide which Political Party forms the Government. Indeed, if Tunapuna had gone the other way in the last General Election, the country would not now be faced with an 18-18 tie in Parliament.

The 2000 General Elections

106. The PNM carried out a verification exercise prior the 2000 Elections. As stated before, we are satisfied with the PNM's methodology in carrying out its various electoral exercises.

107. The results of the exercise disclosed that:
- (1) 643 persons on the 1999 Revised List were not resident at their registered address.
 - (2) 1052 persons were removed from the said List.

108. The PNM brought the results of its exercise to the attention of the EBC stating that in respect of (2), "these persons continue to reside in the Constituency of Tunapuna and are very concerned that their names have been omitted from the 1999 List".

109. **Responding to (1):** the EBC said -

| | |
|--------------------------------------|----------|
| Still residing at registered address | - 364 |
| Removed (unknown) | - 147 |
| Dead | - 7 |
| Migrated | - 11 |
| No information | 77 - 643 |

110. Assuming that the EBC's figures are correct, it means that the PNM was correct in 242 cases and of 643.

111. **Responding to (2):** the EBC said -

| | |
|---|-------|
| Change of Address | - 219 |
| Change of Name | - 199 |
| Transferred to another Registration Area | - 184 |
| Change of Name and Address | - 78 |
| Renewal with other changes | - 17 |
| Re-registered | - 10 |
| Dead - Deleted | - 298 |

| | | |
|-----------------------------------|---|----------|
| Deleted – Dual Registration | - | 13 |
| Deleted – Incomplete Registration | - | 30 |
| Deleted – Not resident in area | - | 4 - 1052 |

112. We again find some difficulty in understanding the EBC's response. "Transfer to another Registration Area" and "Deleted" (the last four entries) are good reasons for removal from the List. The remaining categories may or may not be so. In the light of the PNM's field exercises, we conclude that there is some merit to its claim.

113. Annexed hereto are summaries of the evidence submitted by the PNM, the EBC and this Commission's Attorneys as follows -

| | | |
|-------------|---|---|
| Appendix 10 | - | Summary of the evidence led by the PNM. |
| Appendix 11 | - | Summary of the evidence led by the EBC. |
| Appendix 12 | - | Summary of Commission's witnesses. |

114. **On the review of all the evidence relative to the PNM's claim for Barataria/San Juan, Diego Martin East, San Fernando West, and Tunapuna, we conclude that the errors on the Electoral Lists were such as to affect the accuracy of those Lists. Further, the EBC's responses were not always clear and even with the corrections it made, we cannot say that we are satisfied that the final Lists were accurate.**

I. MISCELLANEOUS ISSUES

Particular Issues

115. Every aspect of the electoral process must be above suspicion and every genuine complaint must be addressed if the public is to have confidence in the system. Some issues not already addressed arose during the proceedings and we deal with them here.

Allegations of Voter Padding

116. One major public concern prior to the 2000 and up to the 2001 General Elections and at the commencement of this Enquiry was that there was some kind of plan to “pad” the Electoral Lists in the Marginal Constituencies so as to give one party an unfair, illegal and decisive advantage in the Elections. This public perception was perhaps, the main reason for the appointment of this Commission of Enquiry. The plan, it was alleged, was to effect illegal transfers from safe Constituencies into the Marginal Constituencies by having party supporters complete “Change of Residence” Forms (Form 22) and have these “transfers” approved by “friendly” staff at the Registration Offices. The PNM was at the forefront of these charges.

 117. It would be correct to say that these charges created a lot of public unease and constituted one of the major factors contributing to the public perception that the Electoral Lists were or were going to be inaccurate resulting in Elections that were not free and fair.

 118. In these circumstances one would have expected the PNM to put up a strong case of “voter-padding” before this Commission of Enquiry. Instead, we had a kind of tentative first effort to adduce evidence from only one witness on this issue. When the PNM finally decided to call this witness, it turned out that he was an important witness in a criminal charge of “Conspiracy to defraud the EBC” now pending in the Criminal Court. The Director of Public Prosecutions took strong objection to the calling of this witness before this Commission on the ground that calling him here had the potential to seriously prejudice the pending criminal proceeding. After hearing all Attorneys, the Commission decided not to call the witness on the ground that the public interest required that pending criminal proceedings should not be prejudiced. The Ruling of the Commission on this issue is self-explanatory and is annexed hereto - Appendix 13.
-

119. The PNM had no other witness to call on the issue of "voter-padding". The position therefore, is that there is no evidence **before this Commission** on the issue of "voter-padding". Whatever question remains now rests with the Criminal Courts where the charge of "Conspiracy to Defraud the EBC" as well as several other individual charges of alleged illegal "transfers" are now pending.
120. The PNM subsequently abandoned this complaint with the PNM's Attorney stating quite clearly in his closing address that "This is not an enquiry into 'voter-padding' but voter-padding has been very much in the air, very much with us."

Polling Day

121. There was evidence that on Election Day 2001, hundreds of people visited various Registration Offices with complaints of one kind or the other. We assume that these would include persons who could not find their name on the List at a particular Polling Station but whose names were in fact on the List of another Polling Station as well as people whose names were not on any List at all.
122. The Chief Election Officer said that there were around 200 to 300 persons with complaints at the EBC's Head Office where there are three Registration Offices. He also said that the Tunapuna and Barataria offices had "unusually large crowds" for Polling Day.
123. Unusually large crowds turning up at a Registration Office with complaints on Polling Day especially in a marginal seat, is a matter for concern. How many of these were cases of a wrongful disenfranchisement? We do not know. However, a properly working system should not result in "unusually large crowds" turning up at Registration Offices with complaints on Polling Day.

124. We are concerned that this is an indication that some Electors may have been disenfranchised.
125. On Friday 11th January, 2002, the following appeared on the Newsday Newspapers -

“In a release issued yesterday the EBC said that a total of 5,168 persons visited polling stations on election day, but were unable to vote at those polling stations. It also stated that a total of 1,859 persons visited registration offices throughout the country, excluding Port-of-Spain, after having difficulty in attempting to vote at polling stations. It said that of these 1,859 persons, 772 obtained information and were directed to the locality of their correct polling stations; 1,029 were unable to vote because of cancelled registration pursuant to Registration Rule 41; 58 persons’ names did not appear on the List of Electors although their registrations were in order. The Commission, having established that this was due to its own fault, took steps to rectify the situation and accordingly 51 of these 58 persons were able to vote.

The Commission also noted that a small number of complaints came from persons whose names appeared on the Revised List of Electors and who had received poll cards but found out at the polling stations that their names appeared on the Supplemental List as having been deleted. These names were properly and legally removed in keeping with Registration Rule 64 A but the Commission recognized the hardship and disappointment which these persons suffered and is to address how best to deal with this matter.

The release stated that the Commission collected information from its 1682 polling stations and that 5168 persons visited them and were unable to vote on election day. The Commissions investigated the position in respect of 1199 of these persons and had found: 3 were special electors, 443 were at the wrong polling station; 618 were deleted pursuant to Registration Rule 41; 16 were under the age of eighteen; 119 gave insufficient information for the Commission to conduct an appropriate investigation. The information was released following a review of the December 2001 General Election.”

Assuming that the facts stated in the above excerpt are true and even assuming that the EBC did what it could to solve the problem, it nevertheless presents a disturbing picture of Polling Day problems. This is a matter of concern to us.

126. There were reports (which the Chief Election Officer confirmed) that on Polling Day, Registration Officers had to be taking RR Cards to several Polling Stations. This can only mean that the Polling Station Registers given to the Presiding Officers were not up-to-date. This failure of reconciliation between the Electoral List and the Unit Register strikes at the heart of what should be one of the EBC's main objectives. This remains a matter of grave concern to us.

The Electoral Ink

127. There was the complaint that the electoral ink for staining the voter's finger was of dubious quality since it could be washed off especially with the use of chlorox. There was no direct evidence of this, only hearsay, but we think it necessary to address the issue if only to allay public fears. We invited the Government Chief Chemist to appear before the Commission. He said that his Department has had over the years, the responsibility to prepare the election ink for the EBC. The last batch of ink was prepared on November 5, 2000 with the following chemicals:

Rodamine B Dye
Silver Nitrate
Phenol Crystals
Ethyl Alcohol and
Distilled Water.

128. He went on to say that for the stain in the ink to be very effective the entire nail in the index finger should be dipped well into the ink so that the cuticle in the area between the nail and the skin is properly stained and that the use of chlorox would be ineffective to wash off the ink as long as the finger was properly dipped in it. He further stated that if the ink is properly stored, its staining power would increase with time.

129. We accept this evidence and would advise that the EBC give clear and definite instructions to its Presiding Officers that the Elector's finger be dipped in the ink so that the cuticle is properly stained.

Red Line Voting

130. Polling Stations have two Poll Clerks, a Green Line Poll Clerk and a Red Line Poll Clerk. When an elector has an Identification Card, he/she goes to the Green Line Poll Clerk. When the Elector does not have an Identification Card, he/she goes to the Red Line Poll Clerk.
131. The PNM raised the issue of electors without Identification Cards and suggested that the existing procedures can easily lead to fraud.
132. The present system is that where a person does not have an Identification Card, he/she goes to the Red Line Poll Clerk. If the Elector's name appears on the Revised List, he/she is required to take the oath (Prescribed Form No.53) and allowed to vote. (Election Rule 38(5)). If the Elector's name does not appear on the Revised List, the Poll Clerk checks the Unit Register and if his/her RR Card is in the Register, the Elector is allowed to vote.
133. **We are of the view that to remove any possibility of complaint or fraud, the Poll Clerks should be required to check the Unit Register as long as an Elector does not have an Identification Card.**

Special Voting

134. The PNM expressed certain concerns about the Special Voting Procedure - Election Rules 59-99. Ballot Papers are issued to Special Voters some time before Polling Day and they cast their votes at special Polling Stations not later than two days before Polling Day - Rule 78(2).

135. Special Voters who do not vote are, therefore, in possession of valid Ballot Papers on Election Day. The PNM suggests that these Ballot Papers can in one way or the other, be fraudulently used at the general poll. It is difficult to see just how this can be done. Nevertheless, it is a matter for concern that unused Ballot Papers are available on Polling Day for anyone who would desire to make illegal use of them.
136. We are of the view that the Election Rules be amended to close this gap. This should be one of the matters to be dealt with on a review of the Act and the Rules which we have recommended later in this Report.

“Ancestral Voting”

137. This is the term coined by the Commonwealth Observer Group for the 2000 General Elections. In its Report, it dealt with Section 13(d) of the Act and Registration Rule 66(2). The Report states (at Chapter 3, page 9):

“According to the Representation of the People Act (section 13(d)), a person registers within the constituency in which he or she resides. Although the Act is ambiguous in the definition of ‘residence’ (Registration Rule 66(2)), it does require that a person must reside for a period of two months in the constituency for which the person seeks registration. The Group was reliably informed that it is common practice in Trinidad and Tobago for people to retain their original registration at a place other than where they currently reside.

For example, many electors register and vote in the constituencies in which their mother or father reside, sometimes referred to as the **ancestral voter**. Others may have more than one house or apartment and choose to register at one of those locations even though they do not reside there on a continuous basis. Indeed, some prominent individuals readily admitted to being registered in places where they did not reside on a continuous basis but emphasized the practice was well known and had long been accepted by the relevant authorities.

Given that it is widely regarded as acceptable for electors to be registered and their votes to be cast in places where they no longer maintain continuing residency, and the contrary requirements of the law on this point, we believe that the EBC should undertake an early review of the practices, laws and regulations relating to voter registration in order to ensure accuracy and to remove ambiguity.”

- 138. The position as outlined by the Commonwealth Observer Group has not changed and we support their recommendation.
- 139. The issue of “ancestral voting” can be addressed if the EBC is more proactive in updating the Electoral List.

EBC’s Readiness for the 2001 General Elections

- 140. The PNM submitted that the EBC was “not ready” for the 2001 General Election. The EBC answered that the issue of “readiness” was not a matter for this Commission of Enquiry and referred to Sections 33 and 34 of the Act which provide –

“33(1) An election shall be instituted by a Writ of Election issued by the President under the Seal of the President of the Republic of Trinidad and Tobago.....

(2) In the case of a General Election, the Writ of Election for all Electoral Districts.....shall be dated on the same day for the nomination of candidates and the date for the taking of the poll.

34(1) Where at any time between the issue of the Writ under Section 33(1) and the day appointed by the Writ for the holding of the Poll at any election if the President is satisfied that it is expedient to do so by reason of

- (d) the likelihood that the Revised Lists of Electors.....will not be ready before the day appointed for the holding of a Poll; or
- (e) the likelihood that any essential electoral equipment, supplies or materials will not be available in adequate quantities upon the day appointed for the holding of the Poll,

the President may by Proclamation adjourn the holding of the poll to some other day specified in the Proclamation being not more than thirty days after the day specified in the Writ”.

141. The argument in brief was that the President (acting on the advice of Cabinet) fixes the day for the poll and once he does that it must by law be taken to mean that the EBC is ready for the election and further, that the President’s action in fixing the poll cannot be challenged.
142. We are advised by Attorney for this Commission (and the Chairman concurs) that the above statement of the law is correct. Further the issue of the readiness for the elections does not fall within this Commission’s Terms of Reference.
143. We therefore decline to rule on the PNM submission that the EBC was not ready for the 2001 General Election.

J. BREACHES IN PROCEDURE

144. The Act and the Rules (Registration and Election) to the Act lay down a fairly clear procedure for the registration and election processes over which the EBC has control. What arose in this Enquiry is not so much the absence of procedural rules but whether such rules are being observed by the EBC. It should be apparent that serious breaches of these Rules could very well affect the compilation and the accuracy of the Electoral Lists. It is therefore, necessary to examine whether the EBC has breached any of these Rules and if it has, what effect if any, it could have on the Electoral Process.

Security of Registration Record Cards and Binders

145. During the early part of the hearing, it became apparent that the security measures in place for Registration Record Cards (“RR Cards”)– Appendix 14 - and Unit Registers (“Binders”) were a matter of exceptional

importance. These are, after all, the very base of the Electoral Lists and their security must be assured if there is to be any confidence in the Electoral Process especially when the PNM was challenging the accuracy of the Lists. The EBC understood and accepted the importance of proper security measures being in place and evidence was led to the effect that:

- (1) All Binders (in which the RR Cards are filed) carried locks with the keys kept by the Registration Officer and were in fact locked except when not in use.
- (2) RR Cards were not filed in the Binders when field-checks were being carried out, this being a relatively short time after the application by a person for a transaction to be effected e.g. new registration, change of address etc.

146. We were, in effect, being assured that the security of the RR Cards and Binders was a matter which had engaged the attention of the EBC and that it had put in place all measures necessary to ensure the security of the RR Cards whether in or out of the Binders and hereby prevent them from falling into unauthorized hands.

147. Upon our visits to several Registration Offices, we discovered, to our dismay, that:

- (1) The newer Binders did not carry any locks at all and that the older Binders which carried locks were in such a condition that the locks did not work. The true position therefore, was that the Binders were not at all secured by locks. And this in spite of Registration Rule 27(3) which states that "the Binders... shall be capable of being locked in such a manner that no registration record filed therein may be removed except by the application of force".
-

(2) Hundreds of RR Cards were in open boxes on the desks of Office Staff and were there for relatively long periods.

148. Later on during the proceedings, the EBC accepted that this was indeed the situation and responded that it was in the process of sourcing Binders with locks on them and that staff shortage and pressure of work hindered timely filing of the RR Cards in the Binders
149. **We find that this is a very serious breach of the security arrangements which the EBC had considered to be imperative and which the EBC had said it had put in place.** We are left to wonder for just how long this breach had been in effect, what with the staff shortage and the pressure of work to which the EBC has constantly alluded during these proceedings. It certainly must have covered the 2000 and 2001 General Elections. Further, we are left to wonder also, whether what was told to us was just to show the EBC in a good light, and finally, what effect if any, this serious breach of security had on the compilation and accuracy of the Electoral Lists.

Fly Sheets in Binders

150. As an added measure of security, the EBC had instituted a practice of having a fly-sheet at the front of each Binder so that staff using it could record any removals from and return to the Binder, of any RR Card. This we consider to be a very useful practice as it records not only the movements of the RR Cards in and out of the Binders but the identity of EBC staff who dealt with the Cards.
151. Upon our visits to Registration Offices, we found that this practice was not being consistently followed. Some Binders carried no fly-sheets at all thus defeating the very purpose of the practice.
152. Later on in the proceedings, the EBC accepted that this was indeed the position but could offer no explanation as to why there was a breach of the

practice. This demonstrates faulty office practice and a serious lack of supervision.

Non-Electors' Registration Record Cards

153. The Commission on its visits to Registration Officers, observed that Non-Electors RR Cards were not secured at all. They were not kept in Binders but out in the open in open boxes. We considered this unsatisfactory in the context of the question of security for RR Cards. The EBC accepted that this was the position but explained that it was because of a shortage of Binders. Whatever the reason for the shortage of Binders or for that matter any other reason, we consider this to be a very unsatisfactory state of affairs.

Filing/Sorting of Registration Record Cards

154. At the EBC'S Central Registry we found that RR Cards for the period December 2001 to April 2002 had not yet been put in the Binders and further that thousands of RR Cards had not yet been sorted. The EBC accepted that this was, indeed, the position but explained that it was due to a shortage of staff.
155. Further, we were informed that most of the cabinets in which the duplicate RR Cards were stored had defective locks thus providing little or no security. The EBC accepted that this was the position and said by way of explanation that "the cabinets were old".
156. Late filing of RR Cards was also a problem at the Registration Offices. We saw on our visits, one instance of RR Cards not being filed since December 2001. EBC's answer to this was that the problem arose because of staff shortage.
157. What we conclude from all of this is that, whatever may be the reasons, RR Cards:
-

- (1) are not expeditiously filed in the Binders but are left in open receptacles on desks for an unreasonably long time;
- (2) even when not filed in Binders, the Binders are not secure because they carry no locks as they ought to.

158. **This failure and lack of security measures relating to the safety of RR Cards ensuring *inter alia* their not being available to unauthorized persons is, we consider, a very serious matter and a very serious breach of the administrative and procedural rules put in place to secure their safety.**

159. The Registration Rules provide:

“21.(1) An Assistant Registration Officer or any other authorized officer shall keep in safe keeping and shall not permit any person to have unlawful access to unused, completed or cancelled:

- (a) registration records;
- ...
- (d) check cards.”

160. Neither from the evidence nor from our visits to Registration Offices did we find any kind of system in place for the “safe keeping” of RR Cards and Check Cards. As was said before, hundreds of RR Cards were in open receptacles on desks, the Binders were not secured and the “Non- Electors” RR Cards were likewise in open boxes. We saw nothing to suggest that only certain designated officers were authorized to have access to these records and must conclude that they were accessible to any member of staff whether or not his/her duties included access to them. While we have no evidence that RR Cards were used by unauthorized persons we cannot on the other hand, say that they were not so used. In the highly charged atmosphere of the 2000 and 2001 Elections and with the public suspicion

that all was not going well with the Registration Process and with public unease at a high level, such a situation is inexcusable.

161. **The EBC must take immediate steps to adhere to Registration Rules 21(1) and 27(1) and (3) and thus ensure the security of RR Cards at all times.**
162. Rule 41(7) requires that RR Cards relating to Electors who have been deleted from the Electoral List must be defaced by stamping "CANCELLED", thus making them unusable. This is not being done. On our visits to Registration Offices, we saw that some cards (going as far back as November, 2001) have not been defaced or secured.
163. **The EBC must take immediate steps to cancel all "deleted" RR Cards.**

Mentally Ill and Death Row Prisoners

164. The Act, Section 15(1)(a) and (b) provides that no person is qualified to be or remain as an elector who is mentally ill within the meaning of the Mental Health Act or who is under a sentence of death imposed on him by a Court of Law or who is serving a sentence of imprisonment exceeding twelve months.
165. The EBC has no arrangement in place to ascertain whether any registrant falls within any of the named categories and to this extent (very limited though it may be) the Electoral Lists may be inaccurate.
166. **The EBC should immediately put arrangements in place including linking with the relevant bodies/organizations to obtain the material information and update the Electoral List where necessary.**

K. FIELD-CHECKS

167. Field-checks are a crucial part of the Registration Process. Such checks dictate the outcome of applications for registration, transfers from one Constituency to another, and removal from the Electoral List. In other words, these checks impact upon the accuracy of the Electoral Lists to such a degree that they cannot be over-emphasized.
168. Field-checks are usually carried out by the Registration Officer or Assistant Registration Officer and in special cases e.g. a House to House Survey, initially by an authorized Field Officer.
169. Registration Rule 36 provides that a Check Card (Form 19 – Appendix 15) be used in these cases. Rule 36 has been interpreted by the EBC to mean that Form 19 cannot be used **by the Registration Officer** so the EBC has created an Administrative Form (Form A134 – Appendix 16) for those cases where the Registration Officer himself is doing the check. This practice however, does not seem to be uniformly followed in Registration Offices.
170. It should also be noticed that despite being told during these proceedings that Form A134 was created for use by the Registration Officer only -
- (1) Form A134 is headed “.....Checks are to be conducted by the Registration Officer **and the Assistant Registration Officer.**”
 - (2) The Form carries space for the signatures of both the Registration Officer **and Assistant Registration Officer** where the check is carried out by the Assistant Registration Officer.
 - (3) The Form carries space for validation of the field check (or not) by the Registration Officer **if the check is conducted by the Assistant Registration Officer.**

171. We have examined 3524 Check Cards (Form 19 and Forms A134) relating to field checks conducted over the period July 3, 2000 and October 11, 2001. The results of our examination is summarized below:

| Constituency | Form 19 | A134 | Registrant Not Interviewed on A134 | Form A134 Check by ARO |
|------------------------|---------|------|------------------------------------|------------------------|
| Barataria/ San Juan | 332 | 1066 | 656 | 499 |
| Ortoire/Mayaro | 180 | 248 | 177 | 40 |
| San Fernando | 386 | 531 | 299 | 460 |
| St. Joseph | 0 | 9 | 6 | 2 |
| Tunapuna | 370 | 402 | 335 | 308 |
| | 1268 | 2256 | 1473 | 1309 |

What emerges is that out of 2256 Forms A134 examined, the Assistant Registration Officer conducted the field-checks in 1309 cases and these were "validated" by the Registration Officer.

172. The explanation that Form A134 was created for the use of the Registration Officer only because of the interpretation placed on Section 36, does not, therefore, stand up.
173. Be that as it may, it is to be noted that **there is a difference between Form 19 and Form A134**. Form 19 specifies that where the registrant is not personally interviewed, the check for information must be carried out at the registrant's home or his place employment. The rationale behind Form 19 is obviously to ensure that the information received could in the circumstances, be taken to be accurate. Form A134, on the other hand, gives the checking officer a wider latitude as to where the interview takes place.

174. Since field-checks are an extremely important step in the registration process and since an interview at the registrant's address or place of employment ensures greater accuracy in the checking process, we are unable to understand why Form A134 is different from Form 19 when they are both intended to serve the same purpose.
175. It seems to us and we so conclude, that Form A134 was designed to circumvent the stricter requirements on field-checks contemplated by Form 19, and further, that field-checks using Form A134 when the registrant is not personally interviewed would be less reliable than when Form 19 is used.
176. We conclude that the explanation given to us regarding the use of Form A134 is unsatisfactory and further, that the practice relating to the use of Form A134 is likewise unsatisfactory and could very well result, where the registrant was not personally interviewed, in checks which were themselves unsatisfactory, thus bringing into question the validity of the transaction itself and the accuracy of the Electoral List.
177. We deprecate the use of Form A134.
178. **Rule 36 should be amended to state clearly that the Registration Officer can use Form 19, and the use of Form A134 should be discontinued.**

L. TRANSFERS AND DELETIONS

179. These two registration transactions were of greatest concern to this Commission.

Transfers

180. One of the complaints persistently advanced by the PNM was that "transfers" of electors into Marginal Constituencies were being effected

under the guise of a "Change of Residence" when the elector had not in fact changed his residence but continued to live at his old registered address.

181. Finding evidence to support the PNM's claim would involve a factual investigation of hundreds of such "transfers" and the calling of hundreds of witnesses. The Commission was simply not equipped to handle such an exercise.
182. What we did do however, was to look at the movement of electors into Marginal Constituencies over the period 1995 to 2001 to see whether any reasonable inferences could be drawn. The Table below sets out the particulars of such movements:

Transfers into the Marginal Constituencies 1994-2001

| Year | Barataria/ San Juan | Ortoire/ Mayaro | San F'do West | St. Joseph | Tunapuna |
|------------------------|--------------------------------|----------------------------|--------------------------|-----------------------|-----------------|
| 1994- 1995 | 103 | 98 | 233 | 108 | 107 |
| 1995- 1996 | 247 | 220 | 500 | 416 | 237 |
| 1996- 1997 | 152 | 151 | 172 | 161 | 174 |
| 1997- 1998 | 225 | 134 | 218 | 210 | 174 |
| 1998- 1999 | 440 | 463 | 577 | 403 | 581 |
| 1999- 2000 | 410 | 257 | 361 | 329 | 354 |
| 2000- 2001 | 566 | 403 | 1204 | 656 | 892 |
| Average (1) | 167 | 156 | 302 | 228 | 173 |
| Average (2) | 472 | 374 | 714 | 463 | 609 |

183. In order to determine whether there was significant change in the patterns of transfers into the Marginal Constituencies, we computed and compared the average level of transfers during the first three years of the period (Average 1) with the average for the last three years (Average 2) – See Table. Keeping in mind that the numbers for the year 2001 do not include the figures resulting from the 2001 House to House Survey, the picture which emerges is that for the 1998-2001 period, the Marginal Constituencies have shown an increase of more than twice the level for the period 1994-1997. In Tunapuna, the new level is more than three times the previous level.
184. In order to test the observed bias towards increased transfers into the Marginal Constituencies around election time we considered these in relation to the trends in overall transfers.

Table: Transfers into Marginal Constituencies 1994-2001

| | 1994-95 | 1995-96 | 1996-97 | 1997-98 | 1998-99 | 1999-00 | 2000-01 |
|----------------------|---------|---------|---------|---------|---------|---------|---------|
| Total Transfers | 4005 | 7195 | 5894 | 6562 | 17583 | 10919 | 16007 |
| Transfers: Marginals | 649 | 1620 | 810 | 958 | 2464 | 1711 | 3721 |
| % Increase | 16% | 23% | 14% | 15% | 14% | 16% | 23% |

The Pattern seems very obvious - a definite jump in transfers into the Marginal Constituencies from 16% to 23% around the time of the elections.

185. San Fernando West and Tunapuna were the two Marginal Constituencies commanding the greatest public concern. The two graphs following demonstrate quite clearly the upswing in “transfers” during the 1999-2001 period.

Figure 1: Transfers into San Fernando West, 1994 - 2001

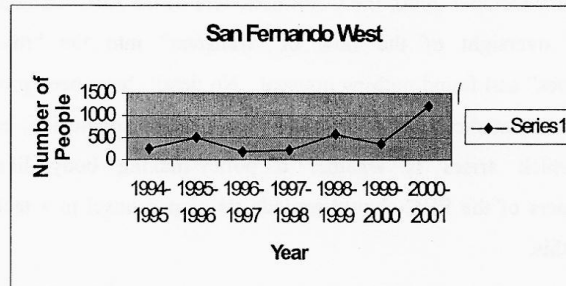
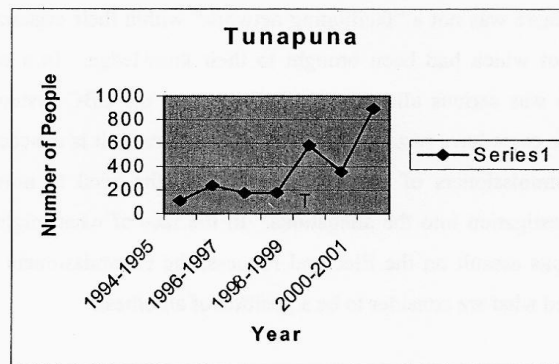


Figure 2: Transfers into Tunapuna, 1994 - 2001



186. There are two disturbing aspects of what these observations might mean. The first relates to the fact that this Commission of Enquiry was informed that after early October 2000, the Commissioners of the EBC maintained a “statistical” oversight of the flow of “transfers” into the “Marginal Constituencies” and found nothing unusual. No details have been provided on the type of statistical analysis which informed this conclusion, but the question which arises is whether a policy-making body like the Commissioners of the EBC should provide its own counsel in a technical matter like this.

187. The second disturbing aspect of the observation on the unusual increases in transfers concerns the fact that, to date, the Commissioners of the EBC have never entertained mounting a special enquiry into the “transfers” that took place during the year or so before the 2000 Elections. For one thing the Commissioners should have seen the need to assure themselves and the public that there was not a “facilitating network” within their organization, allegations of which had been brought to their knowledge. In a context where there was serious allegations of a breach of the EBC system, and where police cases have resulted from the alleged breach, it is unacceptable that the Commissioners of the EBC did not see the need to mount an internal investigation into the allegations. In the face of what might have been a serious assault on the Electoral Process, the Commissioners of the EBC adopted what we consider to be a position of aloofness.

188. As an added means of protecting the Electoral Process from attempts to effect illegal “transfers”, Form 22 should be amended to include a Statutory Declaration under the Statutory Declaration Act, Ch.7:04. Further, as a matter of policy, the EBC should refer to the Police any registration transaction which upon its “field-checks”, it finds to be invalid. Surprisingly, the EBC does nothing in these cases.

Deletions

189. 130,804 registered Electors were deleted from the 2001 Annual List and did not appear on the Electoral List for the 2001 General Elections. The large majority of these came from the 2001 House to House Survey.
190. Perhaps the most striking example of the thinking and the attitude of the EBC towards the cancellation of a registration was seen in the way the organization handled deletions in the wake of the 2001 House to House Survey. According to data provided by the EBC, between July 2001 and December 2001 over 132,000 deletions were effected. Of these 10,000 were due to deaths and just 47,000 were due to migration. What this means is that close to 85,000 persons had their registration cancelled **because they were not located at the addresses which the EBC had in its data system.** What is more, of the 132,000 persons who had their names removed from the Electoral List, close to 23,000 were informed of this pending action by way of a single newspaper publication. The other 109,000 only had the benefit of the **Form 21** notification.
191. The act of sending a cancellation notice to an address where the registrant was not found, is not likely to yield any contact with the registrant. In this context, if the EBC takes the position that cancellation may lead to disenfranchisement – a major decision in any democratic society – the only wise course would be follow the ancient Latin maxim “*festina lente*” - hasten slowly.
192. It may be useful to compare the apparent EBC stance on the use of Form 21 following the 1985 Survey with its apparent stance following the 2001 Survey. Evidence presented to this Enquiry shows that as a result of the Survey in 1985 the EBC realized that it was not able to locate 112,075 persons. The phrase used to describe this group was – “*Persons not met at addresses appearing on the List of Electors, and whom the Department is attempting to locate and subsequently update*”.

193. What is interesting is that in reporting the results of the 1985 Survey the EBC **included** these persons in order to compute its projected electorate. In other words, the EBC expected to find these people at other addresses! There was no question of deleting these persons simply because they had not been found during the Survey. This means that in 2001, the more than 85,000 persons whose names were apparently deleted as not being found by the EBC, were treated differently from persons in the same category in 1985. What makes the position even more interesting is that even the 125,000 persons **recommended for deletion** following the 1985 Survey – those who presumably migrated or died – were apparently not removed from the Electoral List before the election of 1986. They were counted in the registration updates brought about by the Survey and also formed part of the projected electorate following the Survey. With hindsight this turned out to be a very good decision on the part of the EBC since the Electoral List of 1986 surpassed the projected electorate after the 1985 Survey by more than 60,000 names. The fact is that while the projected electorate after the Survey was just over 818,000 the electorate of 1986 was over 882,000. Even if one half of the difference between the two numbers was accounted for by new registrations following the Survey, there is a strong indication that not only were most of the “lost” registrants eventually located by the EBC, but many of the persons recommended for deletions were eventually **not** deleted. **The lesson here seems to be that as a matter of policy the EBC needs to proceed with extreme caution in deleting names from the Electoral List.** This caution is, of course, compounded by the fact that deletion may actually be an act of disenfranchisement. Compared to 1985, it would seem that by 2001, the EBC had devalued the franchise which Electors enjoy.

M. CANCELLATION OF REGISTRATION

194. This is obviously a very serious matter since wrongful cancellation means the disenfranchisement of an Elector.

195. Registration Rule 41 provides that a Registration Officer shall, *inter alia*, cancel the registration:

- (a) of any person who the Registration Officer is satisfied is dead or no longer has his place of residence in Trinidad and Tobago;
- (b) of any person registered as an elector in his Registration Area who has ceased to be qualified as such.

The Rules further provide that the Registration Officer shall, before such cancellation, send a Notice (Prescribed Form 21) to an elector whose registration he proposes to cancel (a) stating the reason for the cancellation (b) indicating the time when he proposes to cancel the same and (c) requiring the Elector within such time to produce his Identification Card to the Registration Officer. The Rules states that if the Elector satisfies the Registration Officer that the cancellation is unjustified, the Registration Officer shall not cancel his registration. On the other hand if the Elector does not respond to the Notice or fails to satisfy the Registration Officer that this registration is valid, his registration is cancelled.

196. At first sight Section 41(1)(a) does not appear to be very rational. If the Registration Officer "is satisfied" that the registrant is dead or no longer resides in Trinidad and Tobago or otherwise ceases to be qualified as an Elector, what is the purpose of sending Form 21 to his registered address?

197. Section 41(1)(b) would cover electors who have moved or transferred to another electoral district. The same situation applies. The elector is not at his registered address. What then is the purpose of sending Form 21 to his registered address?

198. While the Rule could be regarded as mere formality, there is the possibility that the Elector may receive the Notice. On our visits to Registration Offices we saw thousands of envelopes containing Forms 21 returned by the Post Office stamped "UNCLAIMED". This would mean that the addressee does not live in a postal delivery area but has to go to his district post office to collect his mail. Many people numbering in the thousands we would think, do not usually expect mail and therefore would not go to the Post Office. If a Form 21 is sent to them it would be returned "UNCLAIMED" to the EBC. It follows that these Electors would be removed from the Electoral Lists i.e. disenfranchised. This obviously is a very serious matter.
199. Rule 41 needs to be carefully looked at in the context of a Review of the Act and the Rules which we address later in this Report.

N. REVISING TRIBUNAL

200. The Registration Officer and the Assistant Registration Officer are empowered by the Act and Rules to decide upon and effect the various registration transactions. The most important of these are (1) registration of an Elector (2) transfer of an Elector from one Constituency to another and (3) deletion of a registered Elector's name from the Electoral List and (4) deciding on appeals and objections to registration. The Act does not provide for an independent review of the Electoral List hence these are obviously significant powers, of crucial importance to a civic-minded citizen and of some consequence to the accuracy of the Electoral List.
201. We are of the view that the present system, being internal to the EBC, lacks transparency and is subject to errors. It can also be subject to manipulation.
202. What in our view is needed, is an amendment to the Act and the Rules, which requires that such transactions:
- (a) be published on a fixed day in every month;

- (b) be available to Political Parties;
 - (c) a time limit (say 21 days) for the making of any objections to the transaction by any person or organization;
 - (d) where no objection is made within the specified time, the transaction to be approved;
 - (e) where an objection is lodged, the matter is referred within specified time (say 21 days) to a Revising Tribunal which sits once every month in each Registration Area as is necessary, and decides upon the applications before it.
203. The Revising Tribunal, we suggest, could be a Retired Judge of the Supreme Court.
204. This matter should be included in the Review of the Act and Rules which we have recommended later in this Report.

O. THE 2001 HOUSE TO HOUSE SURVEY

205. The EBC carried out a House to House Survey of all the Constituencies over the period May 7, 2001 to October 2001. The purpose of the survey was:
- (1) to enable the EBC to maintain the accuracy of the List of Electors.
 - (2) to enable the EBC to maintain an accurate Unit Register of Electors for each Electoral Division.
 - (3) to regularize situations where broad place names were used to describe the addresses of registrants as opposed to specific street headings.
-

206. The Survey resulted in the deletion of 130,804 names from the Annual List of 2001. With General Elections coming on rather unexpectedly in December, 2001, the sheer amount of deletions and the relatively short period for the Survey and follow-up verification led this Commission to closely examine all aspects of this exercise.

207. The period of Electoral Registration for the 2001 General Elections was November 5 to November 13, 2001. The Preliminary List was published on November 5, 2001 and the Revised List on November 26, 2001. General Elections were held on December 10, 2001. This meant that the verification process for the deleted 130,804 registrants had to be processed and verified some time before November 26, 2001.

208. The Electorate over the material period was as follows:

| | | |
|----------------------|---|----------------|
| At 01/07/2000 | - | 938,030 |
| At 01/05/2001 | - | 955,198 |
| At 01/07/2001 | - | 955,227 |
| At 26/11/2001 | - | 844,254 |

209. A Survey of the nature carried out by the EBC must have four distinct phases viz:

- (1) Planning – Identifying resources and deciding on strategy.
- (2) Preparation – Marshalling human resources and training personnel.
- (3) Data Collection – initial field work, supervision and follow-up confirmatory field investigations.
- (4) Data Entry – Transposing and verification of data from field records and eventual inclusion on Master File.

210. The EBC through its Chief Elections Officer outlined the methodology used in the Survey, from the recruitment of Itinerant Assistant Registration Officers ("IAROs"), Temporary Field Supervisors ("TFSS") and Temporary Field Investigators ("TFIs), to the date given as the end of the Survey. The TFIs came in at a later stage in the Survey and some were drawn from the IAROs and TFSS.

The Planning Stage

211. We were not given much information on this stage but we assume that the EBC would have done the preparatory work for the Survey.

The Preparation Stage

212. The EBC recruited 1007 IAROs and 353 TFSS at the initial stage, and 103 from among these groups as TFIs during the "field-check" stage. This was the responsibility of its Registration Officers who were also responsible for training and the direct supervision of the TFSS. The IAROs were drawn from a pool of almost 2000 applicants, most of whom were unemployed young people with three "O" Level subjects. Each on his/her Application Form provided the names of two Referees.
213. In order to test the quality of the recruitment process (which we considered an important aspect of the Survey) the Commission examined 1867 Application Forms covering the whole country with the exception of Couva and Tunapuna. (These latter, although requested, were not supplied by the EBC). Out of the 1867 Applications, 690 were selected by the Registration Officers. The shortfall of 317, could not, we find, have come from Couva and Tunapuna only. Therefore, there appears to be a problem with the recruitment data supplied by the EBC.
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214. This Commission considered that the Referees would be a very important part of the recruitment process for this very crucial data collection exercise and specifically asked whether the Referees were contacted. We were assured that every Referee was in fact, contacted by the Registration Officer of each Registration Area. As a matter of routine this Commission did a sample testing by telephone on this point. Based on a stratified (by area) random sample of 167 Referees, none of the 56 actually reached reported being contacted by the EBC about the prospective IARO who had given the Referee's name on his/her Application Form. **What is significant about the whole exercise was that none of the Referees reached stated that they were contacted by the EBC.** We are forced to conclude that the EBC did not consider it necessary to obtain the Referees' input in the recruitment process and gave little or no attention to it. This raises a question as to the quality of the recruitment process itself.
215. For the House to House Survey, the IAROs were given a print-out of the names and addresses of Electors covering the particular Polling Division to which they were assigned together with a set of forms – Form 22 (change of residence) and Form 31 (dual residence). They were required to note on the print-out the status of persons met and interviewed. They later transposed that data onto three forms – Form No. SF1 (Persons Met at Address at which Registered), Form SF2 (Persons Not Met at Address at which Registered) and SF3 (Persons Met but not Registered at the Address at which Met) and submitted these Forms to the TFSs. The TFSs were then expected to do a spot-check on the IARO's work. The data was then entered into various Registers for follow-up field-checks by the TFIs. These Registers referred to are "Death Register", "Moved Register", "No Information Register" and "Field Check" Register.
216. The Commission, on its visits to the several Registration Offices, examined these Registers. We made three significant observations in our examination of the Field-Check Register -

- (1) Registers showed a high number of field-checks being completed in one day. The completion of a field-check depends on when you meet the registrant, on the first visit or second visit or later. It could, therefore, at times cover a greater period than one day. We found the entries referred to above, rather unusual.
- (2) Registers provided for the initials of the Field Officer, the Returning Officer and the Chief Clerk. In far too many cases, one or the other of these Officers had not initialed the Register and in some cases, none at all, although the transaction was recorded as valid. According to the records therefore, the standard verification process was incomplete.
- (3) Registers showed blank data fields. This would indicate inadequate internal controls or that the necessary field-check was not done.

217. The Commission on one of its visits, was given a "list of names compiled from Form 22's" prepared as late as March/April 2002. This showed approximately 180 names in the Registration Area of Tunapuna with "NOT CHECKED ON THE FIELD" in the Remark Column. All these related to "Transfers" in the Marginal Constituencies. The Check Cards relating to them were all dated subsequent to the start of the House of House Survey and confirmed that there were no field-checks done in these cases.

218. We have already referred to the cases (contained in the PNM's complaint) that many persons were not living at their registered addresses and to the fact that these persons should have been picked up by the IAROs if the Survey exercise was effected with the efficiency that was expected of it.

219. There is evidence that Electors whose names were wrongfully removed from the Electoral Lists as a result of the House of House Survey, have been visiting Registration Officer subsequent to the Election to have their names restored to the List. The EBC calls this exercise "Re-Instatement". It uses

the term "Re-Registration" for cases where the registrant was culpable (e.g. not submitting a Form 22). In some Registration Offices the distinction is not always observed and all restoration transactions are recorded as "Re-Registrations". There was evidence before the Commission in a few cases that even where the EBC was plainly wrong, the registrant was asked to sign a Form 22. This would bring the transaction under "Re-Registration". In one case, an Elector resident and registered in Sangre Grande for 40 years was transferred to Diego Martin. She was asked to complete a Form 22. She refused and the EBC had no other alternative but to regularize her registration without the Form 22.

220. As stated before, on our visits to several Registration Offices, we saw thousands of Forms 21 returned stamped "UNCLAIMED" by the Post Office. These Forms are sent to a person who is dead or has migrated or is not found at his registered address (Registration Rule 41(1))
221. Most of these Forms 21 were sent out as a result of the data received in the 2001 House of House Survey and the Forms having been returned "UNCLAIMED" the names of these Electors were deleted from the Electoral List. What this means is that these Electors were deleted from the Electoral List upon evidence including the unclaimed Form 21 Notices which were sent to an addresses where, according to the EBC, the Elector was not living. On the other hand, the inference can reasonably be drawn that some of these Electors were living at their registered addresses but that the Form 21 did not reach them because they lived out of the postal delivery area and were not in the habit of going to the Post Office to collect mail.
222. The EBC referred time again during the proceedings to the shortage of staff it had been experiencing for years and the pressure under which it operated over the past several years. With the unexpected announcement of the 2001 Elections it must have found itself in an "impossible" situation but strove with fortitude to do all that it could do even with its limited resources and limited time.

223. Preparing for the Election would itself have been a full-time job for the EBC. The final phases of the House to House Survey with its demands on staff must have imposed an extra heavy burden. We got the impression of a staff working under intense pressure, taking short-cuts wherever possible and trying desperately to keep on top of the situation. This was in our view, trying to accomplish miracles and not surprisingly, the system could not cope. We would not go so far as to say that the system crashed but it came near to doing so. It is not surprising therefore, that so important a function like "field-checks" in the House to House Survey suffered and the Electoral List for 2001 was seriously compromised.
224. **Considering all the evidence, both oral and documentary, we have come to the conclusion that the figures emerging from the House to House Survey are flawed. Since those figures were reflected in the 2001 Electoral List, we conclude also that that List was likewise flawed and in need of immediate review.**
225. In this context we note the following excerpt from the 2000 and 2001 Reports of International Election Observers:

"The Commonwealth Observer Mission to the 2000 elections by its recommendations to 'ensure accuracy and remove ambiguity relating to voter registration' (Commonwealth: 26), recognized some discrepancies in the 2000 electoral list. The CARICOM Observer Mission of 2001 reported 'a large number of person's names were omitted from the revised lists, resulting in the disenfranchisement of some voters (CARICOM: 14). Most significant is the potential of omissions to affect the outcome of the election if as a result of omissions the Electoral List is 'bias to a particular direction'.' An electoral roll of acceptable completeness and accuracy lies at the heart of the democratic process where the ability to vote depends on whether a voter's name is on the roll" (Goodwin-Gill: 46)

P. UPDATING OF THE ELECTORAL LISTS

226. Except for House to House Surveys (the last two were in 1985 and 2001), the EBC does not seem to see as one of its functions, the necessity **on its own initiative**, of updating the Electoral Lists on a continuing basis. Except in the case of "death", its role is passive, waiting for the public to come to it. It does not go out and seek to register persons who are not registered. It does not enquire about change of residence. These are two very important registration transactions and, yet, in respect of these, the EBC waits for the public to bring the information to it

New Registrants

227. The EBC has power under the Act to go out into the field and register people. Section 4 of the Act provides:

"(3) If in his opinion circumstances so require, the Chief Election Officer may, and if so directed by the Commission, shall –

- (a) **require assistant registration officers to visit every house within the Polling Division assigned to them and to receive applications for registration under the Registration Rules;**"

228. **Registration Rule 9(1)** provides that when required in pursuance of Section 4(3)(a) of the Act, Assistant Registration Officers shall:

"(a) **visit every house in the polling division assigned to them and receive applications for registration; and**

- (b) **if satisfied that an applicant for registration is qualified to be registered, effect the registration of the applicant."**

229. **Rule 9(3)** provides that an official photographer shall accompany the Assistant Registration Officer for the purpose of taking photographs of the applicant and **Rule 23(5)** provides that an Assistant Registration Officer or an official photographer may accept from an applicant for registration or updating of his/her registration, two recent photographs certified by a person designated by EBC.
230. The Act and the Rules enables the EBC to go out into the field and register people. Applicants do not even have to visit Registration Offices to have their photographs taken.
231. The EBC is under no duty to carry out this exercise but the Act and the Rules give it power to do so and is therefore, within the contemplation of the Act. That the EBC has failed to take the initiative in this area may stem from a lack of funding but also, it may arise from a policy decision by the EBC that people should come to it if they wish to be registered or have their registration updated. This is the impression we got from the evidence. **If, however, it is a policy decision then this Commission is of the view that it should be changed and that the EBC should adopt a more pro-active role in registering persons who are not registered.**

Registrants

232. A person who is registered may:
- (a) change his/her residence (transfers);
 - (b) change his/her name;
 - (c) have migrated;
 - (d) have died;
 - (e) be under sentence of death or serving a sentence of imprisonment exceeding twelve months;
-

- (f) be mentally ill within the meaning of the Mental Health Act;
- (g) be convicted of any offence relating to the Elections.

233. In all these cases, the Electoral Register needs to be updated. Except in the case of deaths, the EBC has nothing in place to obtain information on its own initiative, to effect the necessary updates. In the case of deaths, its Registration Officers obtain information from the various Registrars of Births and Deaths and checks the "Obituaries" columns in the newspapers.
234. In the case of (a), (b) and (c) (change of residence, change of name and migration) the situation is more difficult. Unless registrants provide the information, it is difficult **in the present circumstances** for EBC to obtain this information and update the Electoral Lists.
235. If it is considered an imperative that the Electoral Lists should be continuously updated (**as this Commission believes that it should be**) so that the Lists always reflect the position on the ground (subject of course, to cut-off dates), then the answer lies in (1) the training of Registration Officers and Assistant Registration Officers in techniques in qualitative research methods to be made more aware of the political/social/cultural ethics within the community in their area of work and (2) a permanent cadre of field enumerators whose duties would include making frequent and organized checks in areas assigned to them to obtain the necessary information.
236. The Central Statistical Office ("CSO") has a permanent cadre of enumerators who collect information in their assigned areas for statistical purposes. We heard evidence from an officer of the CSO and we are impressed by the CSO's organization and expertise in the area of obtaining information from the public. **Without compromising their autonomy, the EBC and the CSO should join forces in the area of gathering information and we suggest that the EBC pursue this proposal as a**

matter of urgency. We appreciate however, that even with the assistance of the CSO, the EBC would require extra funding for this exercise.

237. In order to ensure the accuracy of the Electoral List at all times and to maintain updated lists, we recommend –

- (1) that lists of “Additions” and “Deletions” in alphabetical and street order be posted on March 31, June 30, September 30 and December 31 in every year in the places where Election Lists are usually posted.
- (2) That a period of 21 days be given thereafter to any person or organization to lodge objections to any entry on the lists.
- (3) That these lists of Additions and Deletions be provided to political parties and NGOs free of charge.

Q. THE COMPUTER SYSTEM

238. The Computer System is the information back-bone of the EBC’s operations and it, therefore, must be capable of responding to whatever demands are made on it by internal and external users.

The AS400 System

239. The AS400/9402 System now in use at the EBC is about 6 to 7 years old and is outdated especially in terms of service, support and upgrade options. It is recommended that the AS400/9402 be replaced by one of the IBM iSeries 270 machines. (iSeries 270 is a re-branding, among other things, of the AS400 series). The specific model and configuration would have to be worked out after discussions between the EBC and IBM. The cost of the new machine is estimated at \$2,500,000.00.

240. It is strongly recommended that, on acquisition of the new machine, the EBC make a concerted effort to migrate the master file data (and other data) onto the integrated Database Management System. Doing so will provide greater ease-of-use and more flexibility in working with the master file. For example, it will be possible to answer queries and produce reports more easily, and to store photographs as part of electors' records. Generally, it will make the system more responsive. However, it is acknowledged that this will not be possible unless additional staff is hired.

The Identity Card Issuance System

241. The current hardware for scanning and printing photographs and signatures on inserts is plagued by frequent malfunctions and breakdowns. The time taken to effect repairs is excessive and in some cases, parts cannot be sourced so that the affected machines are virtually useless. The inserts with the scanned photographs and signatures are laminated to form the ID Cards. This system is working well and the quality assurance process, if followed, is commendable.
242. There are also data processing problems. The Computer Section of the EBC is responsible for the keying in of data sent by the Registration Officers. Data is coded in the Registration Offices and batched by transaction in groups of approximately 25 items. What is keyed in eventually materialises as the Electoral Lists. The data is entered by two sets of Data Entry Clerks – one set for initial data entry and the other for verification of data entered. The Computer Section is also responsible for producing Electoral Lists as well as update printouts. Update printouts are sent to Registration Offices by the Computer Section to verify data they entered into their database against the data sent by the Registration Officers. This is the **only** chance that the Registration Officers have of vetting the accuracy of submitted transactions.

243. The Commissioners were informed that this was done on a regular basis – weekly/monthly for Offices outside of Port-of-Spain and daily/weekly for Port-of-Spain Offices. On closer observation, the Commissioners discovered that update printouts for the House-to-House Survey 2001 were just being prepared to be sent out on April 24, 2002. The last update printout at the Registration Offices that the Commissioners visited was for November 2001. This means that some data were not verified prior to the production of the Electoral Lists for the 2001 elections.
244. The Commissioners further observed the data entry/verification process of three Data Entry Clerks on April 24, 2002. One was keying in data for December 2001, one was verifying data for January 2002, and the other for April 2002. On closer scrutiny of the January 2002 data in the presence of the Supervisor, Commissioners discovered the following: the batch number 13009402 was coded on January 8, and checked on January 25; batched and sent to the Central Registry at Scott House on January 31; the batch was stamped February 1. However, it remained at Central Registry until April 22 when it was sent to the Computer Section for data entry. This lack of efficiency in moving data leads to delays of up to five months to verify information. As a result, it is open to manipulation and errors. It also delays the printing of ID cards.
245. Because of these problems, the waiting time for an ID Card is now six to eight months instead of the two months which the EBC says is “normal”. Part of the delay is due to a general inefficiency in the entire system of moving data from one unit to another.
246. In our view the waiting period for an ID Card should not be more than one month. This would, however, require the EBC to streamline the registration process which leads up to the issuance of the ID Card. **The EBC should take all necessary steps to effect the delivery of ID Cards to registrants within a one-month period.**

247. The modernization of the Identity Card System, along with streamlining the system of moving data, should be given top priority since the timely issuance of ID Cards will benefit the entire electoral system.
248. The cost for such modernization is estimated at \$2,000,000.00.

Personal Computers at Registration Offices

249. As part of the daily routine at the Registration Offices, the National Alphabetical Listing of Electors has to be consulted. Since this is a massive listing, it is distributed approximately once every two years and, is normally out of date. When someone comes to register, the National List must be checked to ascertain whether this person is registered anywhere in the country. If he/she is not on the List at the Registration Office, a call has to be made to Head Office to verify whether he/she is on the National List. The telephone wait can be quite long and customers, naturally, become frustrated.
250. **To ease this problem, each Registration Office should be supplied with at least one personal computer system on which will be stored, *inter alia*, the National List.** This should be updated on a regular basis, (say, once per month). The cost for each computer system is estimated at \$25,000.00.
251. The Commission of Enquiry supports the EBCs request for staff for the Computer Division as stated in the document EB:5/3/29 (2002) dated April 30, 2001. For easy reference, the EBC requests the creation of posts for the following:
- One IT Manager
 - One Systems Analyst II
 - One Technical Support Analyst
 - One Operations Supervisor
 - One Programmer I

- One Systems Operator
- Six Computer Operator I
- One Clerk II
- Nine Data Entry Operator
- Four Clerk I

R. FINANCE AND STAFFING

252. On Friday 24th April, 1992 the House of Representatives at its sitting adopted the following resolution:

“Whereas several complaints and/or irregularities surfaced in the last General Elections which tend to indicate that there existed certain administrative deficiencies in the operations of the Election and Boundaries Commission.

Be it resolved that this Honourable House recommend to the Government that it takes steps to provide the Election and Boundaries Commission with the necessary resources to address such administrative deficiencies as may be found to exist and to permit the Commission to discharge its Constitutional function in a more efficient manner”.

253. On September 2, 1993 in response to Ministry of Finance Circular 5 of 1993 which requested the EBC's Policy Proposal for consideration in the 1994 Budget, the EBC submitted what it considered its Medium Term Requirements under two headings.

- (1) Physical Resources – Technology and Accommodation
- (2) Human Resources – The upgrading of posts and the creation of 15 additional posts.

254. The requisition for funding for “Physical Resources...” has been satisfied with:

- (1) The procurement of a Data Processing Unit and Computer Image Identity System in the 1994/95 Estimates.
-

(2) Removal of EBC's Head Officer to Scott House in 1999.

255. **The requisition for funding for 'Human Resources' made, we re-iterate, since 1994 remains unsatisfied unto this day.**
256. By letter dated May 28, 1996, from the Chairman of the EBC to the Prime Minister, the Chairman emphasized the urgent need of the "Human Resources" referred to in his memo of September 2, 1993.
257. On June 23, 2000 the EBC submitted its Development Programme of Estimates for 2000/2001 including projections for 2001/2002 and 2002/2003 under these headings:
- (1) Upgrade of computer AS/400 Model 9402 to 9406
 - (2) Modernisation of the Identity Card Issuance System.
 - (3) Modernisation of Registration Offices

The objective of the Programme was to improve the accessibility and quality of the services provided and to provide the Commission with modern equipment. The sum of \$1,500,000.00 was made available under (1) and (2) above in or about October, 2000. The EBC, being in the midst of preparations for the 2000 General Election with the Tobago House of Assembly Elections following in early 2001, was unable to utilize this allocation. In June 2000, Government "took back" the money and allocated it to another Government Department. The position therefore, **is that no new posts have been created in the EBC since 1993 (and, in fact, since 1981 as we have heard in the oral evidence) despite its increased workload.** The EBC desperately needs increased permanent staffing if it is to fulfill its mandate.

258. By letter dated April 30, 2001 from the Chairman of the EBC to the Permanent Secretary, Ministry of Finance the Chairman asked for additional staff. In his letter the Chairman said

“ The Commission is of the view that in order to maintain the accuracy of the List of Electors...an upgrade in the productive technology that produces its ID Cards and **an increase in its Registration area office staff is critical to that process**”.

259. **Government should, as a matter of priority, provide the EBC with the staff it needs “for the efficient discharge of its functions”:** The Constitution Sec. 71(8).

Staff Training

260. The EBC is a highly technical and people-oriented organization. Staff training is therefore, essential if the EBC is to fulfill its functions.
261. Requests for funding for staff training have been made over the years and various sums (never the full amount) have been provided. The Table below clearly demonstrates the position:

| Year | Request | Allocations | Releases |
|-----------|------------|-------------|-----------|
| 1998-1999 | \$112,000. | \$30,000. | \$20,000. |
| 1999-2000 | \$112,000. | \$30,000. | \$30,000. |
| 2000-2001 | \$112,000. | \$72,000. | \$30,000. |
| 2001-2002 | \$ 92,000. | \$50,000. | \$50,000. |

262. **Government should give very serious consideration to requests for funds for Staff Training. The EBC should also utilize the general training provided by the Government’s Training Unit particularly in the area of customer service and conflict management.**

Acting Appointments

263. A proportionally large number of officers of the EBC have been acting in their posts for several years. Following is a Table provided to this Commission.

| NAME OF OFFICER | ACTING APPOINTMENT | LENGTH OF ACTING APPOINTMENT |
|---------------------------|--|-------------------------------|
| Robert Keshwar | Registration Officer | 8 years |
| Seeraj Rampersad | Registration Officer | 7 years |
| Glen Noel | Registration Officer | 7 years |
| Hazel Williams | Registration Officer | 5½ years |
| Merle Buckmire-Morris | Registration Officer | 4¾ years |
| Janet Howell | Registration Officer | 5½ years (retired on 8/10/01) |
| Winston Cave | Registration Officer | 4 years (retired on 20/8/01) |
| Versil Charles-Wright | Assistant Registration Officer/ Registration Officer/ Training Officer | 9 years |
| Peter Williams | Assistant Registration Officer/ Training Officer | 9 years |
| Maureen Pancham | Assistant Registration Officer | 9 years |
| Janet Ratiram | Assistant Registration Officer | 9 years |
| Deopersad Deonarine | Assistant Registration Officer | 8¾ years |
| Rajdai Roopchand | Assistant Registration Officer | 5½ years |
| Ramlakan Jhilmit | Assistant Registration Officer | 5 years |
| Adolphus Jeremie | Assistant Registration Officer | 3 years (retired on 28/3/00) |
| Rita Joseph-St.Martin | Assistant Registration Officer | 4¾ years |
| Brian Matthew | Boundaries Officer | 5 years (confirmed in 2000) |
| Pamela Ali | Assistant Registration Officer | 4 years |
| Rita F. Collins-Lancaster | Assistant Registration Officer | 4 years |
| Ronald Niamath | Assistant Registration Officer | 3 years |
| Ramesh Nanan | Assistant Registration Officer | 4 years |
| Kumar Rampersad | Assistant Registration Officer | 4 years |
| Vernese Gomes-Sampson | Reg. Clerk III | 9 years |

| | | |
|----------------------|--|--|
| David Myers | Reg. Clerk III | 3 years |
| Hopsuing Achong | Reg. Clerk III | 3 years |
| Phyllis Procope | Reg. Clerk III | 3 years |
| Norma Baird-Joefield | Reg. Clerk III | 6 years |
| Sylvia De Graff | Reg. Clerk III | 10 years |
| Lucille Mc Leod | Reg. Clerk III | 5 years |
| Claris Thomas | Reg. Clerk III | 3 years |
| Sandra Gill | Reg. Clerk III | 7 years as 11/2 years as III |
| Cynthia O'Brien | RR Clerk IV | 8 years as III/3 years as IV |
| Marva Lewis | Reg. Clerk III | 4 years |
| Ingrid Henry | Reg. Rec. Clerk II/ Asst. Reg. Off. | 4 years/4 years as Asst. R.O. |
| Barbara Jones | Reg. Record Clerk III | 4 years |
| Felicia Charles | Clerk II/Reg. Record Clerk II | 7 years as II/2years as Chief Clerk |
| Enid Cielto-Collins | Reg. Rec. Clerk II/ Asst. Reg. Off. | 2 years as Asst. R.O. |

264. This situation is extremely unsatisfactory, some would say intolerable. It affects the morale of officers and is not conducive to overall staff efficiency.
265. The Public Service Services Commission ("PSC") is the body responsible under the Constitution to deal with staff appointments (including acting appointments). This Commission of Enquiry cannot understand why officers in the EBC have been left for such a long time to languish in their acting positions without being confirmed (or not). Frankly, we cannot see any good reason for this. **We would respectfully urge the PSC to deal with this matter** urgently as the failure to do so affects the overall efficiency of the EBC.

Funding-General

266. The EBC is an autonomous front-line Institution in the preservation of our Parliamentary Democracy. To carry out the duties and functions imposed upon it by the Constitution and the Act, it **must** be adequately funded. Successive Governments have constantly failed to do so.

267. Under the financial system now in operation, the Annual Budget allocation to the EBC (as well as all Government Departments) is not guaranteed to it. It must make application for monthly releases of funds and these releases are frequently not in the amounts requested. This procedure cannot work effectively for a front-line Institution like the EBC.
268. **Government should in the circumstances, guarantee to the EBC the funds allocated to it in the Annual Budget and release funding to it within its Budget Allocation on a timely basis. The administrative details would be a simple matter to work out.**
269. We are of course, aware of the carnivorous demand for monies from Government coffers. **We are of the view, however, that the EBC, being a front-line Institution in the preservation of our Parliamentary Democracy, should always be adequately funded to enable it to carry out its Constitutional and Legal Functions.**

S. VOTER EDUCATION

270. Voter education cannot be over-emphasized. Ignorance on the part of voters in the Registration and Election Processes is the cause of many of the electoral problems which have arisen in Trinidad and Tobago. Educated voters therefore, will lead to a much easier "flow" of the entire electoral process both in and out of election time.
271. Information to the public is usually and only provided to the public just before an Election. It is not surprising therefore, that the public is largely unaware of the various election processes e.g. the different kinds of Electoral Lists, when and how objections can be made, the role of the EBC etc. One witness from an NGO said that the EBC "ads" were invariably unfriendly, not "user-friendly".

272. **The EBC must focus on Voter-Education. It must look at Voter Education as a needed social investment. It must regard Voter Education as an avenue through which its registration and election functions can flow with much greater ease.** It must also see Voter Education as its duty (not necessarily legal) and devote the time and resources necessary to make Trinidad and Tobago a voter-conscious nation.
273. Some of the steps EBC can take are:
- (1) Linking with civil and media-houses which are “front-line” in disseminating information.
 - (2) Publishing brochures and flyers about all aspects of the Electoral Process.
 - (3) Using Television and Radio to host “Talk Shows” e.g. “ The EBC and You”, “Democracy and You” etc.
 - (4) Providing speakers to various Schools and Organizations on the Electoral Process e.g. NGOs, Village Councils, etc.
274. Some recommended topics would be:
- (1) “About the EBC – Its Role and Responsibilities”
 - (2) “The EBC and You”.
 - (3) “The Registration Process – Laws and Procedures”.
 - (4) “The Voting Process – Laws and Procedures”.
275. **The whole idea must be to make Trinidad and Tobago a Voter-Literate country. The dividends will be enormous.**

T. THE ACCURACY OF THE 2000 AND 2001 ELECTORAL LISTS

276. We have already found that the 2001 List was flawed. The Revised List reflected a decrease of 113,973 Electors, from 958,227 on the Annual List to 844,254 on the Revised List resulting mainly from the House to House Survey.

277. There was not much evidence before us relating to the compilation and accuracy of the 2000 Electoral List. The Commonwealth Observer Election stated in its Report -

“The process of registration has never been the subject of significant controversy or confusion during previous elections in Trinidad and Tobago. On this occasion, however, registration became one of the most contentious issues of the general election. In October 2000, allegations were made that a number of voters had applied for across-constituency transfers based on false statements as to their place of residence. It was alleged that the voters had done so with the express intention of moving their vote to seats where the margin between the parties at the last election had been very thin.

The alleged practice was dubbed ‘voter-padding’. The EBC began an inquiry into the allegations and subsequently rejected 252 applications for transfers into marginal constituencies. It provided information on these 252 cases to the police ‘for such action as they might deem appropriate’, along with material concerning all other transfer applications made between 1 July 2000 and the end of registration on 11 October 2000. The police subsequently made a number of arrests and laid charges against several individuals.”

We have no information on the status of the several charges laid.

278. Further, the last House to House Survey was in 1985. Decreases through Death, Migration and Cross-Constituency Movements occur as a matter of course. The EBC has no effective system in place to ascertain the number of migrations and cross-constituency movements not brought to its attention and these, therefore, were not taken into account in the compilation of the 2000 Electoral List.

279. Considering all the above, it would seem that the 2000 Electoral List was not as accurate as it should have been.
280. **The Act in our view contemplates a process of continuous updating. This is the only way in which Electoral Lists for any Election can be said to be accurate.**
281. We do not wish to get involved in the complexities of the Act but we have already observed that the EBC has the power to ensure that the Electoral Lists are updated on a continuous basis. As a matter of fact, it may be that on a proper interpretation of the Constitution and the Act, **the EBC must maintain accurate Electoral Lists by regularly updating the Lists.** If the people of Trinidad and Tobago demand accurate Electoral Lists then, the Act must be amended to clearly place a duty on the EBC to produce and maintain accurate Lists. If this is not done, the interpretation of the Act as it now stands, will present very difficult questions of law and will leave it open to the EBC to say that it has no duty to maintain accurate Electoral Lists.
282. Having found that the 2001 Electoral Lists was inaccurate, the question is "Where do we go from here?" There is a fairly widespread public view that a General Election has to be called by October, 2002 or by the end of 2002 for the latest. Should the country go to the polls on a List which is based on the inaccurate List of 2001? **It seems to us that that this course would be very unwise and could present dangers to this country which we have so far been very fortunate to avoid.**
283. **The only reasonable solution is to revisit and redo the entire field-check exercise carried out in the 2001 House to House Survey in the Marginal Constituencies before the next General Election;** and continue after the Election with the same exercise in the other Constituencies where the results
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can be regarded as a foregone conclusion. This is the only way to ensure that the Electoral Lists are accurate.

284. The field-check exercise referred to above includes the work done by the Temporary Field Supervisors, the Temporary Field Investigators, the Assistant Registration Officer and the Registration Officers together with the follow up processing of all data.
285. The CSO has a tremendous amount of expertise in this area. The EBC could, without compromising its autonomy, utilize this expertise.
286. We envisage that this exercise can be completed within a period of three months with proper planning and adequate funding.
287. We re-iterate that this is the most reasonable course, indeed we believe the only reasonable course, to adopt if there is to be any public confidence in the next General Elections.

THE EBC – ITS PERFORMANCE

288. The Chief Election Officer was the principal witness for the EBC. He spent 12 days in the witness box outlining and explaining the procedures and practices that guided the EBC in its functions and we were able to discern a “mind-set” governing the operations of the EBC.
289. The EBC we found, sees itself as an autonomous body circumscribed by an Act and the Rules appended thereto. It is not prepared to venture outside The Act (and Rules) except where it is absolutely necessary to do so. It does not see itself as a pro-active Institution. It sees itself more as a Government Department rather than an Institution which is the Guardian of the Electoral Process and therefore, in a sense, a Guardian of Democracy in

Trinidad and Tobago. This being so, it has no vision. It is content to preside over the Electoral Process purely as a mechanical exercise.

290. The EBC has become a prisoner of the legal definitions of “duty” and “power”. It does its duty as indeed it must do, but it sees no real need or urgency to exercise its powers to bring about updated Electoral Lists and an informed public.
291. This is due *inter alia* to inadequate funding and staffing and we think, the lack of hands-on leadership at the policy making level. The Commissioners of the EBC are part-time Officers, each busy with his own profession or occupation. They have limited, perhaps not enough time, to sit down and map out policy which will make the EBC the independent and effective instrument it was intended to be by the Constitution and the Act, an instrument which should see as its prime directive, the imperative to register as many persons as it can, all the while updating the Register of Electors as a continuing process and treating with concern the possibility of even one elector being disenfranchised or even one unqualified person being enfranchised.
292. **In our view, if accurate Lists are to be maintained and if the EBC is to fulfill its functions under the Act, there must be a full-time Chairman. He/she should be appointed without delay.** We can see no constitutional or legal barriers to this proposal.
293. It must not be assumed from what has gone before that the EBC has been totally responsible for the obvious short-comings of the Electoral Process. Culpable it has been in several respects but it was operating with limited resources, under intense pressure within the last three years. It embarked upon the 2000 General Election with an inaccurate Electoral List. It tried to correct the situation with a House to House Survey in 2001 and everything may have worked out well if it had been given sufficient time to verify the data collected in the field and produce an updated and accurate List. But, it
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was suddenly confronted with the announcement of the 2001 General Election and decided to go along with the decision of the Political Directorate. And now, to make things doubly worse, it faces the prospect of another General Election, perhaps later this year.

294. The EBC must be given some time to take stock and to fix the flaws in the System and in the Electoral Lists. Without this, we fear that our Democracy will be the loser.
295. The EBC must be given as a matter of urgency, the funding it so desperately needs for its proper and efficient functioning. If this need is not met, we face the prospect of going into the next Election with Electoral Lists which cannot be guaranteed for their accuracy. This will result not only in the disenfranchisement of Electors and the possible enfranchisement of persons not entitled to vote but also in a condition of grave public unease and concern. This state of affairs is not something which the country should be called upon to face.
296. Notwithstanding what has been said above, the fact is that the EBC has not performed efficiently and effectively over the last two election periods and this has led to great public unease and concern and a loss of confidence by many people in the Electoral Process. The EBC cannot be heard to say that it was not responsible for this state of affairs, that it was due to the failure of Government to provide adequate resources for its effective operation.
297. Independent persons who accept appointment to independent Constitutional Commissions and upon whom vital constitutional and legal functions are imposed, **must** carry out those functions efficiently and effectively. If they cannot do so, whatever the reason, they must resign. Public morality and public responsibility require so less.

298. The Constitution and the Act squarely place responsibility for Elections (and this includes accurate Electoral Lists and public confidence in the System) in the hands of the EBC. It cannot surrender that responsibility for any reason. It must not only request adequate funding from Government. It must demand it, all the while emphasizing that it is mandated with Constitutional and Legal functions. If Government fails to provide the required funding then, the Commissioners of the EBC must resign and inform the public of the reasons for their resignation.
299. In the view of a 4 to 1 majority of the Commissioners of this Enquiry, the present circumstances and the events leading up to them, are such that the Commissioners of the EBC should resign their posts with immediate effect.
300. In addition, in order for the EBC to operate with efficiency and effectiveness, we believe that there must be a Chief Election Officer with the expertise that such an office requires. He/she must be highly qualified in Management and knowledgeable in the areas of Human Resources and Information Systems. He/she must possess the drive and initiative to be and to remain on top of a dynamic organization. We believe that in the present circumstances in which the EBC is now placed, such a person should be recruited from private enterprise if only on contract for a limited period. He/she would review and modernize, where necessary, the systems and procedures of the EBC, and thus put it in a position to fulfill its functions under the Constitution and the Act.

V. REVIEW OF THE ACT AND RULES

301. It seems obvious to us that there are many short-comings in the Act and Rules. As a result, we conclude that a review of the Act and the Rules is absolutely necessary at this point. The Act has been in force since 1961, and although there were amendments from time to time, we think that with the changes occurring in Trinidad and Tobago since 1961, both political and
-

cultural, the time has come to revisit the Act and its Rules. **The people and their culture are vital considerations in drafting or reviewing a Representation of the People Act.** What we suggest is that a competent local Attorney, knowledgeable *inter alia* in the Electoral Process be assigned the job of reviewing the Act, after obtaining input from the public and political parties. He/she will, of course, utilize the help and expertise of other persons and organizations, both local and foreign.

W. POLITICAL PARTIES

302. Political Parties are key stakeholders in the Electoral Process and as such, they should be considered an integral part of the system.
303. In one way or the other, they can offer invaluable assistance in the compilation and updating of accurate Electoral Lists. If their assistance is invited and obtained, there would be far less complaints from them at election time.
304. The Act and the Rules should be amended to incorporate the involvement of Political Parties in the Electoral Process in whatever way possible.
305. This, we appreciate, is a matter which must be considered in the context of the whole Electoral Process. We suggest that it be dealt with in the Review of the Act and the Rules which we have recommended later in this Report.

X. TERMS OF REFERENCE

306. Because of time constraints, we regret that we have been unable to deal with that aspect of our Terms of Reference relating to ensuring that members of the staff of the EBC exercise their functions competently, and in accordance with democratic practice and principles.

307. Some of the matters which we have dealt with in the Report (e.g. the question of the Electoral Ink etc.) may not fall strictly within our Terms of Reference. We are of the view however, that we should address any issue raised during the proceedings which is a matter of public concern so that closure may be brought to the subject and the public mind may hopefully, be put at rest.
308. If we erred in this, we have erred on the side of the public interest.

Y. ACKNOWLEDGEMENTS

309. Our work at all stages of this Commission of Enquiry would not have been accomplished without the assistance of and contributions by many wonderful people and we take the opportunity here to record our profound thanks to them.
- To the Secretary of the Commission, Ms. Ida Eversley and to every member of the staff of the Secretariat for their ready and constant support. We include here our Usher, Mr. Wayne Mohammed, a competent help in handling the huge bundle of exhibits we had to deal with, and our kitchen staff who kept us nourished at all times.
 - To our CAT Reporters, who did a tremendous job in providing us with the Notes of Evidence on a timely basis.
 - To Assistant Commissioner of Police, Celestine Richards, and his Police Officers who quietly and competently provided the security for the Commission at all times.
 - To the Media (Press, Radio and Television) for their news coverage which was so important in keeping the public informed of what was transpiring; and especially to TIC 4 for carrying the proceedings live on Television as a public service.

- To the Commission's Attorneys for all the work they did to ensure that the Commission was advised, both on the law and the facts; and to all Attorneys appearing before us for their contributions to the work of the Commission.

- And finally, to the public who attended the hearings for their interest and patience.

Z. RECOMMENDATIONS

In the light of the foregoing, WE RECOMMEND:

1. (By a majority decision) that the Commissioners of the EBC tender their resignations to His Excellency the President.

2. That a suitably qualified person in Management and knowledgeable in Human Resources and Information Systems be recruited on contract to the post of Chief Election Officer.

3. That the EBC immediately revisit and redo the entire field-check exercises carried out in the 2001 House to House Survey in the Marginal Constituencies.

4. That the field-check exercises referred to in paragraph 3 be done before the next General Election.

5. That the field-check exercises referred to in paragraph 3, be continued in the remaining Constituencies as soon as is practicable thereafter.

6. That the EBC take **immediate** steps to ensure the security of all Registration Record Cards and other Registration Documents.


7. That the EBC take **immediate** steps to cancel the Registration Record Cards of all Electors whose names have been deleted from the Electoral List.
 8. That the EBC take **immediate** steps to obtain information on persons falling under Section 15(1)(a) and (b) of the Act and update the Electoral List on a continuous basis in respect of these persons.
 9. That the EBC should streamline its field investigation procedures and abolish the use of Form A134.
 10. That the EBC should as a matter of policy, refer to the Police all cases of registration transactions which, after a **proper** field-check, are found to be invalid.
 11. That the EBC streamline its registration and re-registration procedures to ensure that ID Cards are available to the Registrant within one month from the date of application.
 12. That the EBC utilize its power under Section 4 of the Act to register Electors and update the Register of Electors on a continuing basis.
 13. That the EBC post lists of Additions to and Deletions from the Electoral List in every Polling Division on a quarterly basis.
 14. That the EBC print the Elector's File Number on the ID Card and on Electoral Lists and Poll Cards.
 15. That the EBC should ensure that on Polling Day -
 - (1) Pending an amendment to the Rules, the "initials of the Presiding Officer and the Deputy Presiding Officer should be displayed in the Station Diary.
-

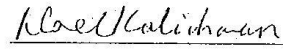
- (2) The Duplicate Poll Cards carry Electors' Registration Numbers and organized for convenient use by the Poll Clerks.
 - (3) The Poll Clerk check the Registration Number on an Elector's ID card against the Registration Number on the Duplicate Poll Card in every case and use the Duplicate Poll Card in the Voting Process.
 - (4) The Poll Clerk should call the sequential number and the name of every Elector as the Elector is being processed by the Poll Clerk.
 - (5) Where a Voter does not have an ID Card or his/her name does not appear on the Electoral List, the Poll Clerk should check the Voter's Registration Record Card in the Unit Register in every case.
 - (6) Pending an amendment to the Rules, that the EBC must regard it as a mandatory practice to send out Poll Cards to every Elector before an Election.
 - (7) That the EBC continue the practice of printing the registration number of Electors on the Electoral List provided to the staff at Polling Stations and ensure that these Lists reach the Presiding Officer prior to polling day.
16. That the EBC should as soon as possible acquire the new computers recommended in this Report and update its Identity Card Issuance System.
 17. That the EBC make Voter Education one of its priorities and immediately embark upon a planned programme to accomplish this.
 18. That Government provide adequate funding to the EBC to enable it to carry out its Constitutional and Legal Functions.


19. That Government guarantee to the EBC the funds allocated to it in the Annual Budget and ensure timely releases of these funds.
 20. That a competent local Attorney be appointed to carry out a review of the Representation of the People Act, Chap.2:01.
 21. That the Act be amended to provide for a Revising Tribunal.
 22. That the Registration and Election Rules be amended as follows -
 - (1) A Statutory Declaration be included in the following Forms:
 - Form 10 – Registration Record Card
 - Form 22 – Notice of Change of Residence
 - Form 24 – Application for Replacement of Identity Card
 - Form 31 – Option where Person has more than one place of residence
 - (2) Election Rule 39(1) be amended to make it mandatory for the EBC to issue or cause to issue Poll Cards to prospective voters whose names appear on the Revised List of Electors at the address stated thereon.
 - (3) Election Rule 54(1) be amended to include the initials of the Presiding Officer and the Deputy Presiding Officer and any other officer authorized by the Presiding Officer to initial ballot papers in the station diary.
 - (23) That the Representation of the People Act, Chap. 2:01 be put before Parliament for amendment following the Review of the Act as recommended.
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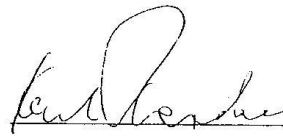
The undersigned signatures of the Chairman and respective Commissioners confirms the contents of the preceding Report.

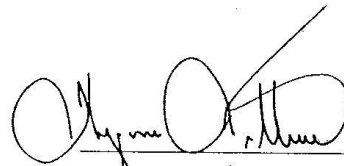
Dated this 31st day of May, 2002 at Port of Spain, Trinidad, West Indies


Justice L.D. Deyalsingh
Chairman


Dr. Noel Kalicharan
Member


Mrs. Myrtle Palacio, MBE
Member


Mr. Karl Theodore
Member


Mr. Kyron Arthur
Member

APPENDICIES

APPENDICES

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2. Constituencies
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APPENDIX 1

REGISTRATION AREAS IN TRINIDAD AND TOBAGO

CITIES

The City of Port of Spain
The City of San Fernando

BOROUGHS

The Borough of Arima
The Borough of Point Fortin
The Borough of Chaguanas

REGIONAL CORPORATIONS

The Regional Municipality of Diego Martin
The Regional Municipality of San Juan - Laventille
The Regional Municipality of Tunapuna - Piarco
The Regional Municipality of Sangre Grande
The Regional Municipality of Couva – Tabaquite - Talparo
The Regional Municipality of Mayaro - Rio Claro
The Regional Municipality of Siparia
The Regional Municipality of Penal-Debe
The Regional Municipality of Princes Town

APPENDIX II**CONSTITUENCIES IN TRINIDAD AND TOBAGO**

ARIMA
AROUCA NORTH
AROUCA SOUTH
BARATARIA/SAN JUAN
CARONI CENTRAL
CARONI EAST
CHAGUANAS
COUVA NORTH
COUVA SOUTH
DIEGO MARTIN CENTRAL
DIEGO MARTIN EAST
DIEGO MARTIN WEST
FYZABAD
LA BREA
LAVENTILLE EAST/MORVANT
LAVENTILLE WEST
NAPARIMA NARIVA
OROPOUCHE
ORTOIRE/MAYARO
POINT FORTIN
POINTE-A-PIERRE
PORT-OF-SPAIN NORTH/ST.ANN'S WEST
PORT-OF-SPAIN SOUTH
PRINCES TOWN
SAN FERNANDO EAST
SAN FERNANDO WEST
SIPARIA
ST. ANN'S EAST
ST. AUGUSTINE
ST. JOSEPH
TABAQUITE
TOBAGO EAST
TOBAGO WEST
TOCO/MANZANILLA
TUNAPUNA

REPORT ON REGISTRATION ACTIVITY IN EACH PARLIAMENTARY DISTRICT
(SEPTEMBER 1994 TO THE ANNUAL LIST 1995)

| ELECTORAL DISTRICT | ELECTORATE 1994.09.02 | NEW REGISTRATIONS [1] | DEEMED ELECTORS [2] | TRANSFERS IN [3] | TOTAL ADDED [1+2+3] | TRANSFERS OUT [4] | DELETIONS [5] | TOTAL DELETED [4-5] | INC/DEC | ELECTORATE 1995.07.01 |
|--------------------------------|--------------------------|-----------------------------|---------------------------|------------------------|---------------------------|-------------------------|------------------|---------------------------|---------|--------------------------|
| ARIMA | 23802 | 705 | 236 | 105 | 1046 | 170 | 1005 | 1175 | 129 | 23673 |
| AROUCA NORTH | 22713 | 655 | 157 | 162 | 974 | 125 | 1109 | 1234 | -260 | 22453 |
| AROUCA SOUTH | 26404 | 840 | 294 | 174 | 1308 | 143 | 1180 | 1323 | -15 | 26389 |
| BARATARIA/SAN JUAN | 22663 | 585 | 143 | 103 | 832 | 107 | 1293 | 1400 | -568 | 22095 |
| CARONI CENTRAL | 23102 | 642 | 298 | 217 | 1157 | 108 | 782 | 890 | 267 | 23369 |
| CARONI EAST | 22015 | 567 | 225 | 115 | 907 | 93 | 574 | 667 | 240 | 22255 |
| CHAGUANAS | 23709 | 542 | 276 | 173 | 991 | 99 | 551 | 650 | 341 | 24050 |
| COUVA NORTH | 22545 | 568 | 279 | 125 | 973 | 105 | 644 | 749 | 224 | 22869 |
| COUVA SOUTH | 23358 | 511 | 284 | 134 | 929 | 128 | 664 | 792 | 137 | 23495 |
| DIEGO MARTIN CENTRAL | 23139 | 442 | 211 | 71 | 724 | 59 | 537 | 596 | 128 | 23267 |
| DIEGO MARTIN EAST | 21094 | 413 | 197 | 58 | 668 | 72 | 607 | 679 | -11 | 21083 |
| DIEGO MARTIN WEST | 23740 | 469 | 209 | 81 | 759 | 78 | 505 | 553 | 176 | 23916 |
| FYZABAD | 24137 | 442 | 235 | 102 | 779 | 140 | 315 | 455 | 324 | 24461 |
| LA BREA | 22056 | 414 | 296 | 101 | 811 | 115 | 189 | 304 | 507 | 22563 |
| LAVENTILLE EAST/MORVANT | 25699 | 708 | 318 | 88 | 1114 | 104 | 1020 | 1124 | -10 | 25689 |
| LAVENTILLE WEST | 25205 | 788 | 300 | 68 | 1156 | 110 | 864 | 974 | 182 | 25387 |
| NAPARIMA | 22230 | 396 | 244 | 100 | 740 | 123 | 347 | 470 | 270 | 22500 |
| NARIVA | 24003 | 452 | 312 | 82 | 846 | 130 | 263 | 393 | 453 | 24456 |
| ORPOUCHE | 22524 | 378 | 264 | 106 | 748 | 131 | 491 | 622 | 126 | 22750 |
| ORTOIRE/MAYARO | 24366 | 460 | 328 | 98 | 886 | 124 | 391 | 515 | 371 | 24737 |
| POINT FORTIN | 22768 | 474 | 269 | 65 | 808 | 91 | 252 | 343 | 465 | 23233 |
| POINTE-A-PIERRE | 23531 | 481 | 175 | 144 | 800 | 139 | 694 | 833 | -33 | 23498 |
| PORT OF SPAIN NTH/ST ANNS WEST | 21725 | 583 | 199 | 109 | 891 | 75 | 822 | 897 | -6 | 21719 |
| PORT OF SPAIN SOUTH | 19799 | 428 | 168 | 84 | 680 | 73 | 748 | 821 | -141 | 19658 |
| PRINCES TOWN | 24416 | 463 | 315 | 107 | 885 | 138 | 405 | 543 | 342 | 24758 |
| SAN FERNANDO EAST | 22685 | 416 | 207 | 198 | 821 | 148 | 724 | 872 | -51 | 22634 |
| SAN FERNANDO WEST | 21735 | 434 | 144 | 233 | 811 | 189 | 829 | 1018 | -207 | 21528 |
| SIPARIA | 23765 | 397 | 304 | 98 | 799 | 142 | 471 | 613 | 186 | 23951 |
| ST ANNS EAST | 23366 | 745 | 164 | 61 | 994 | 89 | 859 | 948 | 46 | 23412 |
| ST AUGUSTINE | 22574 | 580 | 183 | 106 | 849 | 113 | 1285 | 11 | -549 | 22025 |
| ST JOSEPH | 22876 | 545 | 150 | 108 | 803 | 93 | 1318 | 1411 | -608 | 22268 |
| TABAQUITE | 22916 | 418 | 232 | 90 | 740 | 134 | 491 | 625 | 115 | 23031 |
| TOBAGO EAST | 15957 | 176 | 218 | 28 | 422 | 69 | 162 | 231 | 191 | 16148 |
| TOBAGO WEST | 16446 | 239 | 215 | 48 | 502 | 35 | 156 | 191 | 311 | 16757 |
| TOCO/MANZANILLA | 25035 | 605 | 292 | 155 | 1052 | 92 | 223 | 315 | 737 | 25772 |
| TUNAPUNA | 22666 | 638 | 158 | 107 | 903 | 121 | 1122 | 1243 | -340 | 22326 |
| TOTAL | 820964 | 18604 | 8499 | 4005 | 31108 | 4005 | 23892 | 26510 | 3211 | 824175 |

REPORT ON REGISTRATION ACTIVITY IN EACH PARLIAMENTARY DISTRICT
(ANNUAL LIST 1995 TO ANNUAL LIST 1996)

| ELECTORAL DISTRICT | ELECTORATE 1995.07.01 | NEW REGISTRATIONS (1) | DEEMED ELECTORS (2) | TRANSFERS IN (3) | TOTAL ADDED (1+2+3) | TRANSFERS OUT (4) | DELETIONS (5) | TOTAL DELETED (4+5) | INC/DEC | ELECTORATE 1996.07.01 |
|--------------------------------|--------------------------|-----------------------------|---------------------------|------------------------|---------------------------|-------------------------|------------------|---------------------------|---------|--------------------------|
| ARIMA | 23674 | 811 | 283 | 193 | 1287 | 168 | 211 | 379 | 908 | 24582 |
| AROUCA NORTH | 22453 | 907 | 228 | 267 | 1403 | 169 | 216 | 385 | 1018 | 23471 |
| AROUCA SOUTH | 26388 | 1013 | 349 | 317 | 1679 | 245 | 213 | 458 | 1221 | 27609 |
| BARATARIA/SAN JUAN | 22094 | 782 | 170 | 247 | 1199 | 164 | 198 | 362 | 837 | 22931 |
| CARONI CENTRAL | 23369 | 776 | 287 | 380 | 1443 | 219 | 207 | 426 | 1017 | 24386 |
| CARONI EAST | 22255 | 683 | 231 | 188 | 1102 | 193 | 194 | 387 | 715 | 22970 |
| CHAGUANAS | 24050 | 669 | 270 | 285 | 1224 | 156 | 191 | 347 | 877 | 24927 |
| COUVA NORTH | 22869 | 673 | 259 | 233 | 1165 | 224 | 283 | 507 | 658 | 23527 |
| COUVA SOUTH | 23495 | 708 | 275 | 251 | 1234 | 224 | 235 | 459 | 775 | 24270 |
| DIEGO MARTIN CENTRAL | 23267 | 725 | 202 | 160 | 1087 | 177 | 149 | 326 | 761 | 24028 |
| DIEGO MARTIN EAST | 21083 | 779 | 199 | 137 | 1115 | 159 | 148 | 307 | 808 | 21891 |
| DIEGO MARTIN WEST | 23916 | 751 | 197 | 170 | 1118 | 185 | 152 | 338 | 780 | 24696 |
| FYZABAD | 24461 | 644 | 262 | 193 | 1099 | 213 | 217 | 430 | 669 | 25130 |
| LA BREA | 22563 | 480 | 285 | 173 | 938 | 203 | 265 | 468 | 470 | 23033 |
| LAVENTILLE EAST/MORVANT | 25689 | 797 | 372 | 113 | 1282 | 218 | 179 | 397 | 885 | 26574 |
| LAVENTILLE WEST | 25387 | 756 | 382 | 79 | 1217 | 214 | 220 | 434 | 783 | 26170 |
| NAPARIMA | 22500 | 543 | 269 | 92 | 904 | 205 | 201 | 406 | 498 | 22998 |
| NARIVA | 24456 | 615 | 349 | 173 | 1137 | 305 | 236 | 541 | 596 | 25052 |
| OROPOUCHE | 22750 | 555 | 267 | 112 | 934 | 220 | 194 | 414 | 520 | 23270 |
| ORTOIRE/MAYARO | 24733 | 631 | 283 | 220 | 1134 | 236 | 219 | 455 | 679 | 25416 |
| POINT FORTIN | 23233 | 614 | 262 | 109 | 985 | 190 | 254 | 444 | 541 | 23774 |
| POINTE-A-PIERRE | 23498 | 722 | 203 | 202 | 1127 | 235 | 198 | 433 | 694 | 24192 |
| PORT OF SPAIN NTH/ST ANNS WEST | 21719 | 664 | 186 | 204 | 1054 | 198 | 215 | 413 | 641 | 22360 |
| PORT OF SPAIN SOUTH | 19659 | 553 | 159 | 147 | 859 | 166 | 204 | 370 | 489 | 20148 |
| PRINCES TOWN | 24758 | 564 | 332 | 180 | 1076 | 227 | 232 | 459 | 617 | 25375 |
| SAN FERNANDO EAST | 22635 | 661 | 223 | 278 | 1162 | 267 | 170 | 437 | 725 | 23360 |
| SAN FERNANDO WEST | 21527 | 775 | 161 | 500 | 1436 | 208 | 155 | 363 | 1073 | 22600 |
| SIPARIA | 23951 | 542 | 257 | 106 | 905 | 194 | 189 | 383 | 522 | 24473 |
| ST ANNS EAST | 23412 | 748 | 225 | 132 | 1105 | 161 | 176 | 337 | 768 | 24180 |
| ST AUGUSTINE | 22025 | 829 | 144 | 190 | 1163 | 226 | 212 | 438 | 725 | 22750 |
| ST JOSEPH | 22268 | 878 | 161 | 416 | 1455 | 189 | 184 | 373 | 1082 | 23350 |
| TABAQUITE | 23031 | 631 | 249 | 123 | 1003 | 185 | 200 | 385 | 618 | 23649 |
| TOBAGO EAST | 16148 | 287 | 292 | 58 | 637 | 125 | 135 | 260 | 377 | 16525 |
| TOBAGO WEST | 16757 | 402 | 267 | 95 | 764 | 106 | 118 | 224 | 540 | 16604 |
| TOC/MANZANILLA | 25772 | 822 | 373 | 235 | 1430 | 185 | 267 | 452 | 978 | 26750 |
| TUNAPUNA | 22327 | 845 | 161 | 237 | 1243 | 244 | 236 | 480 | 763 | 23090 |
| TOTAL | 824175 | 24835 | 9075 | 7195 | 41105 | 7204 | 7273 | 14477 | 26628 | 850111 |

REPORT ON REGISTRATION ACTIVITY IN EACH PARLIAMENTARY DISTRICT
(ANNUAL LIST 1996 TO ANNUAL LIST 1997)

| ELECTORAL DISTRICT | ELECTORATE 1996.07.01 | NEW REGISTRATIONS (1) | DEEMED ELECTORS (2) | TRANSFERS IN (3) | TOTAL ADDED (1-2+3) | TRANSFERS OUT (4) | DELETIONS (5) | TOTAL DELETED (4-5) | INC/DEC | ELECTORATE 1997.07.01 |
|--------------------------------|--------------------------|-----------------------------|---------------------------|------------------------|---------------------------|-------------------------|------------------|---------------------------|---------|--------------------------|
| ARIMA | 24582 | 641 | 384 | 141 | 1166 | 146 | 177 | 323 | 843 | 25425 |
| AROUCA NORTH | 23471 | 618 | 318 | 225 | 1161 | 141 | 171 | 312 | 849 | 24320 |
| AROUCA SOUTH | 27609 | 756 | 502 | 246 | 1504 | 227 | 153 | 380 | 1124 | 28733 |
| BARATARIA/SAN JUAN | 22931 | 495 | 260 | 152 | 907 | 143 | 128 | 271 | 636 | 23587 |
| CARONI CENTRAL | 24286 | 635 | 428 | 320 | 1383 | 157 | 208 | 365 | 1018 | 25404 |
| CARONI EAST | 22970 | 659 | 383 | 177 | 1219 | 192 | 162 | 354 | 865 | 23835 |
| CHAGUANAS | 24927 | 610 | 466 | 234 | 1310 | 171 | 191 | 362 | 948 | 25875 |
| COUVA NORTH | 23528 | 561 | 375 | 255 | 1191 | 152 | 303 | 455 | 736 | 24264 |
| COUVA SOUTH | 24270 | 533 | 451 | 237 | 1221 | 194 | 309 | 503 | 718 | 24988 |
| DIEGO MARTIN CENTRAL | 24028 | 454 | 242 | 145 | 841 | 137 | 149 | 286 | 555 | 24583 |
| DIEGO MARTIN EAST | 21891 | 436 | 264 | 115 | 815 | 97 | 120 | 217 | 598 | 22489 |
| DIEGO MARTIN WEST | 24696 | 508 | 313 | 134 | 955 | 173 | 142 | 315 | 640 | 25336 |
| FYZABAD | 25130 | 553 | 406 | 152 | 1111 | 138 | 259 | 397 | 714 | 25844 |
| LA BREA | 23033 | 465 | 404 | 121 | 990 | 227 | 221 | 448 | 542 | 23575 |
| LAVENTILLE EAST/MORVANT | 26574 | 621 | 428 | 133 | 1182 | 164 | 125 | 289 | 893 | 27467 |
| LAVENTILLE WEST | 26170 | 571 | 436 | 130 | 1137 | 155 | 119 | 274 | 863 | 27033 |
| NAPARIMA | 22998 | 455 | 436 | 134 | 1025 | 153 | 204 | 357 | 668 | 23666 |
| NARIVA | 25052 | 497 | 499 | 134 | 1130 | 207 | 213 | 420 | 710 | 25762 |
| OROPOUCHE | 23270 | 501 | 379 | 151 | 1031 | 144 | 205 | 349 | 682 | 23952 |
| ORTOIRE/MAYARO | 25416 | 556 | 494 | 151 | 1201 | 211 | 236 | 447 | 754 | 26170 |
| POINT FORTIN | 23774 | 501 | 383 | 121 | 1005 | 138 | 274 | 412 | 593 | 24367 |
| POINTE-A-PIERRE | 24192 | 490 | 307 | 189 | 986 | 259 | 303 | 562 | 424 | 24616 |
| PORT OF SPAIN NTH/ST ANNS WEST | 22360 | 407 | 229 | 181 | 817 | 185 | 84 | 269 | 548 | 22908 |
| PORT OF SPAIN SOUTH | 20148 | 338 | 186 | 147 | 671 | 213 | 91 | 304 | 367 | 20515 |
| PRINCES TOWN | 25375 | 493 | 535 | 184 | 1212 | 197 | 242 | 439 | 773 | 25148 |
| SAN FERNANDO EAST | 23359 | 428 | 320 | 170 | 918 | 198 | 225 | 423 | 495 | 23854 |
| SAN FERNANDO WEST | 22600 | 460 | 258 | 172 | 890 | 138 | 193 | 331 | 559 | 23159 |
| SIPARIA | 24473 | 466 | 483 | 123 | 1072 | 164 | 200 | 364 | 708 | 25181 |
| ST ANNS EAST | 24180 | 597 | 267 | 100 | 964 | 133 | 134 | 267 | 697 | 24877 |
| ST AUGUSTINE | 22750 | 560 | 229 | 158 | 947 | 152 | 185 | 337 | 610 | 23360 |
| ST JOSEPH | 23350 | 520 | 237 | 161 | 918 | 163 | 148 | 311 | 607 | 23957 |
| TABAQUIE | 23649 | 571 | 376 | 144 | 1091 | 190 | 213 | 403 | 688 | 24337 |
| TOBAGO EAST | 16525 | 212 | 206 | 80 | 498 | 93 | 132 | 56 | 273 | 16798 |
| TOBAGO WEST | 16604 | 257 | 245 | 130 | 632 | 89 | 123 | 212 | 420 | 17753 |
| TOCO/MANZANILLA | 26750 | 632 | 474 | 173 | 1279 | 118 | 242 | 360 | 919 | 27669 |
| TUNAPUNA | 23090 | 560 | 236 | 174 | 970 | 135 | 190 | 325 | 645 | 23735 |
| TOTAL | 850111 | 18617 | 12839 | 5894 | 37350 | 5894 | 6774 | 12499 | 24682 | 875522 |

REPORT ON REGISTRATION ACTIVITY IN EACH PARLIAMENTARY DISTRICT
(ANNUAL LIST 1997 TO ANNUAL LIST 1998)

| ELECTORAL DISTRICT | ELECTORATE 1997.07.01 | NEW REGISTRATIONS (1) | DEEMED ELECTORS (2) | TRANSFERS IN (3) | TOTAL ADDED (1+2+3) | TRANSFERS OUT (4) | DELETIONS (5) | TOTAL DELETED (4+5) | INC/DEC | ELECTORATE 1998.07.01 |
|----------------------------------|--------------------------|-----------------------------|---------------------------|------------------------|---------------------------|-------------------------|------------------|---------------------------|---------|--------------------------|
| ARIMA | 25425 | 669 | 381 | 218 | 1268 | 185 | 225 | 410 | 858 | 26283 |
| AROUCA NORTH | 24320 | 680 | 267 | 229 | 1176 | 193 | 192 | 385 | 791 | 25111 |
| AROUCA SOUTH | 28733 | 856 | 454 | 300 | 1610 | 267 | 189 | 456 | 1154 | 29887 |
| BARATARIA/SAN JUAN | 23567 | 517 | 249 | 225 | 991 | 142 | 407 | 549 | 442 | 24009 |
| CARONI CENTRAL | 25405 | 663 | 441 | 231 | 1335 | 172 | 155 | 327 | 1008 | 26413 |
| CARONI EAST | 23835 | 645 | 400 | 179 | 1224 | 174 | 177 | 351 | 873 | 24708 |
| CHAGUANAS | 25875 | 687 | 343 | 259 | 1289 | 159 | 155 | 314 | 975 | 26850 |
| COUVA NORTH | 24263 | 580 | 433 | 195 | 1208 | 152 | 183 | 335 | 873 | 25136 |
| COUVA SOUTH | 24988 | 492 | 439 | 213 | 1144 | 179 | 219 | 398 | 746 | 25734 |
| DIEGO MARTIN CENTRAL | 24583 | 474 | 288 | 185 | 947 | 186 | 171 | 357 | 580 | 25173 |
| DIEGO MARTIN EAST | 22489 | 465 | 293 | 144 | 902 | 139 | 159 | 298 | 604 | 23093 |
| DIEGO MARTIN WEST | 25336 | 473 | 289 | 172 | 934 | 210 | 223 | 433 | 501 | 25837 |
| FYZABAD | 25844 | 635 | 373 | 167 | 1175 | 164 | 262 | 426 | 749 | 26593 |
| LA BREA | 23575 | 528 | 330 | 121 | 979 | 216 | 248 | 464 | 515 | 24090 |
| LAVENTILLE EAST/MORVANT | 27466 | 718 | 397 | 228 | 1343 | 177 | 251 | 428 | 915 | 28381 |
| LAVENTILLE WEST | 27034 | 562 | 500 | 212 | 1274 | 171 | 174 | 345 | 929 | 27963 |
| NAPARIMA | 23666 | 509 | 385 | 131 | 1025 | 192 | 203 | 395 | 630 | 24296 |
| NARIVA | 25762 | 559 | 491 | 157 | 1207 | 285 | 265 | 550 | 657 | 26419 |
| OKOPOUCHE | 23952 | 617 | 284 | 173 | 1074 | 163 | 184 | 347 | 727 | 24679 |
| ORTOIRE/MAYARO | 26169 | 558 | 484 | 134 | 1176 | 262 | 309 | 571 | 605 | 26774 |
| POINT FORTIN | 24367 | 557 | 351 | 117 | 1025 | 157 | 279 | 436 | 589 | 24956 |
| POINTE-A-PIERRE | 24616 | 625 | 296 | 181 | 1102 | 192 | 266 | 458 | 644 | 25260 |
| PORT OF SPAIN NORTH/ST ANNS WEST | 22907 | 453 | 236 | 209 | 898 | 192 | 160 | 352 | 546 | 23453 |
| PORT OF SPAIN SOUTH | 20515 | 422 | 229 | 182 | 833 | 232 | 191 | 423 | 410 | 20925 |
| PRINCES TOWN | 26148 | 475 | 465 | 178 | 1118 | 199 | 191 | 390 | 728 | 26876 |
| SAN FERNANDO EAST | 23854 | 540 | 271 | 198 | 1009 | 224 | 176 | 400 | 609 | 24463 |
| SAN FERNANDO WEST | 23159 | 619 | 231 | 218 | 1068 | 204 | 183 | 387 | 681 | 23840 |
| SIPARIA | 25181 | 651 | 419 | 127 | 1197 | 146 | 203 | 349 | 848 | 26029 |
| ST ANNS EAST | 24878 | 771 | 277 | 171 | 1219 | 151 | 338 | 489 | 730 | 25608 |
| ST AUGUSTINE | 23360 | 612 | 189 | 184 | 985 | 138 | 178 | 316 | 669 | 24029 |
| ST JOSEPH | 23958 | 564 | 186 | 210 | 960 | 157 | 344 | 501 | 459 | 24417 |
| TABAQUITE | 24337 | 579 | 367 | 139 | 1085 | 160 | 212 | 372 | 713 | 25050 |
| TOBAGO EAST | 16798 | 318 | 321 | 72 | 711 | 147 | 238 | 385 | 326 | 17124 |
| TOBAGO WEST | 17753 | 423 | 297 | 125 | 845 | 115 | 203 | 318 | 527 | 18280 |
| TOCUMANZANILLA | 27669 | 578 | 477 | 204 | 1260 | 216 | 296 | 512 | 748 | 28417 |
| TUNAPUNA | 23735 | 591 | 190 | 174 | 955 | 144 | 177 | 321 | 634 | 24369 |
| TOTAL | 875522 | 20666 | 12323 | 6562 | 39551 | 6562 | 7986 | 14548 | 25003 | 900525 |

REPORT ON REGISTRATION ACTIVITY IN EACH PARLIAMENTARY DISTRICT
(ANNUAL LIST 1998 TO ANNUAL LIST 1999)

| ELECTORAL DISTRICT | ELECTORATE 1998.07.01 | NEW REGISTRATIONS (1) | DEEMED ELECTORS (2) | TRANSFERS IN (3) | TOTAL ADDED (1+2+3) | TRANSFERS OUT (4) | DELETIONS (5) | TOTAL DELETED (4+5) | INC/DEC | ELECTORATE 1999.11.01 |
|----------------------------------|--------------------------|-----------------------------|---------------------------|------------------------|---------------------------|-------------------------|------------------|---------------------------|---------|--------------------------|
| ARIMA | 26283 | 702 | 474 | 635 | 1811 | 581 | 367 | 948 | 863 | 27146 |
| AROUC A NORTH | 25111 | 741 | 296 | 872 | 1909 | 614 | 374 | 988 | 921 | 26032 |
| AROUC A SOUTH | 29887 | 864 | 594 | 1522 | 2980 | 668 | 364 | 1032 | 1948 | 31835 |
| BARATARIA/SAN JUAN | 24009 | 499 | 298 | 440 | 1237 | 342 | 353 | 695 | 542 | 24551 |
| CARONI CENTRAL | 26413 | 534 | 522 | 688 | 1744 | 383 | 348 | 731 | 1013 | 27426 |
| CARONI EAST | 24708 | 651 | 488 | 478 | 1615 | 457 | 383 | 840 | 775 | 25483 |
| CHAGUANAS | 26850 | 608 | 462 | 532 | 1602 | 382 | 350 | 732 | 870 | 27720 |
| COUVA NORTH | 25136 | 474 | 446 | 452 | 1372 | 280 | 298 | 578 | 794 | 25930 |
| COUVA SOUTH | 25734 | 444 | 444 | 467 | 1355 | 433 | 361 | 794 | 561 | 26295 |
| DIEGO MARTIN CENTRAL | 25172 | 560 | 263 | 475 | 1298 | 542 | 340 | 882 | 416 | 25588 |
| DIEGO MARTIN EAST | 23093 | 537 | 270 | 377 | 1184 | 424 | 297 | 721 | 463 | 23556 |
| DIEGO MARTIN WEST | 25837 | 615 | 243 | 463 | 1321 | 611 | 333 | 944 | 377 | 26214 |
| FYZABAO | 26593 | 471 | 425 | 549 | 1445 | 569 | 482 | 1051 | 394 | 26987 |
| LA BREA | 24090 | 436 | 427 | 430 | 1293 | 500 | 401 | 901 | 392 | 24482 |
| LAVENTILLE EAST/MORVANT | 28380 | 662 | 572 | 463 | 1697 | 633 | 482 | 1115 | 582 | 28962 |
| LAVENTILLE WEST | 27964 | 518 | 568 | 375 | 1461 | 568 | 581 | 1149 | 312 | 28276 |
| NAPARIMA | 24296 | 411 | 409 | 341 | 1161 | 455 | 328 | 783 | 378 | 24674 |
| NARIVA | 26419 | 488 | 504 | 435 | 1427 | 702 | 405 | 1107 | 320 | 26739 |
| ORPOUCHE | 24679 | 480 | 384 | 489 | 1353 | 419 | 315 | 734 | 619 | 25298 |
| ORTOIRE/MAYARO | 26774 | 482 | 533 | 463 | 1478 | 628 | 401 | 1029 | 449 | 27223 |
| POINT FORTIN | 24956 | 539 | 399 | 248 | 1186 | 408 | 423 | 831 | 355 | 25311 |
| POINTE-A-PIERRE | 25260 | 466 | 335 | 478 | 1279 | 503 | 334 | 837 | 442 | 25702 |
| PORT OF SPAIN NORTH/ST ANNS WEST | 23455 | 411 | 292 | 433 | 1136 | 673 | 428 | 1101 | 35 | 23490 |
| PORT OF SPAIN SOUTH | 20923 | 329 | 248 | 341 | 918 | 516 | 548 | 1064 | -146 | 20777 |
| PRINCES TOWN | 26876 | 438 | 458 | 407 | 1303 | 511 | 343 | 854 | 449 | 27325 |
| SAN FERNANDO EAST | 24463 | 478 | 310 | 549 | 1337 | 539 | 364 | 903 | 434 | 24897 |
| SAN FERNANDO WEST | 23840 | 501 | 289 | 577 | 1367 | 636 | 345 | 981 | 386 | 24226 |
| SIPARIA | 26029 | 523 | 498 | 402 | 1423 | 514 | 315 | 829 | 594 | 26623 |
| ST ANNS EAST | 25608 | 695 | 360 | 340 | 1395 | 346 | 311 | 657 | 738 | 26346 |
| ST AUGUSTINE | 24029 | 541 | 251 | 430 | 1222 | 342 | 295 | 637 | 585 | 24614 |
| ST JOSEPH | 24417 | 573 | 272 | 403 | 1248 | 393 | 309 | 702 | 546 | 24963 |
| TABAQUITE | 25050 | 552 | 426 | 362 | 1340 | 434 | 347 | 781 | 559 | 25609 |
| TOBAGO EAST | 17125 | 331 | 395 | 210 | 936 | 355 | 256 | 611 | 325 | 17450 |
| TOBAGO WEST | 18280 | 368 | 377 | 333 | 1078 | 256 | 220 | 476 | 802 | 18882 |
| TOCO/MANZANILLA | 28417 | 537 | 542 | 545 | 1624 | 565 | 413 | 978 | 646 | 29063 |
| TUNAPUNA | 24369 | 571 | 222 | 581 | 1374 | 401 | 249 | 650 | 724 | 25093 |
| TOTAL | 900525 | 19030 | 14296 | 17583 | 50909 | 17583 | 13063 | 30646 | 20263 | 920788 |

REPORT ON REGISTRATION ACTIVITY IN EACH PARLIAMENTARY DISTRICT
(ANNUAL LIST 1999 TO ANNUAL LIST 2000)

| ELECTORAL DISTRICT | ELECTORATE 1999.11.01 | NEW REGISTRATIONS (1) | DEEMED ELECTORS (2) | TRANSFERS IN (3) | TOTAL ADDED (1+2+3) | TRANSFERS OUT (4) | DELETIONS (5) | TOTAL DELETED (4+5) | INC/OEC | ELECTORATE 2000.07.01 |
|--------------------------------|--------------------------|-----------------------------|---------------------------|------------------------|---------------------------|-------------------------|------------------|---------------------------|---------|--------------------------|
| ARIMA | 27144 | 498 | 428 | 395 | 1321 | 290 | 278 | 568 | 753 | 27897 |
| AROUCA NORTH | 26022 | 476 | 329 | 545 | 1350 | 315 | 279 | 594 | 756 | 26788 |
| AROUCA SOUTH | 31835 | 497 | 527 | 469 | 1493 | 407 | 403 | 810 | 683 | 32518 |
| BARATARIA/SAN JUAN | 24549 | 389 | 270 | 410 | 1069 | 431 | 416 | 847 | 222 | 24771 |
| CARONI CENTRAL | 27426 | 398 | 614 | 528 | 1540 | 278 | 232 | 510 | 1030 | 28456 |
| CARONI EAST | 25485 | 426 | 437 | 332 | 1195 | 267 | 233 | 500 | 695 | 26180 |
| CHAGUANAS | 27720 | 428 | 572 | 447 | 1447 | 297 | 301 | 598 | 849 | 28569 |
| COUVA NORTH | 25930 | 330 | 532 | 317 | 1179 | 312 | 213 | 525 | 654 | 26584 |
| COUVA SOUTH | 26295 | 295 | 576 | 284 | 1155 | 304 | 180 | 484 | 671 | 26966 |
| DIEGO MARTIN CENTRAL | 25688 | 409 | 313 | 295 | 1017 | 281 | 396 | 677 | 340 | 25928 |
| DIEGO MARTIN EAST | 23556 | 371 | 342 | 265 | 978 | 281 | 360 | 641 | 337 | 23893 |
| DIEGO MARTIN WEST | 26214 | 420 | 315 | 274 | 1009 | 272 | 475 | 747 | 262 | 26476 |
| FYZABAD | 26987 | 291 | 560 | 309 | 1160 | 307 | 190 | 497 | 663 | 27650 |
| LA BREA | 24482 | 301 | 467 | 228 | 994 | 318 | 205 | 523 | 471 | 24953 |
| LAVENTILLE EAST/MORVANT | 28962 | 358 | 406 | 316 | 1080 | 491 | 194 | 685 | 195 | 29157 |
| LAVENTILLE WEST | 28276 | 359 | 399 | 239 | 997 | 442 | 392 | 834 | 163 | 28439 |
| NAPARIMA | 24674 | 280 | 444 | 204 | 928 | 292 | 256 | 548 | 380 | 25054 |
| NARIVA | 26739 | 282 | 584 | 216 | 1082 | 351 | 244 | 595 | 437 | 27226 |
| OROPOUCHE | 25298 | 277 | 473 | 268 | 1018 | 284 | 253 | 537 | 481 | 25779 |
| ORTOIRE/MAYARO | 27223 | 314 | 658 | 257 | 1229 | 312 | 249 | 561 | 668 | 27891 |
| POINT FORTIN | 25311 | 320 | 422 | 185 | 927 | 192 | 234 | 426 | 501 | 25812 |
| POINTE-A-PIERRE | 25702 | 284 | 393 | 296 | 973 | 311 | 235 | 546 | 427 | 26129 |
| PORT OF SPAIN NTH/ST ANNS WEST | 23490 | 282 | 250 | 266 | 818 | 327 | 396 | 723 | 95 | 23585 |
| PORT OF SPAIN SOUTH | 20777 | 245 | 206 | 229 | 680 | 264 | 441 | 705 | -25 | 20752 |
| PRINCES TOWN | 27325 | 278 | 571 | 267 | 1116 | 286 | 283 | 569 | 547 | 27872 |
| SAN FERNANDO EAST | 24896 | 299 | 300 | 356 | 955 | 325 | 236 | 561 | 394 | 25290 |
| SAN FERNANDO WEST | 24227 | 378 | 288 | 361 | 1027 | 371 | 248 | 619 | 408 | 24635 |
| SIPARIA | 25623 | 361 | 598 | 221 | 1180 | 270 | 243 | 513 | 667 | 27290 |
| ST ANNS EAST | 26345 | 463 | 397 | 282 | 1142 | 354 | 354 | 708 | 434 | 26779 |
| ST AUGUSTINE | 24644 | 413 | 271 | 280 | 964 | 273 | 309 | 582 | 382 | 24996 |
| ST JOSEPH | 24965 | 431 | 245 | 329 | 1005 | 366 | 393 | 759 | 246 | 25211 |
| TABAQUITE | 25609 | 312 | 401 | 223 | 936 | 266 | 183 | 449 | 487 | 26096 |
| TOBAGO EAST | 17450 | 116 | 286 | 102 | 504 | 135 | 131 | 266 | 238 | 17688 |
| TOBAGO WEST | 18882 | 196 | 317 | 152 | 665 | 147 | 123 | 240 | 425 | 19307 |
| TOCO/MANZANILLA | 29063 | 374 | 565 | 400 | 1339 | 248 | 276 | 524 | 815 | 29878 |
| TUNAPUNA | 25094 | 418 | 324 | 354 | 1096 | 282 | 373 | 655 | 441 | 25535 |
| TOTAL | 920788 | 12569 | 15080 | 10919 | 38568 | 10919 | 10407 | 21326 | 17242 | 938030 |

REPORT ON REGISTRATION ACTIVITY IN EACH PARLIAMENTARY DISTRICT
(ANNUAL LIST 2000 TO ANNUAL LIST 2001)

| ELECTORAL DISTRICT | ELECTORATE 2000.07.01 | NEW REGISTRATIONS {1} | DEEMED ELECTORS {2} | TRANSFERS IN {3} | TOTAL ADDED {1+2+3} | TRANSFERS OUT {4} | DELETIONS {5} | TOTAL DELETED {4+5} | IN/DEC | ELECTORATE 2001.07.01 |
|--------------------------------|--------------------------|-----------------------------|---------------------------|------------------------|---------------------------|-------------------------|------------------|---------------------------|--------|--------------------------|
| ARIMA | 27896 | 626 | 462 | 542 | 1630 | 450 | 315 | 765 | 865 | 28761 |
| AROUCA NORTH | 26788 | 647 | 362 | 1116 | 2125 | 396 | 320 | 716 | 1409 | 28197 |
| AROUCA SOUTH | 32520 | 675 | 504 | 654 | 1833 | 584 | 252 | 836 | 997 | 33517 |
| BARATARIA/SAN JUAN | 24771 | 445 | 230 | 566 | 1241 | 639 | 179 | 818 | 423 | 25194 |
| CARONI CENTRAL | 28456 | 487 | 443 | 678 | 1608 | 426 | 253 | 679 | 929 | 29385 |
| CARONI EAST | 26180 | 463 | 486 | 399 | 1348 | 356 | 329 | 685 | 663 | 26843 |
| CHAGUANAS | 29569 | 474 | 456 | 611 | 1541 | 350 | 279 | 629 | 912 | 29481 |
| COUVA NORTH | 26584 | 375 | 403 | 444 | 1222 | 458 | 224 | 682 | 540 | 27124 |
| COUVA SOUTH | 28966 | 360 | 361 | 379 | 1100 | 417 | 233 | 650 | 450 | 27416 |
| DIEGO MARTIN CENTRAL | 25928 | 489 | 276 | 347 | 1112 | 474 | 199 | 673 | 439 | 26367 |
| DIEGO MARTIN EAST | 23893 | 434 | 246 | 302 | 982 | 389 | 170 | 559 | 423 | 24316 |
| DIEGO MARTIN WEST | 26476 | 537 | 289 | 481 | 1407 | 399 | 207 | 606 | 801 | 27277 |
| FYZABAO | 27650 | 388 | 421 | 314 | 1123 | 401 | 285 | 686 | 437 | 28087 |
| LA BREA | 24953 | 316 | 422 | 236 | 974 | 431 | 190 | 621 | 353 | 25306 |
| LAVENTILLE EAST/MORVANT | 29158 | 369 | 366 | 326 | 1061 | 550 | 184 | 734 | 327 | 29485 |
| LAVENTILLE WEST | 28439 | 335 | 368 | 184 | 887 | 559 | 233 | 792 | 95 | 28534 |
| NAPARIMA | 25053 | 354 | 354 | 218 | 926 | 450 | 241 | 691 | 235 | 25288 |
| NARIVA | 27226 | 311 | 511 | 246 | 1068 | 511 | 246 | 757 | 311 | 27537 |
| OROPOUCHE | 25780 | 386 | 374 | 323 | 1083 | 467 | 268 | 735 | 348 | 26128 |
| ORTOIRE/MAYARO | 27892 | 425 | 548 | 403 | 1376 | 425 | 256 | 681 | 695 | 28587 |
| POINT FORTIN | 25812 | 323 | 424 | 171 | 918 | 352 | 295 | 647 | 271 | 26083 |
| POINTE-A-PIERRE | 26128 | 403 | 351 | 368 | 1122 | 495 | 261 | 756 | 366 | 26494 |
| PORT OF SPAIN NTH/ST ANNS WEST | 23585 | 366 | 200 | 386 | 952 | 463 | 300 | 763 | 189 | 23774 |
| PORT OF SPAIN SOUTH | 20752 | 307 | 189 | 260 | 756 | 371 | 321 | 692 | 64 | 20816 |
| PRINCES TOWN | 27871 | 345 | 459 | 286 | 1070 | 462 | 237 | 699 | 371 | 28242 |
| SAN FERNANDO EAST | 25290 | 446 | 338 | 776 | 1560 | 520 | 288 | 808 | 752 | 26042 |
| SAN FERNANDO WEST | 24634 | 620 | 312 | 1204 | 2136 | 466 | 246 | 712 | 1424 | 26058 |
| SIPARIA | 27290 | 408 | 487 | 249 | 1144 | 377 | 247 | 624 | 520 | 27810 |
| ST ANNS EAST | 26779 | 524 | 303 | 345 | 1172 | 503 | 199 | 702 | 470 | 27249 |
| ST AUGUSTINE | 24996 | 540 | 263 | 478 | 1281 | 581 | 256 | 837 | 444 | 25440 |
| ST JOSEPH | 25211 | 529 | 236 | 656 | 1421 | 547 | 192 | 739 | 682 | 25893 |
| TABAQUITE | 26096 | 407 | 419 | 237 | 1063 | 419 | 303 | 722 | 341 | 26437 |
| TOBAGO EAST | 17688 | 248 | 290 | 214 | 752 | 256 | 147 | 403 | 349 | 18037 |
| TOBAGO WEST | 19307 | 290 | 313 | 323 | 926 | 189 | 159 | 348 | 578 | 19885 |
| TOCOMANZANILLA | 29878 | 420 | 477 | 413 | 1310 | 377 | 240 | 617 | 693 | 30571 |
| TUNAPUNA | 25535 | 628 | 262 | 892 | 1782 | 497 | 254 | 751 | 1031 | 26566 |
| TOTAL | 938030 | 15800 | 13205 | 16007 | 45012 | 16007 | 8808 | 24815 | 20197 | 958227 |

REPORT ON REGISTRATION ACTIVITY IN EACH PARLIAMENTARY DISTRICT
(SURVEY LIST TO THE REVISED LIST 2001)

| ELECTORAL DISTRICT | ELECTORATE 2001.05.01 | NEW REGISTRATIONS [1] | DEEMED ELECTORS [2] | TRANSFERS IN [3] | TOTAL ADDED [1+2+3] | TRANSFERS OUT [4] | DELETIONS [5] | TOTAL DELETED [4+5] | INC/DEC | ELECTORATE 2001.11.26 |
|--------------------------------|--------------------------|-----------------------------|---------------------------|------------------------|---------------------------|-------------------------|------------------|---------------------------|---------|--------------------------|
| ARIMA | 29167 | 353 | 378 | 1605 | 2336 | 1404 | 4322 | 5726 | -3390 | 25777 |
| AROUCA NORTH | 28007 | 383 | 300 | 2829 | 3312 | 1277 | 4016 | 5293 | -1981 | 26026 |
| AROUCA SOUTH | 29869 | 382 | 366 | 2179 | 2927 | 1299 | 3937 | 5236 | -2309 | 27560 |
| BARATARIA/SAN JUAN | 25214 | 237 | 197 | 966 | 1400 | 1329 | 4590 | 5919 | -4519 | 20695 |
| CARONI CENTRAL | 29279 | 364 | 431 | 1759 | 2554 | 1153 | 2942 | 4095 | -1541 | 27738 |
| CARONI EAST | 29652 | 258 | 400 | 1741 | 2399 | 1156 | 3206 | 4362 | -1963 | 27689 |
| CHAGUANAS | 29362 | 277 | 391 | 1739 | 2407 | 1002 | 3470 | 4472 | -2065 | 27297 |
| COUVA NORTH | 26976 | 268 | 455 | 1226 | 1949 | 1108 | 3175 | 4283 | -2334 | 24642 |
| COUVA SOUTH | 27336 | 256 | 441 | 1126 | 1823 | 1143 | 3068 | 4211 | -2388 | 24948 |
| DIEGO MARTIN CENTRAL | 26331 | 295 | 194 | 1636 | 2125 | 1443 | 4225 | 5668 | -3543 | 22788 |
| DIEGO MARTIN EAST | 24314 | 301 | 210 | 1344 | 1855 | 1213 | 3510 | 4723 | -2868 | 21446 |
| DIEGO MARTIN WEST | 27174 | 348 | 260 | 1229 | 1837 | 1384 | 4949 | 6333 | -4496 | 22678 |
| FYZABAD | 27991 | 237 | 396 | 991 | 1624 | 1110 | 3624 | 4734 | -3110 | 24881 |
| LA BREA | 25191 | 216 | 410 | 886 | 1512 | 1036 | 3280 | 4316 | -2804 | 22387 |
| LAVENTILLE EAST/MORVANT | 27299 | 280 | 381 | 851 | 1512 | 1125 | 5023 | 6148 | -4636 | 22663 |
| LAVENTILLE WEST | 26253 | 271 | 315 | 626 | 1212 | 1155 | 5331 | 6486 | -5274 | 20979 |
| NAPARIMA | 25140 | 186 | 423 | 1024 | 1633 | 1219 | 3097 | 4316 | -2683 | 22457 |
| NARIVA | 28787 | 199 | 416 | 1106 | 1721 | 1522 | 3177 | 4699 | -2978 | 25809 |
| OROPOUCHE | 26067 | 254 | 272 | 1321 | 1847 | 1076 | 3593 | 4669 | -2822 | 23245 |
| ORTOIRE/MAYARO | 28414 | 213 | 499 | 1025 | 1737 | 1293 | 2473 | 3766 | -2029 | 26385 |
| POINT FORTIN | 28008 | 182 | 387 | 400 | 969 | 792 | 2782 | 3574 | -2605 | 23403 |
| POINTE-A-PIERRE | 26454 | 300 | 310 | 1533 | 2143 | 1226 | 2755 | 3981 | -1838 | 24616 |
| PORT OF SPAIN NTH/ST ANNS WEST | 24509 | 295 | 186 | 904 | 1385 | 1273 | 5553 | 6826 | -5441 | 19068 |
| PORT OF SPAIN SOUTH | 24461 | 230 | 225 | 681 | 1136 | 1321 | 5800 | 7121 | -5985 | 18476 |
| PRINCES TOWN | 28093 | 220 | 468 | 1025 | 1713 | 1406 | 3513 | 4919 | -3206 | 24887 |
| SAN FERNANDO EAST | 25977 | 258 | 242 | 1567 | 2067 | 1535 | 4697 | 6232 | -4165 | 21812 |
| SAN FERNANDO WEST | 25963 | 263 | 220 | 1341 | 1824 | 1645 | 4242 | 5887 | -4063 | 21900 |
| SIPARIA | 27754 | 226 | 365 | 978 | 1569 | 1017 | 3236 | 4253 | -2684 | 25070 |
| ST ANNS EAST | 27230 | 319 | 254 | 981 | 1554 | 1210 | 3742 | 4952 | -3398 | 23832 |
| ST AUGUSTINE | 25381 | 292 | 178 | 1082 | 1549 | 1522 | 3738 | 5260 | -3711 | 21670 |
| ST JOSEPH | 25885 | 330 | 223 | 1188 | 1741 | 1360 | 4325 | 5685 | -3944 | 21941 |
| TABAQUITE | 27051 | 198 | 354 | 990 | 1542 | 1394 | 2646 | 4040 | -2498 | 24553 |
| TOBAGO EAST | 17926 | 193 | 220 | 347 | 760 | 508 | 1265 | 1773 | -1013 | 16913 |
| TOBAGO WEST | 19726 | 221 | 243 | 601 | 1065 | 433 | 1590 | 2023 | -958 | 18768 |
| TOCO/MANZANILLA | 28450 | 287 | 314 | 1255 | 1856 | 1066 | 3206 | 4272 | -2416 | 26034 |
| TUNAPUNA | 26507 | 331 | 188 | 1613 | 2132 | 1340 | 4078 | 5418 | -3286 | 23221 |
| TOTAL | 955198 | 9723 | 11509 | 43495 | 64727 | 43495 | 132176 | 175671 | -110944 | 844254 |

| Registration History For Barataria/San Juan | | | | | | | | | | | |
|---|------------|-----|----------|-----------|-------|-----------|-----------|---------|-----------|-----------|------------|
| From | Electorate | New | Deemed | Transfers | Total | Transfers | Deletions | Total | Increase/ | Electorat | To |
| | | | Electors | In. | Added | Out | | Deleted | Decrease | e | |
| 1994.09.02 | 22663 | 586 | 143 | 103 | 832 | 107 | 1293 | 1400 | -568 | 22095 | 1995.07.01 |
| 1995.07.01 | 22094 | 782 | 170 | 247 | 1199 | 164 | 198 | 362 | 837 | 22931 | 1996.07.01 |
| 1996.07.01 | 22931 | 495 | 260 | 152 | 907 | 143 | 128 | 271 | 636 | 23567 | 1997.07.01 |
| 1997.07.01 | 23567 | 517 | 249 | 225 | 991 | 142 | 407 | 549 | 442 | 24009 | 1998.07.01 |
| 1998.07.01 | 24009 | 499 | 298 | 440 | 1237 | 342 | 353 | 695 | 542 | 24551 | 1999.11.01 |
| 1999.07.01 | 24549 | 389 | 270 | 410 | 1069 | 431 | 416 | 847 | 222 | 24771 | 2000.07.01 |
| 2000.07.01 | 24771 | 445 | 230 | 566 | 1241 | 639 | 179 | 818 | 423 | 25194 | 2001.07.01 |
| 2001.07.01 | 25194 | 218 | 195 | 958 | 1371 | 1288 | 4582 | 5870 | -4499 | 20695 | 2001.11.26 |

| Registration History For Diego Martin East | | | | | | | | | | | |
|--|------------|-----|----------|-----------|-------|-----------|-----------|---------|-----------|------------|------------|
| From | Electorate | New | Deemed | Transfers | Total | Transfers | Deletions | Total | Increase/ | Electorate | To |
| | | | Electors | In | Added | Out | | Deleted | Decrease | | |
| 1994.09.02 | 21094 | 413 | 197 | 58 | 668 | 72 | 607 | 679 | -11 | 21083 | 1995.07.01 |
| 1995.07.01 | 21083 | 779 | 199 | 137 | 1115 | 159 | 148 | 307 | 808 | 21891 | 1996.07.01 |
| 1996.07.01 | 21891 | 436 | 264 | 115 | 815 | 97 | 120 | 217 | 598 | 22489 | 1997.07.01 |
| 1997.07.01 | 22489 | 465 | 293 | 144 | 902 | 139 | 159 | 298 | 604 | 23093 | 1998.07.01 |
| 1998.07.01 | 23093 | 537 | 270 | 377 | 1184 | 424 | 297 | 721 | 463 | 23556 | 1999.11.01 |
| 1999.07.01 | 23556 | 371 | 342 | 265 | 978 | 281 | 360 | 641 | 337 | 23893 | 2000.07.01 |
| 2000.07.01 | 23893 | 434 | 246 | 302 | 982 | 389 | 170 | 559 | 423 | 24316 | 2001.07.01 |
| 2001.07.01 | 24316 | 286 | 216 | 1333 | 1835 | 1201 | 3504 | 4705 | -2870 | 21446 | 2001.11.26 |
| | | | | | | | | | | | |
| | | | | | | | | | | | |
| | | | | | | | | | | | |
| | | | | | | | | | | | |

| Registration History For Ortoire/Mayaro | | | | | | | | | | | |
|---|------------|-----|----------|-----------|-------|-----------|-----------|---------|-----------|------------|------------|
| From | Electorate | New | Deemed | Transfers | Total | Transfers | Deletions | Total | Increase/ | Electorate | To |
| | | | Electors | In. | Added | Out | | Deleted | Decrease | | |
| 1994.09.02 | 24366 | 460 | 328 | 98 | 886 | 124 | 391 | 515 | 371 | 24737 | 1995.07.01 |
| 1995.07.01 | 24737 | 631 | 283 | 220 | 1134 | 236 | 219 | 455 | 679 | 25416 | 1996.07.01 |
| 1996.07.01 | 25416 | 556 | 494 | 151 | 1201 | 211 | 236 | 447 | 754 | 26170 | 1997.07.01 |
| 1997.07.01 | 26169 | 558 | 484 | 134 | 1176 | 262 | 309 | 571 | 605 | 26774 | 1998.07.01 |
| 1998.07.01 | 26774 | 482 | 533 | 463 | 1478 | 628 | 401 | 1029 | 449 | 27223 | 1999.11.01 |
| 1999.07.01 | 27223 | 314 | 658 | 257 | 1229 | 312 | 249 | 561 | 668 | 27891 | 2000.07.01 |
| 2000.07.01 | 27892 | 425 | 548 | 403 | 1376 | 425 | 256 | 681 | 695 | 28587 | 2001.07.01 |
| 2001.07.01 | 28587 | 164 | 340 | 1003 | 1507 | 1252 | 2457 | 3709 | -2202 | 26385 | 2001.11.26 |

| Registration History For San Fernando West | | | | | | | | | | | |
|--|------------|-----|----------|-----------|-------|-----------|-----------|---------|-----------|-----------|------------|
| From | Electorate | New | Deemed | Transfers | Total | Transfers | Deletions | Total | Increase/ | Electorat | To |
| | | | Electors | In | Added | Out | | Deleted | Decrease | e | |
| 1994.09.02 | 21735 | 434 | 144 | 233 | 811 | 189 | 829 | 1018 | -207 | 21528 | 1995.07.01 |
| 1995.07.01 | 21527 | 775 | 161 | 500 | 1436 | 208 | 155 | 363 | 1073 | 22600 | 1996.07.01 |
| 1996.07.01 | 22600 | 460 | 258 | 172 | 890 | 138 | 193 | 331 | 559 | 23159 | 1997.07.01 |
| 1997.07.01 | 23159 | 619 | 231 | 218 | 1068 | 204 | 183 | 387 | 681 | 23840 | 1998.07.01 |
| 1998.07.01 | 23840 | 501 | 289 | 577 | 1367 | 636 | 345 | 981 | 386 | 24226 | 1999.07.01 |
| 1999.07.01 | 24227 | 378 | 288 | 361 | 1027 | 371 | 248 | 619 | 408 | 24635 | 2000.07.01 |
| 2000.07.01 | 24634 | 620 | 312 | 1204 | 2136 | 466 | 246 | 712 | 1424 | 26058 | 2001.07.01 |
| 2001.07.01 | 26058 | 182 | 153 | 1281 | 1616 | 1603 | 4171 | 5774 | -4158 | 21900 | 2001.11.26 |

| Registration History For St. Joseph | | | | | | | | | | | |
|-------------------------------------|------------|-----|----------|-----------|-------|-----------|-----------|---------|-----------|------------|------------|
| From | Electorate | New | Deemed | Transfers | Total | Transfers | Deletions | Total | Increase/ | Electorate | To |
| | | | Electors | In- | Added | Out | | Deleted | Decrease | | |
| 1994.09.02 | 22876 | 545 | 150 | 108 | 803 | 93 | 1318 | 1411 | -608 | 22268 | 1995.07.01 |
| 1995.07.01 | 22268 | 878 | 161 | 416 | 1455 | 189 | 184 | 373 | 1082 | 23350 | 1996.07.01 |
| 1996.07.01 | 23350 | 520 | 237 | 161 | 918 | 163 | 148 | 311 | 607 | 23957 | 1997.07.01 |
| 1997.07.01 | 23958 | 564 | 186 | 210 | 960 | 157 | 344 | 501 | 459 | 24417 | 1998.07.01 |
| 1998.07.01 | 24417 | 573 | 272 | 403 | 1248 | 393 | 309 | 702 | 546 | 24963 | 1999.11.01 |
| 1999.07.01 | 24965 | 431 | 245 | 329 | 1005 | 366 | 393 | 759 | 246 | 25211 | 2000.07.01 |
| 2000.07.01 | 25211 | 529 | 236 | 656 | 1421 | 547 | 192 | 739 | 682 | 25893 | 2001.07.01 |
| 2001.07.01 | 25893 | 301 | 213 | 1163 | 1677 | 1326 | 4303 | 5629 | -3952 | 21941 | 2001.11.26 |

| Registration History For Tunapuna | | | | | | | | | | | |
|-----------------------------------|------------|-----|----------|-----------|-------|-----------|-----------|---------|-----------|------------|------------|
| From | Electorate | New | Deemed | Transfers | Total | Transfers | Deletions | Total | Increase/ | Electorate | To |
| | | | Electors | In- | Added | Out | | Deleted | Decrease | | |
| 1994.09.02 | 22666 | 638 | 158 | 107 | 903 | 121 | 1122 | 1243 | -340 | 22326 | 1995.07.01 |
| 1995.07.01 | 22327 | 845 | 161 | 237 | 1243 | 244 | 236 | 480 | 763 | 23090 | 1996.07.01 |
| 1996.07.01 | 23090 | 560 | 236 | 174 | 970 | 135 | 190 | 325 | 645 | 23735 | 1997.07.01 |
| 1997.07.01 | 23735 | 591 | 190 | 174 | 955 | 144 | 177 | 321 | 634 | 24369 | 1998.07.01 |
| 1998.07.01 | 24369 | 571 | 222 | 581 | 1374 | 401 | 249 | 650 | 724 | 25093 | 1999.11.01 |
| 1999.07.01 | 25094 | 418 | 324 | 354 | 1096 | 282 | 373 | 655 | 441 | 25535 | 2000.07.01 |
| 2000.07.01 | 25535 | 628 | 262 | 892 | 1782 | 497 | 254 | 751 | 1031 | 26566 | 2001.07.01 |
| 2001.07.01 | 26566 | 276 | 141 | 1563 | 1980 | 1299 | 4026 | 5325 | -3345 | 23221 | 2001.11.26 |

SUMMARY OF PERCENTAGES OF AGREEMENT BETWEEN PNM INVESTIGATIONS AND
THOSE OF THE EBC

| WITNESS | TOTAL NAMES SUBMITTED | EBC FIGURES | DOCUMENT | % AGREEMENT |
|---|--------------------------|-------------|----------|----------------|
| MARVA BELLAMY BOSTIC | 62 | 35 | HC 33 | 56 |
| ELIAS (DR.) (NEW REG) | 50 | 14 | HC 34 | 28 |
| DR. ELIAS (DELETIONS) | 150 | 43 | HC 36 | 30 |
| NAFEESA MOHAMMED | 114 | 38 | HC 37 | 34 |
| SPARKLE BRAITHWAITE (VOTERS) WARD LANE | 19 | 13 | HC 44 | 68 |
| SPARKLE BRAITHWAITE (VOTERS) WARD LANE | 65 | 62 | HC 41 | 95 |
| SPARKLE BRAITHWAITE (VOTERS) JOJO LANE | 18 | 16 | HC 41 | 89 |
| SPARKLE BRAITHWAITE (NON RESIDENCY) WARD LANE | 65 | 24 | HC 40 A | 37 |
| SPARKLE BRAITHWAITE (NON RESIDENCY) JOJO LANE | 18 | 10 | HC 40 A | 56 |
| JAMEEL MUSTAPHA (FAROUK AVENUE) VOTERS | 5 | 5 | HC 29 | 100 |
| JAMEEL MUSTAPHA (FAZAL AVENUE) VOTERS | 11 | 9 | HC 29 | 82 |
| JAMEEL MUSTAPHA (LOOTOO ST.) VOTERS | 13 | 11 | HC 29 | 85 |
| JAMEEL MUSTAPHA (WILLIAM STREET) VOTERS | 9 | 8 | HC 29 | 89 |
| JAMEEL MUSTAPHA (EL SOCORRO RD) VOTERS | 26 | 23 | HC 29 | 88 |
| JAMEEL MUSTAPHA (ELSOCORRO RD.) NON RESIDENCY | 26 | 13 | HC 30 | 50 |

| WITNESS | TOTAL NAMES SUBMITTED | EBC FIGURES | DOCUMENT | % AGREEMENT |
|---|--------------------------|-------------|----------|----------------|
| JAMEEL MUSTAPHA (FAROUK AVENUE) NON RESIDENCY | 5 | | HC 30 | |
| JAMEEL MUSTAPHA FAZAL AVENUE NON RESIDENCY | 11 | 1 | HC 30 | 10 |
| JAMEEL MUSTAPHA (LOOTOO ST.) (NON RESIDENCY) | 13 | 7 | HC 30 | 54 |
| JAMEEL MUSTAPHA (WILLIAM STREET) (NON RESIDENCY) | 9 | 4 | HC 30 | 45 |
| COLM IMBERT LIST SUPPLIED | 89 | 29 | HC 47 A | 33 |
| COLM IMBERT (OBJECTIONS) | 109 | 29 | HC 47 | 27 |
| DR. SEBASTIEN KEN SMITH (SKS 1) | 14 | 5 | HC 42 | 35 |
| DR. SEBASTIEN KEN SMITH (SKS 2) | 8 | 4 | HC 42 | 50 |
| DR. SEBASTIEN KEN SMITH (SKS 3) | 75 | 24 | HC 42 | 32 |

SUMMARY OF EVIDENCE OF MARVA BELLAMY BOSTIC

She has been the Elections Officer of the PNM for the San Fernando West Constituency since 1990.

There were 3 main points of her evidence-in-chief

- (1) PNM conducted canvassing exercises in the San Fernando West Constituency prior to the 2000 and 2001 General Elections, using the EBC's revised electoral lists. During these exercises it was discovered that 62 persons did not reside at the registered addresses. EBC investigations agreed with 35 of the cases presented by the PNM. That is 56%.
 - (2) On Election Day 2001 (December 10th), several persons, whose names were on the revised electoral list were unable to vote because their names were not on the list (or in the binder) at the polling stations.
 - (3) At the recount of the ballots for the San Fernando West Constituency after the 2001 General Elections, certain irregularities were found:
 - (a) Unauthorised or no initials on the back of the ballots
 - (b) There were ballots of two (2) different shades of yellow.
 - (c) In polling division 3795 there were ballots which were questioned and/or varied.
 - (d) In polling division 3876, the box had more ballots than the number stated in the Statement of Poll. (The EBC has offered rebuttal evidence on this point)
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SUMMARY OF EVIDENCE OF JULIETTE WIHBY

She was the Area Manager for the 2001 General Elections in polling station 3876 (1) (2) 3786. She canvassed in those areas using the revised list for the year 2000. She visited about 1000 persons in 3876 and 400 in 3786.

She looked at the revised list 2001 which came out in November 30th and she found that there names on lists at addresses of persons whom she had canvassed. But those names were of persons not resident there. She advised the residents to seek to have it rectified.

In summary her evidence was that the revised list for 2000 contained 616 names in polling station 3786. Of those 616, 585 names appeared in the revised list 2001.

In polling station 3876 revised list for 2000, there were 1305 names. Of those 1305, 1182 appeared on the revised list for 2001. She has received no reasons by the EBC for the unauthorised deletions from the list.

SUMMARY OF EVIDENCE OF ETIENNE MENDEZ.

Mendez is the Education Officer for the PNM. He has been a Civil Engineer for the past 30 years. He gives evidence of a number of meetings and exchanges of correspondence prior to the 2001 General Elections. He deposed to a meeting with EBC officials in 1998 after the Annual list was published. From figures provided by the CSO, Mendez created a graph showing that the rate of growth of the electorate was 5 times higher than the rate of growth of the over 18 age group. He concluded that there was an irregularity in the figures used by the EBC to depict the rate of growth in the electorate. He admits that by letter dated 20th December 2001, the PNM expressed satisfaction that the exercises conducted by the EBC during the period May to July finally brought the EBC numbers in harmony with the CSO's number of residents over the age of 18 in Trinidad and Tobago. Mendez's admission notwithstanding, the letter of 20th December does not express an opinion on questions pertaining to the systems in place for the conduct of General Elections. At best the letter indicates that the EBC did in fact make efforts to address the PNM's concerns.

Etienne Mendez deposes at pg.11 of the transcript of 25th March, 2002 of some 30 odd pieces of correspondence in respect of requests made of the EBC by the PNM between the 19th October and 30th November 2001. Only 9 requests were not satisfied. The EBC's contention was that there were matters of law governed by the Elections Rules which demanded the intervention of Parliament, implies that the 9 requests not satisfied were in fact issues of law and could not be acted upon by the EBC without Parliament's intervention.

1. The PNM's contention has never been that the EBC did not respond to their requests. In fact, Etienne Mendez gives evidence of a number of EBC responses. The PNM's express concern was that the EBC fell far short of its duty to ensure that systems were in place for the efficient conduct of General elections. An example of this is found in a letter dated 2nd November 2001 where the PNM had pointed out to the EBC that the Representation of the People Act had certain provisions for accounting for the Ballot papers, namely, the submission of reports on:

- (a) how much paper was used
- (b) how many ballots printed
- (c) how many ballots destroyed or damaged
- (d) how much paper left over

There is no evidence that such requirements were ever complied with by the EBC.

2. The PNM is merely one of the political players in the arena of General Elections. An expression of satisfaction on the part of the PNM does not relieve the EBC of its statutory duties.

On 21st March 2002 Etienne Mendez gave evidence as to the question of special elector ballots, the subject of the letter of 25th October 2001. He posited a theory that such ballots could be used to perpetrate electoral fraud. The EBC's response by letter claiming that the Act needed to be amended in order for them to comply with the request was not a satisfactory answer to a significant observation.

It is alleged that there is evidence of the occurrence of two instances of impersonation of voters in Caroni-Ryan Mohammed and Balkaran Singh.

The fact of impersonation of voters Mohammed and Singh has remained largely unchallenged. The PNM's view is that it is not enough for the EBC to say that it has done its best and that there is no way to prevent one or two "hiccups".

WITNESSES' SUMMARY OF JOCELYN MC LEOD SMITH

Jocelyn Mc Leod Smith gave evidence of her involvement with General Elections for the People's National Movement since 1966. She also gave evidence that she held the position of Training Officer for the years 2000 and 2001 and that she had under her charge, field workers, canvassers and polling agents.

This witness gave details of their training and supervision and in particular her evidence focussed on reports made by her polling agents on Election Day 2001 of unusual occurrence which they observed during Election Day.

Training

Her evidence was that training included canvassing and verification of registration details of electors; the duties and responsibilities of polling agents on polling day; the use of work sheets. Mc Leod Smith utilised flip charts, lectures and role plays as part of her training methods

Supervision

Polling agents and canvassers reported to this witness prior to and on Election Day.

WITNESSES' SUMMARY OF MICHELLE LEWIS

Michelle Lewis gave evidence that she was employed as a journalist in November, 2000 by the T&T News Centre and that she wrote for the TnT Mirror a weekly newspaper with a wide circulation.

During the course of that month, she was assigned by her editor, Keith Shepperd to cover allegations of voter padding in the 2000 General Elections.

In pursuing her assignment, her evidence was that she first went to the EBC office in the Tunapuna area and spoke to an officer there. She said that she spoke to a senior officer there and told him that she was seeking information concerning allegations of voter padding. She also told him that she had information that there were persons who had applied to be transferred into the Tunapuna constituency using the EBC's form 22 but that they were not resident in that constituency although claiming to be. Ms. Lewis was able to see forms 22 with names of persons which had been told to her as being among the illegal transferees. The witness said that there were stacks of transfer forms on the table.

The witness' evidence is that based on the information seen in the particular forms she investigated certain names on a document marked "ML1" by visiting certain residences. At each residence, she identified herself as coming from the T & T News Centre and informed the persons to whom she spoke that she was investigating the voter padding issue.

Michelle Lewis investigated 12 such applications for transfer and was able in each case to satisfy herself that the applicants did not reside at the addresses to which they were seeking to be transferred. All 12 of the names investigated by this witness were not registered by the EBC.

Under cross-examination, an affidavit sworn to by Michelle Lewis in High Court proceedings was shown to the witness in which she deposed to speaking to a Returning Officer at the EBC's Tunapuna office. This affidavit was marked "ML2".

During her second day of evidence, the witness said that the description "Returning Officer" was not correct and that the correct description of the person she spoke to was "Registration Officer".

In response to the questions posed to her by counsel for the EBC, Michelle Lewis gave evidence of a number of newspaper articles giving details of her investigations and in particular in respect of what she termed a major reshuffle within the EBC which occurred after the Registration Supervisor (south) had retired. Ms. Lewis claimed that the officer had resigned one week before he was due to retire.

Counsel for the EBC suggested to her that the Registration supervisor never resigned but that he took a week's pre-retirement leave.

Michelle Lewis's response was that she did not know whether what was being put to her was true or not.

The witness was shown a circular dated October 9th, 2000 from the Chief Election Officer which contained details of postings of registration officers. This was marked "ML3".

WITNESSES' SUMMARY: MARTIN JOSEPH

Martin Joseph is the Minister of Public Utilities and the Environment. His evidence was that he has been General Secretary of the People's National Movement since 1993. He also gave evidence that in his capacity as General Secretary he had cause to meet with the EBC from 1998 to 2000. The purpose of these meetings was to raise concerns being expressed by Party members and members of General Council about the accuracy of the electoral list.

**ALLEGATIONS OF IRREGULARITIES IN THE
COMPILATION OF LISTS**

Martin Joseph's evidence was that in furtherance of these objectives, a number of letters were written by the PNM to the EBC. The first was dated June 26, 1998 and marked MJ 1. This advised the EBC that the PNM was engaging in a voter registration drive to verify the names of persons on the electoral list with particular concentration on 8 constituencies. Mr. Joseph confirmed that the 5 marginal constituencies were included in the list of 8.

The EBC responded by letter dated July 1st 1998 marked MJ 2.

Thereafter the Minister's evidence was that a series of letters followed marked MJ 3, MJ 4, MJ 4 A, MJ 5, MJ 6, MJ 7A with appendix MJ 7 B, MJ 8 A and the aide memoire MJ 8 B, MJ 9 A, MJ 9 B, MJ 10 A, MJ 10 B, MJ 11 A, MJ 11 B, MJ 12, MJ 13, MJ 14, MJ 15. MJ 15 being dated June 5th, 2001.

Of particular interest in Minister Joseph's evidence were specific letters and other notes. MJ 8 A contained a summary of a meeting between the Chairman and Members of the Board of the EBC and the political leader of the PNM and others which occurred on June 8th 2000.

Paragraph 3 of MJ 8 A contains the following statement: "persons have tried to falsely to obtain I.D. cards." This statement was attributed to the Chairman of the EBC by the witness.

The second paragraph of MJ 8 A also contains a reference to an exercise "... completed by the Tunapuna Constituency showing at least 580 persons who are on the electoral list but cannot be located." Minister Joseph gave evidence that the EBC was supplied with documentation in respect of the said exercise. These documents were identified as Appendix 9 and marked MJ 11 B.

The PNM solicited a response from the EBC to their exercise at a meeting held on June 17th 1999. MJ 10 A is the Aide Memoire confirming this. After some further correspondence between the PNM and the EBC, the EBC responded by letter dated September 26th 2000 marked MJ 13.

Minister Joseph read the last paragraph of MJ 13 into the record and gave evidence that he regarded it as a rebuff of their efforts by the EBC and that they were saying that PNM's documents had a large margin of error and that the PNM had wasted the time of important senior EBC officials. Indeed, MJ 13 demonstrated that in respect of the PNM's added on list for Tunapuna (Appendix III) the EBC was able to confirm that as to the PNM's findings it was correct to say that 54.73% of the persons reported were resident at the given addresses. The EBC was not able to challenge the other 45.27%. In respect of the PNM's added on list for San Juan/Barataria (Appendix IV), the EBC was able to confirm that as to the PNM's findings it was correct to say that 62% of the persons reported were resident at the given addresses. However it was not able to challenge the other 38%

In respect of the PNM's removed list for Tunapuna (Appendix V) the EBC was able to confirm that as to the PNM's findings 64.22% of the persons reported were no longer resident at the given addresses. However it was not able to challenge the other 35.78%.

Minister Joseph also identified EM4 as a bundle of letters bearing his signature save and except for 3 letters which were signed on his behalf.

Minister Joseph gave evidence of discussions between the PNM and the EBC in respect of (1) 'Ancestral voting' and (2) as a result of information which it had received, illegal activities were taking place to register persons in constituencies in which they did not reside by way of applications for transfer. His evidence was that the PNM was never satisfied that the EBC took steps to curtail those activities.

CROSS EXAMINATION

Under cross examination, Minister Joseph gave evidence that the main concern of the PNM over the period leading up to the 2000 election was the alleged illegal transfer of voters from one constituency to another and that it was that concern that triggered everything the PNM did in terms of the verification exercises.

Minister Joseph's evidence also was that the EBC claimed that they addressed the concerns raised by the PNM but the EBC never communicated with the PNM which had no way of knowing whether any action was taken and that certain information which reached PNM caused them to believe that the EBC did not address the question of illegal transfers.

ALLEGATIONS OF HOSTILE TREATMENT BY THE EBC

The Minister accepted that the meetings between the EBC and the PNM were cordial as put to him under cross examination. He went on

however to say that the PNM's concern remained the lack of feedback and results as a result of those meetings.

When it was put to the Minister directly that the things the PNM drew to the attention of the EBC were addressed, the Minister's evidence was that they were not addressed to the satisfaction of the PNM. His evidence also was that the EBC could have ensured that the persons who were charged with the responsibility of supervising the registration process were doing it in the way in which they were required to do it and where there were complaints made about the activities of certain individuals in the EBC then those individuals could have been properly investigated to determine the veracity of the allegations.

In respect of MJ 13, Minister Joseph's evidence was that the PNM was taken aback by the total response from the EBC to the PNM's exercise and at how at variance the EBC's results were with the PNM's. He emphasised how critical the PNM treated the ground work for these exercises since it was a major political party and wrong results would have reflected on its credibility. Minister Joseph was reluctant to say that the PNM rejected the EBC's figures but did say that the PNM was suspicious of their accuracy.

As cross examination continued, Minister Martin Joseph gave evidence that after the information was submitted to the EBC in respect of the PNM's exercise, the meetings became "dressing down" meetings and the PNM had to deal with the EBC's reaction to criticism. The EBC was sensitive about criticism especially public criticism.

EVIDENCE OF A PLANNED ASSAULT ON THE INTEGRITY OF THE LISTS-PADDING THE ELECTORAL LISTS.

Set out at pg 66 of the transcript, Minister Joseph's evidence was that information reached the PNM which outlined a series of activities involving the illegal transfers of persons which seemed to have been with the involvement of some of the EBC officials and that this information was credible enough to be provided both to the EBC and to the Police Service. That information was provided to the EBC on or before 6th October, 2000 and to the Police on Monday October 9th 2000.

Minister Joseph also gave evidence that he was part of a delegation which included the Political Leader of the PNM and that they gave a bundle of documents to the Chairman of the EBC which was tendered and marked MJ 16. His evidence was that the Chairman told the delegation to take a certain course. Those documents substantially support the PNM's report that the plan had been formulated and was being pursued.

Counsel for the EBC showed the witness an affidavit of Howard Cayenne filed in High Court proceedings which was marked MJ 18. He then read the contents of a press release into the record which read

“allegations of a certain plan to pad the electoral list in marginal constituencies were made to the Chairman of the Elections and Boundaries Commission at his office by the Leader of the Opposition accompanied by two party officers. Purported support of the allegations was furnished in the form of a series of photocopied documents said to have been handed to the leader by a person whose name it was said could not be disclosed ... The Chairman undertook to advise the other members of the Commission and to investigate the allegations.”

The witness disputed the assertion that the Chairman said to him that he would investigate the allegations and testified that instead the Chairman said that the EBC did not have investigative capability and that the information should be taken to the police.

Counsel for the EBC suggested the following to the witness:

1. That the EBC was engaged in the processing, verification and assessment of every application made to or received by its 14 registration areas during the period of electoral registration conducted from October 3^d to October 11th inclusive.
2. That the Chairman was requested by letter October 10th 2000 to supply to the police all necessary information and documents in the Commission's possession which would aid the police in their investigations of “fraudulent practices” by persons affiliated to a political organisation.
3. That the police were supplied with photocopies of the documents and the originals.
4. That for the purpose of dealing with the notification of changes that the marginal constituencies should be separated from the rest and all notification for transfer thereto were to be subjected to the special scrutiny and circumspection in order to ensure;
 - i. The rejection of applications for transfer that were invalid, lacked bona fides or were untruthful.
 - ii. Acceptance only of those that passed the acid test of accuracy and satisfied strictly the statutory requirement of at least two months' residence at the changed address preceding the qualifying date of the electoral registration.
5. That the Commission took the above steps.

The witness' response was that he had no way of knowing. The witness maintained his position that the EBC had not addressed the concerns of the PNM in particular the issue of 'bulk transfers' and his evidence was that the practice of acceptance of bulk transfers by the

EBC was not discontinued until the PNM's disclosure to the EBC of the plan. Mr. Cayenne has since accepted that that disclosure would have been made to the Chairman on or before the 3rd October, 2000.

The witness noted that immediately after the meeting of 6th October, 2000 a major reshuffle of senior officers of the EBC was effected. This reshuffle coincided with (and is alleged by the EBC to have been done in response to) the impending compulsory retirement of a senior officer of the EBC. No or no satisfactory corroborative material has been produced to confirm or to justify the perceived need to displace such a large number of officers in the circumstances of the planned retirement of one officer.

- SPARKLE BRATHWAITE

(10.4.02 p.m.) (Start)
(16.4.02)

Ms. Brathwaite was a canvasser for PNM in 2000 election in Polling Division 1400. She lived at Jojo Lane in that Polling Division and conducted the pre-election exercise of making enquiries of persons (electors) on the electoral lists to verify that they were (or were not) resident in Jojo Lane and Ward Lane in Polling Division 1400, were likely to vote and had registered properly.

She had resided at Jojo Lane for 17 years and claimed to have a familiarity with and knowledge of the residents of Jojo Lane and Ward Lane.

Ms. Brathwaite also worked as a polling agent at Polling Station 1400-3 on election day 2000, taking notes of the persons who had voted.

After the General Election 2000 she conducted a further exercise using lists of persons who had voted at the election and whom she had reported/found previously were not resident at their registered address (see Exhibit "SB1"). The lists used were the production of the EBC lists of electors.

Save for the elector named at No. 73 on the Jojo Lane sheet in Exhibit SB1", Ms. Brathwaite identified 83 names in Polling Division 1400 as having voted and not being resident at the registered address in 2000. She was challenged as to three (3) (Nos. 101 (Ward Lane) and Nos. 7 and 67 (Jojo Lane). It was conceded that those 3 may not have voted.

Counsel for the EBC contended/suggested in cross examination

- (1) Nos. 8, 42 and 73 (Ward Lane) and Nos. 7, 19, 67, 99, 104 and 137 (Jojo Lane) did not vote. See Exhibit 40, 40(a) & 41. Note however that it was never part of SB's evidence that Nos. 19, 99, 104 or 137 had voted.
- (2) Several persons on SB1 had been registered at those addresses from 1991/5 or at the time of previous elections.

Ms. Brathwaite also pointed out eight (8) persons (Jojo Lane) and 37 persons (Ward Lane) appeared on the Revised List of Electors for 2001, at the same addresses (See SKS, the 2001 electoral alpha list).

In summary 80 out of 83 persons voted in Polling Division 1400 in 2000, they not being resident at the registered addresses and not being eligible to vote in that Polling Division.

WITNESSES' SUMMARY

- VIANNEY WHARWOOD (8.4.02 p.m.)
- SHERRY ANN JACK (11.4.02 a.m.)

Ms. Wharwood gave evidence that the name of her mother Angela Lowhar, deceased, appeared on the revised list for 2000 in Polling Division 1120 and that the Polling Agent for Polling Station on Election Day 2000, Ms. Sherry Ann Jack, noted that an elector had appeared at the polling station and had voted in that name. Ms. Jack (the Polling Agent) referred to her note book ("JMS2") and the polling agent work sheet ("JMS1") which she had used and showed that she had made a contemporaneous note to that effect.

In rebuttal the EBC has produced a Poll Clerk's record suggesting that no elector appeared at the Polling Station using that name. It was contended that Ms. Jack heard or recorded the wrong sequential and/or consecutive number.

These numbers are announced at the Polling Station by the Poll Clerk when an elector appears. The Poll Clerk and Polling Agent note that fact on their respective electoral lists (identical) by placing a tick against the name. Additionally, Ms. Jack wrote the number called in her note book.

In the absence of proof by EBC that the Poll Clerk's record is the more accurate (that Poll Clerk not having appeared and given evidence), Ms. Jack's evidence should be believed. Moreover it should alert the Commission of Enquiry to the value of the suggestion (Mr. Etienne Mendez) that polling station accommodation could be arranged to allow polling agents to sit in closer proximity to Poll Clerks and allow for clearer communication of information.

WITNESS SUMMARY

JAMEEL MUSTAPHA

Date: 26th March, 2002

Jameel Mustapha is a 59 year old man who has lived at Farouk Avenue, El Socorro, San Juan all his life. He acted as an Assistant Campaign Manager to Nafeesa Mohammed for the 2000 elections and was manager for the El Socorro area, which is part of the Barataria/San Juan Constituency, one of the constituencies whose process of compilation of the lists of electors for the 2000 and 2001 General Elections is specially listed under review by the Commission of Enquiry in its terms of reference.

As Campaign Manager the witness's duties on the 11th December, 2000, the day of the general election, were to visit all 13 polling stations and monitor the flow of votes. On that day, he visited the polling agents who were stationed inside the polling station, their main function being to ensure that the people who came to vote were registered (or ticked off) on polling agents' lists. During the day, copies of the list of persons who had voted up to specific time in the day were passed to the witness so that he in turn could, if voter turnout appeared to be too low, try to address the problem (page 29).

Mr. Mustapha gave oral testimony that he attended certain meetings, prior to the General Election 2000, where a plan was discussed "to transfer names of people from different constituencies to vote in the Barataria/San Juan constituency. Forms 22 were made available to the witness and others in furtherance of the exercise.

After the 2000 General Elections, the witness not being satisfied that the election was "a fair one", he carried out an exercise to ensure that the people who voted according to the list, were people who actually lived at the addresses given on the electoral list. The witness said the exercise was to locate these people to make sure they lived in the areas according to the electoral list.

The crux of this witness's evidence on the outcome of that exercise is that

- (a) there were various persons listed on the electoral list prepared by the Elections and Boundaries Commission (EBC) and used by polling agents on the day of General Elections to ascertain whether persons were eligible to vote on that day,
- (b) a record was made by polling agents of all persons who voted by ticking names of persons after they voted,
- (c) subsequent to the elections the witness along with others, attempted to locate several of these persons who were ticked off as having voted. He was largely unsuccessful in his efforts because
 - (i) registered addresses were misleading or non-existent
 - (ii) persons did not live at the addresses stated.

Process

After the said election, the witness took the original sheet received by the polling agents and compiled his own list according to streets. He selected only those names of persons who were ticked off as having voted. The original list is referred to as Appendix A. The list the witness prepared (referred to as Appendix 3A) is described to the top as Verification Exercise of the Existence and Non-existence of a Person Whose Name was on the Electoral List.

The project was not undertaken alone. He had the assistance of about 5 persons, largely persons who were themselves familiar with the area.

Brief Summary of Findings:

| <u>Street</u> | <u>No. of Persons Listed as Voting</u> | <u>No. of Persons Not Found</u> |
|-----------------------|--|---------------------------------|
| Ward Lane (p45) | 124 | 65 |
| Farouk Avenue (p51) | 50 | 5 |
| Fazal Avenue (p51) | 38 | 14 |
| Lootoo Street (p51) | 58 | 14 |
| Williams Street (p51) | 92 | 14 |
| El Socorro Road | 98 | 26 |
| Boundary Road | 87 | 25 |
| Total | 547 | 163 |

Approximately 33.5% of the persons listed as having voted from seven streets from the entire constituency of Barataria/San Juan could not be located and more importantly were found not to be living at the addresses given. In rebuttal the EBC claims that its own investigations produced the results tabulated and/or summarised in Exhibits HC 29 to 31 (2nd May, 2002). HC 29 illustrates the EBC's admission that as to 89% (56/64) of the names of persons said to have voted on 5 streets Mr. Mustapha was correct.

The summary of his findings (above) as to irregularities in the compilation of the list of electors has not been challenged or refuted.

Notwithstanding the objection taken by Counsel of the EBC that as to the survey of Boundary Road, the evidence of Jameel Mustapha was hearsay evidence, the Commission of Enquiry will note that there is support for the data gathered. The EBC failed to dispute the accuracy of the data.

The data on Boundary Road, challenged as being hearsay

87 persons are listed as having voted from this street, however 25 could not be found. This area was done by Nicole Andrews who lives in the area. At the end of the day the surveyors brought into him the sheets that they had used and identified those who they did not find.

The Commission of Enquiry should treat any suggestion that the lists relied on were not authentic as not having any adverse effect on the quality and accuracy of the evidence and of the PNM's findings as the EBC has admitted that it

provides lists to political parties to assist them. There is no doubt that those parties use that information from the EBC for their canvassing, verification and data capture.

WITNESSES' SUMMARY

NAFEESA MOHAMMED

Ms. Mohammed is an Attorney-at-Law who was the PNM's Candidate for the Barataria/San Juan constituency in the 2000 General Elections.

Ms. Mohammed presently resides at Sultan Lane, El Socorro Road, San Juan and she gave evidence in relation to Polling Division 1405 and more particularly, the street she is more familiar with namely: Mohammed Ville.

Ms. Mohammed highlighted several inaccuracies in the revised list of electors published in December, 2001 especially in Mohammed Ville and more so, after the ten-million dollars allocation of funds to clean up the electoral list. She also referred to information received from a temporary worker of the Election and Boundaries Commission (EBC) who was engaged in the 2001 "House to House" survey and who informed her that more than 800 persons on the list for Polling Division 1405 could not be found during the survey. Yet the EBC said they were read for the Elections in 2001.

Ms. Mohammed pointed out more than twenty (20) inaccuracies on the list of electors for Mohammed Ville. Most of the names referred to were her relatives, known to her and who had either migrated, died or moved. With regard to numbers 0331, 0332, 0421, 0820, 1036 and 1046, Ms. Mohammed said they were persons unknown to her. She specifically referred to 1036 and 1046 for whom she said poll cards were received just a day or two before the 2000 Elections. The addresses on these cards are No. 7A, Mohammed Ville, which, she testified, was owned by her late father and since 1986, this property was partitioned and her brother and his wife and two (2) children have been living there. Yet, the poll cards show two (2) strange names of persons unknown to her with that address.

Ms. Mohammed also referred to a poll card with the name appearing as No. 0294 on the revised list and that person's registered address is No. 6A, Mohammed Ville. Ms. Mohammed specifically said that that address is her late Uncle's home. She said his wife was in the Court room that morning and that she has never known anybody by that name to have ever resided at that address. She said her late uncle had thirteen (13) children and many of them resided at that address and that it is the property before her father's property.

So Ms. Mohammed was referring to a specific address. Ms. Mohammed was also asked about two (2) names before the last on the same list and she said "I am not too sure about these names when asked "have you heard these names in Mohammed Ville?" her response was "There is a house that it is possible they may be residing there two houses away from my parent.

In cross-examination, Ms. Mohammed was specifically asked about the names on the printed list circulated by Mr. Prescott. She said she never heard of No. 4; 6; 7; and 14 and she was not too sure of 15 and 16. Also, Ms. Mohammed was referred to another list, i.e. the revised list 2001. She said that she had never heard of No. 294; 331; 332, 421; 820; 1036; 1046.

Two witnesses were called on behalf of the EBC. Ms. Dulcie Davis and Tricia Maria Rousseau. Ms. Davies said she has been living at No. 6A Mohammed Ville for the past Nine (9) years. Ms. Tricia Rosseau said she has lived at NO. 6A Mohammed Ville for 21 years she also said that she knows who lives next door to her by face but not by name.

Later that date, Ms. Mohammed was recalled and said it is possible that number 294 (i.e. Dulcie Davies) could well be living at No. 6A Mohammed Ville as there are two (2) properties that seem to be carrying the same house numbers. Ms. Mohammed went further to reiterate that the property she was specific about was 6A which was her uncle's property. Ms. Mohammed made no issue about Tricia Rousseau's name.

Ms. Mohammed's evidence was strong credible and cogent evidence of the inaccuracies in the revised list for 2001. Her evidence was limited to one (1) sheet in one (1) polling division. Of the 19 names on the Revised List 2001, as was highlighted by Ms. Mohammed, the evidence given by Ms. Mohammed was correct save as to two (2) occupants of the No. 6A Mohammed Ville.

In rebuttal the EBC relied on the oral evidence of Mr. Cayenne that a field check was carried out on 9th April, 2002. Exhibit "HC 44" reflects that there were 6 of the 19 persons said to be "still living at the registered address" The field survey was not verified by a further check but it concedes that Ms. Mohammed had testified correctly as to 13 of the 19 (68%).

HC 44 also contains a summary of the findings of the IARO during the House to House Survey 2001. When matched against the findings of the field investigator in April, 2002, the IARO proved to have given wrong (unreliable) information in 10/19 cases. Yet, Mr. Cayenne rated the performance of IARO's at the House to House Survey at #8, on a scale of 1 to 10.

WITNESSES' SUMMARY - DR. SEBASTIEN KEN SMITH

Dr. Smith is a Management Consultant who was engaged in active politics in the Barataria/San Juan constituency particularly in the year 2000. He was Secretary of the Executive Committee made up of the Campaign Manager, Kenneth Butcher, the Candidate Nafeesa Mohammed, the Finance Manager, Joseph Ross. He prepared the Agenda for meetings and was responsible for essentially the operation of the campaign during that election period.

Dr. Smith's evidence was that the San Juan/Barataria constituency sent canvassing agents out to verify that the EBC preliminary lists were correct. During this process, the canvassers found that a number of persons on the EBC lists could not be located at the registered addresses so they sent out a second set of canvassers to verify the information of the first set of canvassers.

As a result of the information provided, Dr. Smith formulated 3 letters dated November 07, 2000 [Exhibit SKS1] November 09, 2000 [Exhibit SKS2] and December 01, 2000 [Exhibit SKS3].

Dr. Smith then conducted an exercise comparing the names on SKS1, SKS2 and SKS3 with those on the polling agent worksheets for the respective polling divisions, also with NMI which contained the electoral list for polling divisions in San Juan/Barataria. Dr. Smith's observation was that, notwithstanding the objections contained in SKS1, SKS2 and SKS3, the names therein remained on the electoral list for 2000 and 2001. The results of this exercise were reduced to a table which was tendered and marked SKS4.

Under cross-examination Dr. Smith clarified that the information contained in SKS3 came from the revised list 2000. He also stated that there were more names which the PNM wanted to query in respect of residency irregularities but that the EBC's cut-off date denied them the opportunity to do so.

Dr. Smith said also that the document SKS3 had been hand-delivered to the EBC by Mrs. Wharwood who confirmed to him that she had delivered it to Mr. Cayenne.

In rebuttal evidence, Mr. Howard Cayenne denied ever receiving SKS3 and gave evidence as to the EBC's findings on the names listed in SKS1, SKS2 and SKS3. The findings were reduced to 2 documents marked HC42a and HC \42 which demonstrated that the EBC agreed with the PNM's findings 6/14 = 43%, 30% and 32% respectively.

WITNESS SUMMARY - COLM IMBERT M.P.

Mr. Imbert gave evidence of his activities in the Diego Martin East constituency in the 2001 election period and of his interaction with the Chief Elections Officer and the EBC on several matters.

1. Poll Cards

- a. Twenty three (23) poll cards were produced and marked respectively "CI (1)(a-v)". The markings (on manuscript) on the cards are indications of errors in the registered addresses or of persons not found to be resident at the addresses for one of many reasons (migrated, no longer at address, dead, never resident there).

Mr. Imbert brought these observations to the EBC and that the markings were of information obtained during canvassing by PNM personnel. Mr. Cayenne, in re-examination, has asserted, unsupported, that 15 of the 23 persons were found to be still resident at the registered addresses.

Mr. Cayenne offered that the reason for the large number of irregularities in the Preliminary Lists was that a House to House Survey had been carried out until October, 2001 and there had been too little time between that exercise and the General Election of that year and too little resources to do verification and to clean up the electoral lists. More than 120,000 electors' names were deleted eventually.

- b. Registration numbers should be embossed on poll cards. Mr. Imbert sought to persuade the Chief Elections Officer that Registration Rule 36 should be interpreted to mean that when such cards are sent out to electors by mail the identification/registration number of the elector should be placed on the card.

Mr. Cayenne did not accept that interpretation. He also expressed concern that the identification/registration numbers would thereby become too easily available to the public and a target for fraud.

Mr. Cayenne preferred to have the number placed on the poll card by the poll clerk on polling day.

His evidence is that it was agreed by way of compromise, that the green line poll cards would be issued with Special Voters Lists which would carry the identification/registration number of electors. This would aid the proper identification of an elector by matching a national identification card, photograph and identification/registration number on the Special

The EBC failed to implement the Special Voters List in time or at all or to train/prepare poll clerks to use the lists.

It is the contention of the PNM that the act of personation is facilitated at the green line poll clerk who is required to take information from the national identification card and enter it on the poll card (if not already there) without having access to the registration records. No match or satisfactory or adequate or any identification of an elector is required or done.

The personator with a fraudulent national identification card bearing the name of an elector is permitted to vote in the name of one who had died, migrated externally or changed address.

Ninety (90%) of all electors use the green line.

The Chief Election Officer agreed that there was a danger of personation at the green line poll clerk.

Personation is also facilitated at the red line poll clerk as (it was conceded by Mr. Cayenne) an elector without producing an ID card, may vote using a name on the revised list and no confirmation is required or sought.

2. EBC readiness for 2001 General Elections

The Chief Election Officer told Mr. Imbert in late October or November that; in retrospect the EBC was not ready for the 2001 election notwithstanding that it had so informed His Excellency, the President.

3. Failure of adequate communication of information leading to confusion

(a) over whether electors registered to vote or deleted

and

(b) on Election Day.

The EBC claimed to have sent out Forms 21 (notice of intended cancellation) to over 100,000 such electors to be deleted from the Annual List. It published in newspapers, a list of 20,000 persons (said to have failed to respond to Form 21). In so doing it was claimed that an ordinary elector and a substantial number of the 100,000 whose names had not appeared on the published list (above) would have been misled into thinking that their names were not among those to be deleted and consequently, would have failed to make any effort to ensure that their registration was in order at Election Day.

Our postal system, the nationwide paucity of precise mailing addresses, inter alia would have caused the EBC's effort at communicating information to result in widespread misinformation. Further the EBC was acting in a situation where the elector was known (assumed) by the EBC to be not resident at the registered address.

The Chief Election Officer claimed that there were cost constraints which prevented the EBC from publishing the full list of 120,000 (+) names.

The above resulted in large numbers of electors experiencing difficulty or not being registered to vote on Election Day, including persons who had been resident at the same registered address for 20 or more years and had voted at the same polling station throughout that period.

OBJECTIONS (Form 15) filed by Mr. Imbert (Exhibits "CI5" and "CI6")

The witness gave evidence that he had lodged a large number of objections (Form 15) to electors in his constituency for varying reasons. He claimed that at least half of that number remained on the revised list of electors. He was shown to be correct in 27% of the cases.

Rebuttal evidence focused on the apparent failure of some of the objections to comply with the Registration Rules but no evidence was produced to contradict Mr. Imbert, save as to 3 electors who claimed to be resident at the registered addresses.

IRREGULARITY IN COMPILATION OF LISTS

(a) Joseph Trace, Paramin - Polling Division 0140

The witness identified a substantial error in the Preliminary Lists which showed 170 electors as registered in Joseph Trace.

There are only 11 residences on Joseph Trace.

The above was brought to the attention of the EBC. The EBC has attributed this development to a "computer glitch" and has offered a memorandum seeking to explain the irregularity on the ground of inadvertence or human error.

(b) Polling Division 0145 etc.: Exhibits CI6 and HC47(k)

Eighty Nine names were identified on the preliminary list for 2001 as not being resident at the registered addresses. 29 of those claims were admitted by the EBC as being correct.

The EBC responded by producing a copy of the 1986 supplemental EBC report to Parliament (CI4) as illustrating that the following irregularities have always been present

- (a) Erroneous transfers of names**
- (b) Duplication of names**

- (d) Inclusion of maiden names
- (e) Members of same household listed in different polling divisions
- (f) Non-appearance of names on the revised list
- (g) Improper attitude and lack of confidence of staff

Mr. Imbert commented that he had found in 2001 that the incidence of such irregularities was unusual.

**SUMMARY OF THE EVIDENCE OF
THE ELECTIONS AND BOUNDARIES COMMISSION**

A. THE EBC AND THE SYSTEM OF REGISTRATION

1. The Elections and Boundaries Commission ("EBC") is charged with the responsibility under the Constitution of the Republic of Trinidad and Tobago for the registration of electors and the conduct of elections. The registration system is in effect at 21 registration area offices and sub-offices located at places approved by the EBC throughout Trinidad and Tobago.

2. The country is divided into 14 registration areas which are sub-divided into 1,184 polling divisions or registration units and 36 constituencies.

3. The system of registration is prescribed by the Representation of the People Act ("the Act"). The system is one of voluntary permanent personal registration. This system requires that a person wishing to be registered make an application to the Registration Officer of the registration area in which he is resident. Once a person is registered, his name remains on the Register until it is removed in manner provided by the Act.

4. Persons apply for registration in person to the registration officer of the registration area in which he resides. It is not mandatory and there is no penalty for not registering. Before a person is registered, a field investigation is conducted to ascertain whether the person lives at the address given. There is no obligation on persons to give information to field investigators.

B. ELECTORAL LISTS – 2000 AND 2001

1. In the years 2000 and 2001, there was published as required by law the Annual List of Electors on July 1. (See Document 4 and Document 7)

2. In 2000, this was followed by the Preliminary List on October 3, 2000, the Revised List on November 20, 2000 and the Supplemental List on December 1, 2000 which were posted for public inspection and scrutiny (See Document 4).

3. In 2001, the Preliminary List was on November 5, 2001, the Revised List on November 26, 2001 and the Supplemental List on November 30, 2001 which were posted for public inspection and scrutiny (See Document 7).

C. CHANGE OF RESIDENCE

1. When a registered person changes his place of residence he is required to inform the registration officer for the area in which he now resides by way of notification as set out in Form No.22. Administratively, the registration officer has the information field investigated by an officer and if the Registration Officer is satisfied that the information contained in the notice is accurate, the register of electors is amended accordingly.

2. Additionally, information obtained by the EBC from persons applying to renew Identification Cards is also used by the EBC to ensure accuracy of the list of electors.

3. Commencing in 2000 and continuing in 2001; in relation to the marginal constituencies, the EBC took the additional precaution of conducting field investigations at both the area transferred from and the area transferred to. The information is administratively recorded on a form. There is no legal requirement to use a form. (See Registration Rules 43 and 44).

D. DEATH

Registration officers visit the district registrars of births and deaths in their respective registration area on a monthly basis to extract pertinent details on persons who have died. Use is also made of information published in the death announcements in the daily newspapers as well

as the Trinidad and Tobago Gazette relating to letters of administration and grant of probate. This information with respect to dead persons is then compared with information in the EBC's records to ascertain whether the person to whom the information relates is registered as an elector. If the information appears to relate to such a person, the matter is then field investigated by the registration officer to verify that the registrant has died. The field investigation includes visiting the address of the person on the EBC's records with the registration record card containing the person's photograph to ascertain whether the information is correct. Once the information is verified and the registration officer is satisfied, the registration of the dead person is cancelled. This is in accordance with Registration Rule 41. There is no obligation on anyone to give information on deaths to the EBC.

E. NO LONGER RESIDENT IN TRINIDAD AND TOBAGO

Any information coming to registration officers with respect to persons who may no longer have places of residence in Trinidad and Tobago is investigated by means of field checks. After the information has been verified by a field check and the registration officer is satisfied that the person is no longer resident in Trinidad and Tobago, the registration would then be cancelled but not before a notice of an intention to cancel registration is sent by the registration officer (Registration Rule 41(4)) to the address at which the elector is registered.

F. CEASE TO BE QUALIFIED TO BE REGISTERED AS ELECTORS

1. Any information coming to registration officers that the registered person ceases to be qualified as an elector, very likely related to the fact that the person no longer resides at the particular address, is field investigated before any action is taken. After the information has been verified by such field check and the registration officer is satisfied that the person has ceased to be qualified as an elector, the registration would then be cancelled, but not before a notice of an intention to cancel registration is sent by the registration officer (Registration Rule 41(4)) to the address at which the elector is registered.

2. Information obtained by the EBC from persons applying to renew Identification Cards is also used by the EBC to ensure accuracy of the list of electors.

G. ADDITIONAL STEPS TAKEN BY THE EBC TO MAINTAIN THE ACCURACY OF THE LISTS IN 2000 AND 2001

1. Early in the year 2000, in order to monitor for themselves all registration activities in each of the 36 constituencies and in particular those dealing with applications for transfers from one constituency to another, the Chairman and Members of the EBC requested and received on a monthly basis a summary of registration activities for each constituency, searching for patterns or trends which might suggest unusual movement of individuals.

2. The EBC determined that the statistical data should obey a normal distribution, that means that if they looked at transfers into constituencies they could establish the mean and standard deviation of transfers and then 95% of the values should fall within two (2) standard deviations of the mean. In looking for patterns the Commissioners requested explanations for values that fell outside that range.

3. The EBC also implemented as a policy that there should be an extra check of all notifications of change of address in the marginal constituencies from July 1, 2000 and including the period of electoral registration, October 3-11, 2000 and that same would be subjected to special scrutiny. This entailed the field investigation of all notifications of change of residence or address by the registration officer of the registration area in the place stated in the notification as the place where the registrant was now residing as well as by the registration officer of the registration area in the place at which the registrant was registered. This extra check assisted the EBC in rejecting altogether 252 notifications for across-constituency transfers into the marginal constituencies. (See MJ17, MJ18, MJ19).

4. In 2001, the EBC adopted the same monitoring procedure as 2000 with respect to registration activities in each constituency. In addition, the conduct of the National House to House Survey was a comprehensive attempt to maintain the accuracy of the register of electors.

Funding was provided by the Government for this exercise in 2001 although same had been requested by the EBC since April 1999.

5. In May 2001, the EBC established a Project Management Unit to apprise the Commission of the progress of the House to House Survey. The Unit was headed by the former Chief Election officer, Jocelyn Lucas and included the area supervisors who were responsible for gathering data from their assigned registration areas. The Unit reported directly to the Commissioners.

6. In a further effort to maintain the accuracy of the revised list of electors for the 2001 general elections, the EBC in October 2001 established four (4) audit teams covering North, South, Central, North and Tobago with responsibility to visit all registration offices to ensure that operations were being conducted in strict accordance with the provisions of the Act.

7. In 2001, in a further attempt to ensure the accuracy of the list of electors, the EBC also took a decision that with effect from November 1, 2001, the working hours of all registration offices would be extended to 6:00 p.m. each day and on weekends to facilitate electors checking the List of Electors and bringing to the attention of the Registration Officer any errors and omissions observed. The public was notified of the extended hours by a series of advertisements in the daily newspapers (See Document 10).

8. In 2001, over \$2million was spent by the EBC in advertising in the print and electronic media in order to sensitise members of the public to the house to house survey and the need to check the lists (See Document 9 and HC4).

H. HOUSE TO HOUSE SURVEY 2001

1. The EBC conducted a house to house survey in 1975. This resulted in over 100,000 changes representing deletions and transfers of registration. (HC19) Another house to house survey was done in 1985. The changes which were in excess of 200,000 took effect on December 31, 1988 (See CI4).

2. In 1997, the EBC sought funding for a field survey to take care of the new housing developments with consequential movement of the electorate which the EBC wished to address as well as to deliver 80,000 undelivered ID cards (HC25). This request was not met.

3. In 1999, the EBC sought funding to carry out a national house to house survey between October 1999 and February 2000 (HC23). No funding was provided until 2001 and the survey commenced in May 2001 and ended in October 2001 (See Document 9).

4. The EBC advertised for suitable applicants for IARO's by advertisements in the newspapers and recruited over 1,000 IARO's. Experience and in particular experience working with the EBC was an asset (See HC5, HC6, HC7, Document 13 and Document 15) who were supervised by Field Supervisors. See Document 18.

5. A Project Management Unit headed by Ms. Jocelyn Lucas, former Chief Election Officer was set up by the EBC to monitor the progress of the house to house survey. The Unit included the area supervisors who were responsible for gathering data from their assigned registration areas. The Unit reported directly to the Commissioners. Some Reports are at HC10-HC18).

I. COMMONWEALTH OBSERVER REPORT

A Commonwealth Observer Group comprising respected Commonwealth individuals was established by the Commonwealth Secretary General to observe the organisation and conduct of the 2000 general elections. The Report of the Group dated December 14, 2000 concluded inter alia that the EBC's polling day arrangements were admirable and compared well with others in the Commonwealth; the voting process was peaceful; voters were able to cast their votes freely; the secrecy of the ballot was assured; the stipulated counting and tallying procedures were followed and the processes for both were fair and transparent; the EBC's arrangements worked well; the overall design of the voting and counting arrangements was good and the procedures were implemented with efficiency and transparency – the stations opened and closed on time, the staff were well-trained and professional, the materials were available, almost everywhere stations

operated in line with procedure and the voters were treated with courtesy and respect (See Summary of Conclusions).

J. STAFFING

1. The EBC has an establishment of 279 members of staff which has been in place since 1981 with no increases (HC27). These persons are public officers who are recruited, appointed, disciplined and promoted by the Public Service Commission.

2. The permanent establishment is simply inadequate to handle the volume of work. As an example, there are 21 registration offices and sub-offices, but only 14 Registration Officers and 10 Assistant Registration Officers. Tobago, Sangre Grande, Chaguanas, Mayaro, Rio Claro have no Assistant Registration Officers. There is only 1 qualified computer person in the Computer Department, the Systems Analyst and there is no Manager of the Computer Department. There is one person in the Training Unit.

3. The EBC has over the years requested funding from the Government for additional staff to cope with the increasing workload of the Department and to enable it to carry out its functions under the Constitution (See HC20-HC25).

4. A request in 1991 by the EBC to create 7 additional posts of Registration Clerk III was met with the response that the EBC must first abolish 5 posts of Registration Clerk II, which the EBC could not afford to do.

5. Many employees have been in acting positions for very long periods, some for as many as 9-10 years (HC59).

6. To augment the acute staff shortages and to cope with the volume of work, the EBC has had to resort to employing temporary persons. Some of these persons have been in temporary positions for very many years, but the EBC is unable to have these persons join the establishment because there are no positions to be filled.

7. From time to time, the EBC recruits temporary staff to assist in the conduct of field surveys (field survey staff). The EBC also employs Trainers and Election Officers to assist in the conduct of elections.

8. The EBC also calls upon experienced persons who are either past employees of the Department or persons who have had previous experience of working with the EBC and are conversant with the working of the Department. If there are insufficient persons available at supervisory level e.g. during the National House to House Survey in 2001, Central Statistical Office personnel and persons with experience in conducting their recent House to House Survey were employed.

9. Returning Officers are selected by the members of the Commission. By the Constitution, the members are not subject to the direction or control of anyone. Returning Officers are generally persons who have served previously as Returning Officer or Election Clerk. Returning Officers are appointed after a period of training/retraining. Generally, they are senior public servants or retired public servants. In relation to Poll Day Officers (i.e. Presiding Officers, Deputy Presiding Officers, Roving Officers, Poll Clerks, Information Officers), public notice is given in the daily newspapers advising interested persons to apply for selections. The application forms are processed by registration officers at registration officer before final selection.

10. Using criteria such as academic achievement, experience in poll day work and residence in the electoral district in his charge, the Returning Officer selects persons for training. This training is conducted by Instructors who are trained by the EBC.

11. All Trainers or Instructors of Poll Day Staff must apply in writing and complete a Profile of Training Instructor Form (**Document 14**) for the information of the Chief Election Officer. Such persons are recommended by Returning Officers based on their previous performance as Presiding Officers and selected by the Chief Election Officer through the Training Officer and the Deputy Chief Election Officer. They are usually school teachers and public servants and they complement the EBC's in-house instructional team in the training of all poll day staff.

K. TRAINING/SUPERVISION

1. Training of staff at the EBC's Central Electoral Office and the registration area offices and sub-offices is conducted by Heads of Sections at the Central Electoral Office and by Registration Officers and Chief Clerks at the registration area offices and sub-offices in collaboration with Registration Supervisors who coordinate the activities of these offices.
2. Additionally, the EBC's Training Unit, based at the Central Electoral Office, disseminates information and conducts training for all categories of staff whenever necessary.
3. Due to the shortage of staff and money, the EBC has not been able to expose its staff to organised training outside the Department. In 1998-99, the EBC received 17.8% of the amount requested for training. In 1999-2000 and 2000-2001, 26.7%. In 2001-2002, it received 44.6%, but this entire amount had to be used to meet the expenses arising out of the 2001 general election and none was available for training (HC54).
4. The training of field survey staff is conducted by the Training Unit for Supervisors and by Registration Officers and Registration Supervisors for itinerant staff. Training Manuals and other aids are prepared as was the case in the 2001 National House to House Survey when instructional manuals were prepared and distributed to staff. (Document 15)
5. Election Officers undergo EBC conducted training sessions. Handbooks and Manuals of Instructions are prepared by the EBC and distributed to Poll Day Officers setting out the procedures to be followed and the relevant law (Document 16, Document 17, HC28; EM8A-G). Instructions are in written form in an effort to ensure uniformity of compliance. The Returning Officer is responsible for all election related business in his electoral district. He is expected to liaise with his Presiding Officers and other poll day staff in order to ensure that EBC instructions are communicated down the line. Particular points are stressed and critical reminders are issued where the Commission feels that special attention needed to be paid to these matters. See EM8A and EMSB.

6. The EBC tries to employ a certain calibre of persons, especially teachers, public servants etc. Unfortunately, despite all the training and manuals, there is no guarantee that staff will do as instructed on polling day.

7. At Registration Area Offices, staff are required to record transactions in various Registers and Record Keeping books in which every registration transaction requested by every elector and non-electoral is recorded also serves as a tracking record of the specific activities that are conducted at Registration Offices.

8. Supervisors of the various registration offices examine the various registers from time to time to see that they are being maintained, that work is being done on a timely basis and the procedures that are to be followed are being adhered to. Due to the acute staff shortages, all registers are not always fully completed. Checks are also done to ensure that staff read the various circulars that are sent out (examples are at Document 18), and there are staff meetings to ensure uniformity of procedure by all members of staff. Additionally, Supervisors from time to time do spot checks of field investigations completed, and may accompany field officers on occasion with regard to specific matters being worked on.

L. FINANCING OF THE EBC

1. The EBC is treated no differently from any other Government Department when it comes to funding. Its requests for funding are never met in their entirety. See for example its requests for funds for training (HC54 and HC20-HC25).

2. In order to meet the expenses of the 2001 election, the EBC requested funding in the sum of \$14.6million. In the Estimates for 2001-2002, \$11.5million was provided for Local Government elections and this is what had to be used to conduct the 2001 election. Out of the allocation of \$11.5million, \$800,000 had to be taken out to complete the House to House Survey leaving a total of \$10.7million to meet the expenses for the 2001 election.

3. The sum of \$10.7million was insufficient to conduct the 2001 election. There was a shortfall of \$3.9 million. The EBC had incurred debts totalling \$3,821,036.

4. In order to pay some of these debts, \$2million had to be taken from other allocations such as training and materials and supplies to produce ID cards. However, there is still a shortfall of \$1.4 million representing monies owing to TTPost, TSTT, rental and payments for election day staff.

5. As a result of the debt owing to TTPost, the EBC has not been able to mail out notices to persons informing them that their ID cards are ready. This is having a significant impact on its operations.

M. COMPUTER REQUIREMENTS

1. Over the years, the EBC has been requesting funds to improve and upgrade the technology in the production of ID cards and to have personal computers for registration offices throughout the country. (HC20-HC25).

2. In 2000, the EBC requested \$3.9million under the Public Sector Investment Programme to upgrade the AS/400 computer system, modernise the ID card issuance system and registration offices in order to provide the accessibility, rate and quality of services provided by the Commission. The National Information Systems Centre (NISC) approved the sum of \$4 million to be included in the 2000/2001 estimates for the upgrade/modernisation of the information technology systems at the EBC and at the PSIP (HC56).

3. Instead of the \$4 million requested, the EBC was allocated \$1.5 million in the 2001 National Budget. In October 2001, the EBC received the election writ from the President and was busy preparing for the election. This election was followed by the Tobago House of Assembly election on January 29, 2001. While the EBC was still engaged in post-election

activities, the EBC was informed in about April 2001 that the entire \$1.5 million was transferred to the Ministry of National Security.

N. EBC PRIORITIES

1. To purchase equipment to expedite and improve the ID card process, at least a third unit to have redundancy in the event of breakdown.
 2. To modernise the identity card issuance system, upgrade the AS400 system and provide personal computers for the registration offices.
 3. A properly staffed Computer Department with at least 5 qualified persons.
 4. Staff for the Registration Offices to be able to speed up the processing of transactions.
 5. To resume delivery of ID cards to members of the public in their communities.
 6. More registration offices manned by permanent staff. Sub-offices are manned by temporary staff only.
 7. Improve the physical accommodations at registration offices for staff and members of the public.
 8. Have sufficient staff to be able to send staff on training programmes.
 9. Have Public Education programmes to educate the public about the registration process, the importance of inspecting the lists etc.
 10. Establish Commission Registration Area Offices in Port of Spain and San Fernando where members of the public from any part of the country could come to register. This would facilitate members of the public who work away from there are registration offices transacting their registration business.
 11. Publish notices in the newspapers inviting members of the public to give information about persons who may have died, migrated etc.
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O. EVIDENCE IN RESPONSE TO WITNESSES:

PNM WITNESSES –

1. ETIENNE MENDEZ

1. With regard to his submissions on the variances between the EBC's figures of the electorate and the CSO statistics, the EBC's statistics are based on actual numbers of persons registered with the Commission as required by law.

In relation to the graph at EM1, the reason why the electorate in 1985 was higher than in 1991 was because there of the nationwide house to house survey in 1985 and resulting from the survey over 200,000 persons were removed from the list on December 31, 1998 (CI4 at pages 6-7).

3. Over the period October to December 2001 prior to the holding of the 2001 general elections, the PNM wrote several letters to the Commission seeking to have certain matters clarified. The Commission acceded to their requests to meet and gave consideration to the issues raised by the PNM. The Commission accommodated as many of the PNM requests as it could within the constraints of the law and what was practical and reasonable. The systems and procedures employed by the EBC were by and large in use for decades. The issues raised by the PNM in its letters were new. The PNM never raised these issues in relation to the EBC's systems and procedures before.

4. In relation to special elector ballots being a different colour, see letter to the PNM dated November 22, 2001 (in the bundle in EM4).

5. A poll card is not the primary identity document. The primary identity document is the ID card. 7.

6. Mr. Mendez stated that the list handed out on Nomination Day was different from the one used on Polling Day. In 2001, Nomination Day was November 20, and the Revised List was published on November 26, 2001. What was distributed to candidates on Nomination Day was a

complimentary copy of the Preliminary List. On publication of the Revised List, the candidate was provided with a complimentary copy of the Revised List.

7. Mr. Cayenne has no knowledge of any of Mr. Mendez' theories happening.

8. In relation to Ryan Mohammed and Balkaran Singh, there are 37 persons with the name Ryan Mohammed and 15 persons with the name Balkaran Singh (EM7). These were cases of persons with the same name voting in the wrong polling station, not personations.

9. The purpose of the poll card is to match the number of ballots in the box with the number of ballots issued at the Polling Station. In a count, the poll cards are to be counted not examined. The failure of the Poll Clerk to enter the Registration Number does not in law invalidate the elector's ballot.

2. JAMEEL MUSTAPHA

1. Mr. Mustapha gave evidence about Farouk Avenue, Fazal Avenue, Lotoo Street, William Street, El Socorro Road. The total number of names he complained about (with asterisks) is 70.

2. The EBC records with respect to whether the names with asterisks voted is at HC29 and the registration history of these names is at HC30 and HC31.

3. It is to be noted that even if persons are not found at the registered addresses, they are entitled to vote in the electoral district unless they have moved outside the district. Mr. Mustapha gave no evidence that the persons who voted and about whom he complained lived outside the electoral district.

3. MARVA BELLAMY-BOSTIC

1. The letters (MBB1-MBB5) were not valid objections under the Act.
 2. Notwithstanding that these were not valid objections, the EBC still did field investigations of some of the names, time and resources permitting. The results of the field investigations are at HC33.
 3. In respect of the December 1, 2000 letter (MMB5A), 3 of the objections were valid – Carolyn Seepersad Bachan, Deepa Chhagan and Nigel Derek Samlalsingh, since these names appeared on the Revised List for the first time. Enquiries were held. In the case of Carolyn Seepersad Bachan, evidence was taken and the Registration Officer disallowed the objection. In the case of the others, the objector, Christopher Charles did not appear at the appointed time and the objections were dismissed.
 4. In respect of the 50 objections in 2001 (MBB6), we do not have any record of when these were received. In April 2002, the EBC conducted field investigations and its findings are at HC34.
 5. With respect to PS 3876-1, in batching the ballots, one of the ballots cast for Ms. Seukeran was erroneously added to Mr. Baksh's ballots. This error was discovered on the recount. The Statement of the Poll was adjusted to add one ballot cast for Ms. Seukeran (208 instead of 207) and delete one from Mr. Baksh (277 instead of 278). The total number of ballots cast was the same on the Statement of the Poll as in the box, that is, 488. See HC32.
 6. Ms. Bostic complained of a Presiding Officer in PS 3795-3, a gentleman, calling the names of the electors after they had voted. The Presiding Officer in PS 3795-3 was a woman, Ms. Leela Lalgee. The Deputy Presiding Officer was also a woman, Ms. Susan Manswell. In the Guidelines for Presiding Officers (EM8C) at page 1, paragraph 3, it is stressed that the name of the elector must be called by the Poll Clerk when he is attending to the elector. The Presiding Officer is not the person assigned to call names. It is the poll Clerk who calls the name of the elector when he is before him. The Presiding Officer would not know the name of the elector after he has voted unless the Presiding Officer asks the elector his name.
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7. There is no requirement that specimen or sample initials or signatures should be put in the Station Diary. Further, this was not part of the training for poll day staff designed by the Commission.

4. JULIET WILBY

1. The Government Printer has submitted a report on the colour of the ballot papers (HC35). Out of 1,184 polling stations (and more than 1,600 polling stations), there was only one complaint in respect of the ballots at 1 Polling Station (PS4175)

2. In relation to JH2, the EBC has not been able to check to see whether these persons submitted transfer forms in 2001 as alleged by Ms. Wilby as these are with the police.

5. ANTHONY ELIAS

1. Of the 150 names in MBB7, the registration history is at HC36 and HC36A. 79 were on the revised list at that address since 1991, 16 since 1995 and 12 between 1996 and 1999. HC37 shows that 38 of these names have been deleted from the list.

2. Mr. Elias' 2 patterns of (1) first time registrants on the same street, with the same house number and with 3 different surnames and (2) 2 or more transfers in any one Polling Division, do not withstand scrutiny.

3. At 20 Prince of Wales Street, there is a house in the front and at the back to the side of the property there are apartments (HC38). 33 Knox Street is an apartment building with 5 families, 100 Mucurapo Street is a building with 9 apartments and 39 St. James Street used to be a hotel but is now an empty lot.

6. DANIEL NAGESSAR

1. Of the 19 names submitted by Mr. Nagessar on DN1, these persons were registered in San Fernando West long before 2000. The registration history of the 19 persons is at HC39.
 2. This is not a case of transfers into San Fernando West but persons who have always been registered there. Dumfries Road is a street which separates the electoral district of San Fernando from Oropuche. The numbering on Dumfries Road is very poor. Some numbers appear on both sides of the road.
 3. Following Mr. Nagessar's evidence, field investigations were done on the 19 names and they have been placed in PD 3780 rather than PD 3790.
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7. SPARKLE BRAITHWAITE

The registration history of the 83 names with asterisks on Ward Lane and Jo Jo Lane (SBI) is at HC40 and HC40A. Not all the persons with asterisks voted (HC41). Her evidence does not support her original position that she was familiar with all the persons in Ward Lane and Jo Jo Lane. She did not even know the names of her neighbours.

8. KEN SMITH

1. SKS1, SKS2 and SKS3 were not objections under Rule 32 of the Registration Rules. The EBC never received SKS3.
2. On receipt of SKS1 and SKS2, the EBC conducted field investigations (See HC42A). Some of the names which are referred to in SKS1 and SKS2 are not on the EBC Master File or on the list. In others, the addresses are wrong.

3. The registration history of the names on SKS1, SKS2 and SKS3 is at HC42.

9. SHERRY ANN JACK/VIANNEY WHARWOOD

1. Angela Lowhar did not vote. See HC43 and HC43A. There is no poll card for this person. Consecutive No. 253, Ann Marie Lovelace did vote. Her poll card is at HC59.

2. Ms. Wharwood could not say if any person voted in the name Angela Lowhar. The documents make it clear that no-one so voted and that the tick on No. 253 on the Polling Agent Worksheet (JMS1) was not intended for that name.

3. The entry "AL 0253 73" on JMS2 obviously refers to Anne Marie Lovelace who is Consecutive No. 253 on the poll clerks lists (HC43 and HC43A) and who voted as the 73rd elector in the polling station on polling day.

10. NAFEESA MOHAMMED

1. Of the 19 names identified by Ms. Mohammed on the Revised List for PD 1405 for 2001, the findings of the IARO during the house to house survey and the findings of a field investigation conducted on April 9, 2002 are at HC44. The registration history for these 19 names is at HC44A.

2. Of the 19 names, only 2 voted in 2001 2 persons (Dulcie Davis (her poll card was put in evidence by Ms Mohammed as NM5) and Tricia Marie Rousseau) gave evidence that they lived at the registered address.

3. In respect of Mr. Reza Abasali, there was a coding error. He should have been placed in Sultan Lane (Street Code 029) and was erroneously placed in Glen Lane (Street Code 009) which is two streets away. The Polling Division is the same.

11. MICHELLE LEWIS

1. Of the names on ML1, none of these were transferred. These persons may have applied for transfers but they were not approved by the EBC.
 2. The registration history of these persons is at HC45.
 3. With respect to ML3, the staff arrangements followed upon the retirement of Mr. Winston Singh, the then Registration Supervisor South (Section 4 of the Act).
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12. MARTIN JOSEPH

1. MJ1-MJ15 record several meetings between the PNM and the EBC over the period June 1998 to 2000. The letter dated September 26, 2000 (MJ13) shows that the information supplied by the PNM to the EBC with respect to alleged add ons and removals in Tunapuna and Barataria/San Juan was largely inaccurate. The PNM never responded to that letter.
 2. The first time that the PNM raised illegal transfers was when the PNM met with the EBC on 6 October 2000. They told the EBC of a plan to transfer voters and brought with them a bundle of documents (MJ16). The PNM was told that the EBC had already taken a decision to stop accepting transfer forms in bulk from individuals and political parties and this had been implemented from the commencement of electoral registration on October 3, 2000.
 3. The EBC took copies of the documents and promised to investigate. The PNM was told to take the matter to the police. They also took the matter to the press (See MJ21 and MJ22)
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4. The Chairman and the Chief Election Officer met with the police and handed over all documents requested by the police including transfer forms into the marginal constituencies. The EBC had rejected 257 transfers into the marginal constituencies over the period July 1- October 11, 2000 and these were handed over to the police (See HC9). The EBC issued press releases on the matter MJ16, MJ17 and MJ18)

5. Of the 227 names in the documents, only 30 were transfers into the San Fernando West Constituency in 2000 (HC46), 43 were not on the EBC system and 3 of the names were illegible.

13. COLM IMBERT

1. Of the 22 poll cards (CI1), 15 of these persons were still residing at the addresses during the House to House Survey

2. Of the names on CI6, the summary of the EBC's records as to which names appeared on the Revised/Supplemental List and which were deleted or transferred is at HC47 and HC42A.

3. The 155 Form 15's at CI5 (not 240 as stated by Mr. Imbert) were handed to Mr. Cayenne on the night of November 10, 2001 by Mr. Imbert between 6pm and 7 pm. They were late and were not delivered to the Registration Officer for Diego Martin. 3 of the persons objected to give evidence. Vinool Sookram was objected to on the ground that he was deceased. Hugh Simon was objected to on the ground that he was unknown. He gave evidence that he and the other members of his family (whose names also appeared on CI6) have been living at the registered address for many years (HS1). Gale Debbie John-Francis (objected to on the ground that she had changed address) gave evidence that she and her mother (whose names also appeared on CI6) have been living at the registered address since 1990.

4. The total number of electors deleted in Diego Martin East following the House to House Survey was 3,152. All persons deleted were sent Form 22's at their registered address. If these persons did not respond to the Form 21's, their names were deleted. The statistics of

reinstatements and re-registrations to date are at HC57 and HC60. These statistics suggest that only a small percentage of the persons deleted could have claimed to be entitled to remain on the list.

5. With respect to the 22,675 names published on October 11, 2001 (CI7), these were names to be deleted which had appeared on the Preliminary List. They had been sent Form 21's and had not responded. This ad was intended to give those persons notice that although they may have seen their names on the Preliminary List their names would not appear on the Revised List. In respect of the other persons, since their names did not appear on the Preliminary List, there was no necessity to publish their names in the press.

6. Mr. Cayenne denies telling Mr. Imbert that in retrospect the EBC was not ready for the 2001 election. The EBC through its Chairman had already communicated to the President its considered judgment as to the readiness of the Commission for an election. As the Chief Election Officer, he did not contradict the Commission to Mr. Imbert.

7. Quite late in the day, during the first week in December 2001, Mr. Imbert asked the EBC to consider printing lists with the names and registration numbers of all electors as a compromise to not having the poll cards have registration numbers. The EBC agreed. However, by this time, the training for poll day staff had ended and so the staff could not be trained in the procedure to be adopted to use these lists and how and when they could be used.

8. The lists were printed on the Thursday before the election and they were distributed on the Thursday, Friday and Saturday before the election. They were given to the Liaison Officers to distribute to the Returning Officers who then had to distribute them to the Presiding Officer. However, because of how late the request came, it was impossible to ensure that all staff were properly instructed as to its use. In some Polling Stations, the lists were used. The EBC did its best.

9. If a person has an ID card, he joins the green line. If he does not have a poll card, one is made out for him. The Presiding Officer satisfies himself by looking at the ID card that the name on the ID card matches the name on the list. The person signs the poll card before he is issued with a ballot. If the person does not have an ID card, he joins the red line where the

binder is checked to match the elector with the person on the registration record. A poll card has to be completed and the elector signs the poll card. If the elector does not have his ID card, he must do an affirmation.

10 For the 2001 election,, the EBC used ink which was remaining from 2000 and 1999. This ink was produced by the Government Chemist who has always manufactured the electoral ink for the EBC. See his letter at HC53.

11 The EBC tested the ink before the election. It did not wash off. The ink was sealed and examined by polling agents on polling day.

12. The explanation for the error appearing on the Preliminary List with respect to Joseph Trace (CI3) is at HC48.

COMMISSION'S WITNESSES

1. NORMA RAYMOND

1. Her name was deleted on November 25, 2001 to effect a change in her registration number in order to change the date of birth from the July 5 to July 6. An additional transaction was required to produce an I.D. Card with the correct date of birth and to put her name back on the electoral list.

2. Her registration record was not removed from the unit register and her name appeared on the Supplemental List for Polling Division 4151. See NRI.

2. ROBERT EDWARDS

During the House to House Survey 2001, the IARO received no information so as to delete Edison Mitchell and the name was properly left on the list. A subsequent investigation by the

Registration Officer showed that Mr. Edison Mitchell does not live at that address, and steps have been taken to have his name removed from the list.

3. **PETER S. O'CONNOR**

1. Mr. Peter O'Connor's registration was not updated during the 1985 survey and his registration was cancelled.

2. Once Mr. O'Connor is still in possession of his expired ID Card, he can re-register without the need to produce a birth certificate or affidavit.

3. For renewals of I.D. Cards, there is no fee. The EBC is not an accounting officer and fees have to be paid to the Warden's Office.

4. **ANTHONY ANTOINE**

1. Mr. Antoine's name was removed from the list of electors on October 28, 2001. He was subsequently reinstated as an elector on November 4, 2001. In reinstating his registration, there was a coding error (009 – Bridge Road) instead of 019 (Hololo Road Extension). However, his name appeared on the Revised List in the same the Polling Division 0950 (HC49)

2. Each of the 3 Polling Stations at the School for the Blind, PD 0950 had the same list, that is the list for the entire Polling Division.

5. **ERNEST MASSIAH**

Mr. Massiah is registered at 3 Ariapita Road. The Form 21 that Mr. Massiah received is of another person by the same name who is registered at 37 Gordon Street in 1998 and whose date of birth is in 1960. He has been deleted from the list because he did not respond to the Notice.

6. JOAN WILSON

1. A notification of change of address by a person named Joan Wilson at the Diego Martin registration office was made in May 2001. A check was made on the islandwide listing to establish where the registration record should be looked for. There were 6 records bearing the name Joan Wilson.

2. Instead of making a match with the date of birth, the attending officer, a temporary employee, treated with the first of the 6 records listed. This record related to Joan Wilson registered in Sangre Grande and this person's name was pulled from the Sangre Grande list to the Diego Martin List and the change of address was done prior to the election.

3. Steps have been taken to have Ms. Wilson's name restored to the list and her records were returned to the Sangre Grande office. Her name is on the list and her registration record card is back in the binder.

7. RAWLE AIMEY

1. Ms. Daphne Chattergoon (referred to in RA1) gave evidence that she has been living at Monica Drive since 2000.

2. Peter Samlal was deleted. See RA2.

3. John Mac Clean is still on list. See RA3. The IARO was informed by Hamil Halkampi on June 19, 2001 that the registrant was still at registered address

8. HILARY DOLLY

The Returning Officer, Mr. Joshua Samm was responsible for crossing out from the list the names of all persons who have applied to be special electors. This was a regrettable error on the part of a very competent man, former Principal of San Fernando Technical Institute.

9. VINCENT LA CROIX

Alfred Patrick, Patricia Jones and Mervyn James have been deleted from the list. Errol Bledman and John S. Villafana are not on the list. Nigel Ivor La Croix and Arden David Jones are still on the list.

10. ARJOON RAJKUMAR

Mr. Rajkumar has 2 addresses – 24 Coora Road and Siparia Erin Road. He was not willing to sign a Form 31 which is an option form where a person has more than one place of residence. In the light of Mr. Rajkumar's insistence on remaining at 24 Coora Road, his registration has been reinstated at 24 Coora Road.

11. DAPHNE ARCHBALD-ROUSSEAU

1. Mr. Robert Keshwar, Registration Officer for Diego Martin gave evidence that on a Sunday morning in November 2001, Ms. Daphne Archbald-Rousseau was brought into his office by a temporary clerk who stated that Ms. Archbald-Rousseau's name was not on the List of Electors. The List which she would have checked was the Preliminary List.

2. He did not check the list himself but assuming that they had not found her name on the list, proceeded to take information from Ms. Archbald-Rousseau as to her address, identification number, length of time at address etc. He promised to contact her as soon as the problem was rectified.

3. Upon her leaving, he checked the Unit Register. Her card was in the Unit Register. He then checked the copy of the Preliminary List of Electors which was inside the office and saw

her name on the list (DARI). The list that was out front for public inspection and which Ms. Archbald-Rousseau had checked has since been disposed of.

4. He then contacted Ms. Archbald-Rousseau by phone and informed her of the above, assuring her that her name would be on the Revised List of Electors and apologised for the inconvenience.

5. Ms. Archbald-Rousseau's name was also on the Annual List of Electors (IIC50).

6. He denies being hostile to Ms. Archbald-Rousseau.

12. JUDY RAMSUNDARSINGH

During the House to House Survey in 2001, the IARO received information that Brian Mark Ramsundarsingh had migrated. However, in coding the record to have Brian's name deleted, the name was shown as Brian Ramsundarsingh instead of Brian Mark Ramsundarsingh which is the name on the Master File. As a result, the transaction was queried as a result of which the name remained on the Revised List in 2001. The name has since been deleted.

13. OSCAR ROBERTS

1. The street on which Mr. Roberts lives is referred to as Louis Street, Lewis Street and Lois Street.

2. Mr. Roberts' Registration Record Card which bears his signature shows that when he registered in 1985 he gave his address as Louis Street not Lewis Street (IIC51).

3. The EBC has had discussions with the Chief Executive Officer of the Diego Martin Regional Corporation who has promised to have a street sign erected.

14. GENE PORTHER

In respect of GP1, GP2 and GP3, the IARO found that Keith Thomas, Ralph Young and Robert Raphael Rodney were still living at the registered address and the poll cards were properly sent.

15. SIMON CLEMENT

1. There are user names, passwords and levels of security for anyone entering the system. In order to interfere with any of the records on the Master File, one must have very high levels of security. There is a data trail of all persons who have used the system which says who has-used it, when and how long and that is examined every day.

2. In addition, there are procedures in place for data entry and verification as follows:

- (1) Data Entry to the EBC Master File i.e. is made via coded transactions using the Master File Amendment and ID Card Production System Transaction Form (Document 2) which is used by Registration Area Offices to transmit data to the Chief Election Officer (Computer Section) for processing.
 - (2) The Data Entry Process is verified prior to the update of the Master File.
 - (3) Data entry operators are trained using a written training manual.
 - (4) Data entry operators are required to follow detailed written procedures in the update of the Master File of Electors.
 - (5) Coded transactions sent to the Computer Section are grouped in discrete batches according to transaction type and code, not exceeding 25 per batch.
 - (6) Coded transactions which relate to the electoral list only are checked against the EBC Master File prior to the input of data to ensure that critical Fields match to enable a successful update.
 - (7) Coded transactions for new registrants are checked against the EBC Master File to ensure that they are not already included thereon, thus maintaining the accuracy of the Master File.
 - (8) The checks as indicated at items (6) and (7) are completed before any of the coded batches are keypunched.
-

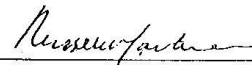
- (9) The verification process includes, apart from the total re-punching of the coded transactions to detect and correct data entry errors, the correction of any batch balancing errors which may arise.
- (10) No transaction is keypunched and verified by the same keypunch operator.
- (11) Coded transactions are processed and the Master File updated sequentially by transaction type i.e. Deletions, Additions, Transfers and Changes within the Registration Areas.
- (12) Error and Update Reports are produced and returned to the Registration Area Offices along with the coded transactions for resolution of any queries that may have arisen and final verification, by referring to the registration record cards among other things.

2. The name, Lawrence David Adams, 29 Grant Avenue, Mt. Hope appears twice on the list. One of the persons was born in Venezuela, the other in Trinidad and they have different dates of birth. See HC52 and HC52A.

16. **JASON CHARLES**

Angela Persad signed a Notification of change of residence on April 11, 2000 (HC55). This is the Notification which was processed in June 2000. The Notification in September was a repeat of the previous application.

DATED the 10th day of May 2002.



RUSSELL MARTINEAU SC



DEBORAH PEAKE

COUNSEL FOR THE ELECTIONS AND BOUNDARIES COMMISSION

SUMMARY OF EVIDENCE GIVEN BY WITNESSES CALLED
BY THE COMMISSION OF ENQUIRY

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Norma Raymond:

Evidence in Chief and Cross-examination Thursday April 11th 2002 10:00 a.m.

Ms. Raymond testified that on 25th September 2001 she went to the EBC's office on Circular Road, San Fernando to renew her Identification Card which had expired. She drew to the attention of the EBC official attending to her that the date of birth on her ID Card was wrong. She was born on 6th July 1939 but the ID Card stated her date of birth to be 5th July 1939. She was asked to bring in her birth certificate to verify this information, which she did. She was told that she would receive notification from the EBC in writing as to when her ID Card was ready. But, up to the date of giving evidence, she had not received ANY such notification.

She further testified that when the first and second lists were published in 2001, she could not find her name there. So she went to the EBC's offices to make enquiries. An EBC official called the Port of Spain office and they told her that her name was on the binder and that it would appear on the supplemental list. She said that when that list came out she found her name on it but on election day her name could not be found. However, her name was found on the binder and she was allowed to vote.

In cross-examination, Ms. Raymond was greeted with the good news that the Chief Elections Officer had brought her ID card with him. It was explained by Counsel for the EBC that the Chief Elections Officer took a special interest in her complaint and he ensured that her new ID card was produced.

With regard to her name being initially taken off the list, it was suggested to her that because of the change of the date of birth on her ID card her name was taken off of the list and it was further suggested that this was the procedure followed by the Commission in circumstances like these.

The EBC's response (May 3rd 2002 page 56):

Mr. Cayenne treated Ms. Raymond's case as one in which she came to have her ID card corrected because of the error in relation to the date of birth. In actuality, her ID card had expired and she came to renew it. Whether this would have made any difference is not clear. Mr. Cayenne's explanation was that in dealing with a change in date of birth, which effectively required a change in the ID card number, it was first necessary to delete the number and then add it back again. In this case, in deleting the number her name came off the list. But it later appeared on the supplemental list.

Robert Edwards

Examination in Chief and Cross-examination April 11th 2002 1:30 p.m.

Mr. Edwards testified that he had been living at No. 73 Elyzium Court, Paradise Gardens, Tacarigua since December 1993. He lived in a Town House Development and the number of his town house was 73. He stated that prior to the 2000 general election he received poll cards in the mail for himself and his daughter. However, in 2000 he also received another poll card for someone whose initials were "E.M." addressed to 73 Elyzium Court but that that person was unknown to him. He mailed the poll card to the Elections and Boundaries Commission head office at Scott Building, Frederick Street, Port of Spain with a note attached to it indicating that the person named in the poll card did not live at his address and he had no knowledge of that person. He did not receive any reply from the EBC, nor was he visited by any one from the EBC. He further testified that in the run up to the 2001 election he again received a poll card for the person

with initials "E.M." addressed to 73 Elyzium Court. He said that during the course of the house to house survey in 2001, no one from the EBC visited him at his residence. He kept the poll card and produced it in evidence before the Commission. It is in evidence as exhibit "R.E. 1". Although no one from the EBC visited him during the course of the 2001 survey he was aware that a friend of his living at about 200 yards away was visited by the EBC.

Under cross-examination it was suggested to Mr. Edwards by the Counsel for the EBC that the person with initials "E.M." was registered to vote at 73 Elyzium Court since November 2nd 1987 and that he remained registered at that address for the years 2000 and 2001. It was also suggested that the EBC did not receive the note which Mr. Edwards said he had sent.

The EBC's response May 3rd 2002 page 58.

Mr. Cayenne testified that the EBC's information from its IARO was that the person with the initials "E.M." was residing at 73 Elyzium Court. However he said that they sent an officer to check and they were able to verify that "E.M." was no longer living there and so his name has been taken off the list at that address. He further testified that his checks did not turn up the letter which Mr. Edwards said he sent to the EBC. He suggested that Mr. Edwards could have spoken to him directly since Mr. Edwards was once an office manager of the EBC and that he knew Mr. Cayenne personally.

Peter O'Connor

Evidence in Chief and Cross-examination 11th April 2002 1:45 p.m.

Mr. O'Connor testified that he had been living at 28, 2nd Avenue, Cascade since 1972 and had voted in the general elections for the years 1986 and 1991. However, when he went to vote in the general elections in 1995 he was told that he was no longer on the list of

voters and he was not allowed to vote. After the 1995 elections he went to the Elections and Boundaries Commission office on Frederick Street in order to get his name back on the list. He said that he was told that there had been an update and that he should have known about this and that since they had not heard from him his name was taken off the list. He said that he had not been informed by the EBC at any point in time that his name was to be taken off of the list. He noted that his wife who had been living with him at that address since 1972 did not suffer the same fate and voted in all of the elections right up until 2001.

He said further that when he went to regularise his registration he produced his birth certificate and the EBC officer attending to him observed that whereas his name appearing on the birth certificate was "Peter Sean O'Connor," his name on the ID card was "Peter S. O'Connor". He was told that in order to regularise his registration he would need to swear to an affidavit stating that the 'S' on the ID card stood for the 'Sean' on the birth certificate. He said that he did not do as requested because, in the first instance, he was not responsible for putting the initial on his ID card and that, therefore, he did not see that he should be required to incur any expenditure in regularising that situation. He felt that it was sufficient simply to verify the information from the birth certificate which he presented.

Under cross-examination Mr. O'Connor was informed that sometime in 1985 there was a re-registration exercise and electors with old ID cards were required to turn in their old ID cards to have them renewed. He was told that in his case he did not respond and his name was taken off the list. He was told that the cancellation of his registration did not take place right away but that the cancellations generally took place in 1988. To this he responded that he also voted in 1991 and that his name was removed from the list between 1991 and 1995. It was suggested to him that the notices of cancellation appeared in the newspapers and he was asked whether he had seen such notices. He said that he didn't recall seeing such notices and that had he seen them he would have responded. In any event, he received no notification by way of letter or otherwise from the EBC informing him that his name was taken off of the list.

He was further informed under cross-examination that the fact that an initial appeared on his ID card would not prevent his re-registration which would then be regularised.

The EBC's response May 3rd 2002 page 59

Mr. Cayenne said that in 1985 the EBC sent IARO's on a house to house survey to register persons. Registration were done at the homes of electors. In relation to persons who were registered prior to July 22nd 1985 but were not updated, their names were removed from the register of electors in December of 1988. As such, Mr. O'Connor's name ought to have been removed in December 1988 and he should not have been permitted to vote in 1991. Mr. Cayenne said that he was baffled that Mr. O'Connor voted in 1991 since he was not on the EBC's records in that year. Mr. Cayenne was not able to explain either how it was that Mr. O'Connor's wife did not suffer a similar fate. With regard to the problem Mr. O'Connor experienced with his initial on his ID card, Mr. Cayenne said that he should not have been asked to swear to an affidavit.

Anthony Antoine

Evidence in Chief and Cross-examination April 15th 2002 pages 74-84

Mr. Anthony Antoine testified that he had been living at Lot 2A Redman Drive, Hololo Road, Santa Cruz for three and a half years. Prior to that he lived at Adjodha Lane, El Socorro. In the 2000 elections he voted at a polling station located at the school for the blind. However, in 2001 he received a Form 21 from the EBC stating that his name would be removed from the voters list. He telephoned the EBC's office and he was told that his name would be removed from the list if he did not come in to confirm that he still lived at Redman Drive, Hololo. He was told that his wife could come in on his behalf. He testified that his wife visited the EBC's office and provided the necessary information. She was told that the EBC would communicate with him but they never did.

On polling day in the 2001 election Mr. Antoine turned up at the Blind Institute to vote. However, his name could not be found on the list and he was not permitted to vote. The place where he turned up to vote in 2001 was the same place that he voted at in 2000.

Under cross-examination Counsel for the EBC pointed out that Mr. Antoine's name was on the list but his address was stated to be Bridge Road instead of Hololo Road. The error which was made, it was suggested, was a coding error in that the code for Bridge Road was 009 whereas the code for Hololo Extension Road was 019. As a consequence he was put into a different polling division but that polling division was also located at the Blind Institute. No explanation was given as to why his name could not be found on any list at the Blind Institute and Counsel for the EBC described the situation as curious. Also, no explanation was given during cross-examination as to why Mr. Antoine was sent a Form 21 notifying him that his name would be taken off the list. Mr. Antoine's evidence was that his wife, Carla Brown Antoine, who lived with him at Hololo Road, did not experience a similar problem and she voted in both the 2000 and 2001 elections.

The EBC's response May 3rd 2002 pages 63 to 65

Mr. Cayenne testified that Mr. Antoine's name was initially removed from the list based on information the EBC received that he was not living at the stated address. Mr. Cayenne did not elaborate on the information which he had received nor did he explain how such information could be obtained when Mr. Antoine had been living at the stated address for three and a half years. Nor did he explain how a similar problem did not befall Mrs. Brown-Antoine who lived at the same address. He pointed out, however, that Mr. Antoine's name was reinstated on the list but due to the coding problem mentioned above his name appeared at Bridge Road rather than at Hololo Road. He said that his name ought to have been on the list at the polling station. He said that the names on the list appeared in alphabetical order and regardless of the address his name should have been found. He said that this was one of those "unexplained issues".

Ernest MessiahExamination and Cross-examination April 15th 2002 pages 84 to 94

Mr. Messiah testified that he resided at Lot 3 Ariapita Road, opposite Lamp Post 72 St. Anns and that he had lived there for about 4 years. Prior to that he lived at Nò. 16 Edinburg Gardens, Chaguanas and prior to that at 37 Gordon Street, Port of Spain. He said that when he moved from Gordon Street to Endeavour Road he notified the EBC of his change of address and he was registered to vote in the Constituency of Couva North, where he voted in 1986, 1991 and 1995. When he moved from Chaguanas to St. Anns, he again notified the EBC and he voted in the St. Anns Constituency in the 2000 and 2001 elections.

The problem was that while he was registered in Couva North and in St. Anns he continued to receive poll cards addressed to him at Gordon Street. For the 2000 election for example, he received a poll card addressed to him at Gordon Street and one addressed to him at St. Anns.

In cross-examination it was suggested him that the poll cards which were being sent to Gordon Street were to his son who was also named Ernest Messiah. Mr. Messiah pointed out that his name was Ernest Emmanuel Messiah whereas his son's name was Ernest Edmund Messiah. He further pointed out that while his son maintains a residence in Trinidad and Tobago, he has been abroad for quite a long period of time. In further cross-examination, Mr. Messiah also noted that after the house to house survey in 2000 he received a letter addressed to him at 37 Gordon Street telling him that his name would be removed from the list. He expressed surprise at this since he had moved from Gordon Street to Chaguanas quite a long time ago. However, it was pointed out to him that the letter from the EBC was addressed to Ernest Messiah and that this was intended to be addressed to his son, Ernest Edmund Messiah. It was also suggested that his son's name

was being removed from the list in 2001 precisely because he was not located at the 37 Gordon Street address.

The EBC's response May 3rd 2002 page 65 to 66

Mr. Cayenne testified that there are two Ernest Messiah's on the EBC's master file, one with a birth date in 1930 and another with a birth date in 1960. He said that the Form 21 which was sent out in the year 2001 was directed to the Ernest Messiah with the 1960 birth date, that is, to Mr. Messiah's son. The Ernest Messiah whose date of birth was in 1960 was deleted from the list in 2001.

Joan Wilson

Evidence in Chief and Cross-examination April 15th 2002 pages 94 to 103

Mrs. Joan Wilson testified that she had been living at Providence Street, Ojoe Road, Sangre Grande for 40 years and that she had voted in the 1995 and 2000 elections in Sangre Grande. She said that on the Friday before the 2001 election, poll cards were delivered to her address in the names of her daughters Arlene and Sharlene but that she did not receive her poll card. When she went to vote on election day she was told that her name was not on the list. She complained to Mr. Ronald Boynes, the MP for Toco/Manzanilla and he took her to the EBC office in Sangre Grande. Upon checking she was informed that she was now registered somewhere in Diego Martin

In cross-examination it was explained to Ms. Wilson that there were six Joan Wilsons in the EBC's files. She was told that on 17th May 2001 a Joan Wilson living in Diego Martin filed a notification of change of address with the EBC. She was told further that the clerk who attended to this notification was a temporary employee and that that person checked the island wide listing and instead of attempting to make a match with the date of birth of the person filing the notification, the clerk recorded the change of address in

relation to the first Joan Wilson on the list. That Joan Wilson happened to be the Joan Wilson living in Sangre Grande. In answer to Commissioner Kalicharan as to why an island wide check was done if the request for the change of address would have stated where the Joan Wilson was coming from, Mr. Martineau said that Mr. Cayenne would provide that explanation when he returned to the witness box.

The EBC's response May 3rd 2002 page 66 to 67.

Mr. Cayenne's evidence in relation to Ms. Wilson did not expand upon the explanation given by Counsel in cross-examination. Nor was the explanation promised to Commissioner Kalicharan provided. In answer to the Chairman, Mr. Cayenne insisted that the temporary member of staff was well trained even though an error was made.

Rawle Aimey

Examination in Chief and Cross-examination April 15th 2002 pages 112 to 122

Mr. Rawle Aimey testified that prior to the 2001 election he obtained an electoral list from Mr. Lloyd Walters, a person connected with the People's National Movement. He visited a person with the initials "K.P." who lived at 194 Monica Drive, Block 4, Palmiste. Mr. Aimey himself lived at 199 Monica Drive, Block 4, Palmiste. He asked Mr. K.P. if there was someone with the initials "D.C." living at 194 Monica Drive. Mr. K.P. told him that no one by that name lived there and that he did not know such a person. Mr. K.P. also told him that he got a polling card for the person with initials "D.C." addressed to 194 Monica Drive.

Mr. Aimey also testified that a person with initials "B.D." of Roberts Road, Philipine, told him that there was a person registered at his address whom he did not know. He said that Mr. B.D. had reported the matter to the EBC. Mr. B.D. also said that he had received

three polling cards in that person's name at his address and that he handed over these polling cards to the EBC.

Mr. Aimey also testified that someone with the initials 'P.S.' had told him that although his name was on the preliminary list he was not on the final list.

Mr. Aimey further testified that a gentleman with the initials "J.M.," who was registered on Roslind Drive, no longer lived there and in fact had emigrated some 10 years ago. Nevertheless his name still appeared on the list.

Under cross-examination Counsel for the EBC informed Mr. Aimey that by a notification dated 28th March 2001 the person with the initials "D.C." applied to transfer her registration from 80 Collins Road to 194 Monica Drive and that the transfer was approved on the 7th June 2001.

With regard to the person with initials "P.S." Mr. Aimey was informed that a Form 21 was sent out to him informing him of the EBC's intention to transfer his registration since during the house to house survey in 2001 the information which the EBC officers received was that P.S. was no longer resident in the area. Mr. Aimey insisted that P.S. was still resident at the stated address.

With regard to the person with the initials "J.M." Mr. Aimey was informed that the EBC's IARO was informed that J.M. still resided at 48 Rosalind Drive. This information was provided on June 19th 2001.

On April 18th 2002 the person with the initials "D.C." Daphne Chattergoon testified that she lived at 192 (not 194) Monica Drive, Palmiste and that she had been living at that address since February 2000. Ms. Chattergoon testified that she knew Rawle Aimey and that she had become acquainted with him when he was the Principal of the Pleasantville Senior Comprehensive School. Her daughter attended that school. She also testified that Mr. Aimey's wife taught her son at Presentation College, San Fernando. She said that

she saw Mr. Aimey from time to time and that, as a matter of fact, she had seen him the day before. She said that when Mr. Aimey sees her he greets her cordially and sometimes he will chat a little. She said that during the course of the previous week three police officers came to her place of work saying that they were investigating electoral fraud and that they asked her questions concerning her address. She said that she was embarrassed by the experience. She said that she did not know the person with the initials 'K.P.' living at 194 Monica Drive. Although Ms. Chattagoon said that she knew Mr. Aimey for quite a long time she did not know if he knew her name. She said that Mr. Aimey may be able to recognise her by her appearance but that she did not know if he knew her name. She revealed that she had introduced herself as her daughter's mother when Mr. Aimey was Principal at the Pleasantville Senior Comprehensive School but that her daughter's name was Martha Lee Sylvester. She said that Mr. Aimey knows her as Martha's mother.

The EBC's response May 3rd 2002 page 67

Mr. Cayenne admitted that there was a error in the numbering of the address at which Ms. Chattagoon was registered. She lived at 192 Monica Drive, but she was registered at 194 Monica Drive.

With regard to the person with the initials "P.S.", Mr. Cayenne confirmed that his IARO's did not find him living at the address and that he did not respond to the Form 21 which was sent out to him. He also confirmed that his officers had found the person with the initials "J.M." still living at the address at which he was registered.

Hillary DollyEvidence in Chief and Cross-examination 15th April 2002 pages 127 to 149

Ms. Dolly complained about communications issued by the EBC to the general public prior to the 2000 election. She said that she had heard advertisements to the effect that persons would be permitted to vote if they met the minimal requirement that their name was on the list or on the binder, even if the person no longer lived in the registration area and was in breach of the residency qualification. She said that she spoke to Mr. Thomas, the head of training at the EBC, who agreed that it was wrong that people be told that they could vote even though they did not meet the residency qualification.

Ms. Dolly also complained about confusion in the terminology used by the EBC: She noted that the public was told on many occasions that they were to check the list without a clear distinction being made between the various lists produced before an election. She said that she knew persons who, when encouraged to check the second or third lists, had said that they had already checked their names on the list thinking that the annual list was no different from the preliminary list and the subsequent supplemental list.

She also brought to the Commission's attention a situation which occurred on the morning of the 2001 election. She said on that morning she was performing duties at a polling station and the list of deletions and amendments was only delivered to her at 8:00 o'clock that morning, creating the possibility that persons whose names appeared on the list as being deleted may have voted between 6:00 o'clock, when the polls opened, and 8:00 o'clock when the list was delivered. She mentioned one situation where a woman turned up to vote and complained that her name was on the list. However, Ms. Dolly had to refuse to permit her to vote because her name appeared on the list of deletions. This was compounded by the fact that she was told by the Returning Officer to permit this woman to vote. However, she noted that the woman was eventually not allowed to vote:

She also brought to the Commission's attention a situation which occurred in relation to her personally. Because she was a Presiding Officer in the 2001 election, she was registered to vote as a Special Elector and she did so vote. However, on the morning of the election, to her amazement, she saw her name still on the regular list. She drew to the Commission's attention that this situation was created because Special Voters were allowed to vote until around 3:00 o'clock on the Sunday before the election thereby creating the possibility that a person's name would appear on the regular list as well as on the Special Electors list. The danger of fraud was increased because the Special Voters are not required to dip their fingers in ink.

Under cross-examination it was suggested to Ms. Dolly that the supplemental lists of deletions and additions were given to Returning Officers on the Saturday before elections and therefore that enquiries would have to be made as to why Ms. Dolly only received her list at 8:00 o'clock on the morning of election day.

The EBC's response May 3rd 2002 pages 67 to 70.

Mr. Cayenne testified that there was no reason to disbelieve Ms. Dolly when she said that she got the supplemental list late. He said that she should have gotten that list by Sunday at the latest. He said that the system in place to ensure that things like this do not happen was the existence of roving officers who were the eyes and ears of the Returning Officers. Their duty was to ensure that all things were in place for a smooth election on election day and to supply the polling stations with any last minute supplies that they may need. Mr. Cayenne said he did not do any special investigation to find out why the supplemental list did not arrive on time in this case and he was not able to account for the lapse except to say that it was a breakdown in the system. He noted however that he was not aware prior to the hearings in the Commission of Enquiry that this problem had occurred in relation to Ms. Dolly.

With regard to Ms. Dolly's complaint that her name appeared on the regular list even though she voted as a Special Elector, he said that it was the duty of the Returning

Officer to make these deletions. Mr. Cayenne said that in this case he spoke to the Returning Officer about the problem and he was told that the failure to delete Ms. Dolly's name was a regrettable lapse (May 6th, 2002, 9:50 a.m.).

Vincent La Croix

Evidence in Chief and Cross-examination 15th April 2002 pages 149 to 157.

In his statement which was admitted into evidence, Mr. La Croix testified that two persons, one with the initials "N.I.L.C." and the other with the initials "J.S.V." appeared on the list. However, "N.I.L.C." had migrated since 1989 and "J.S.V." was dead.

He also alleged that the name of a person with the initials "A.P." appeared on the 2000 list but that that person was also dead. Further, his checks of the 2001 list in the Laventille Constituency revealed that a person whose initials were "E.B." was on the list but that person had migrated since 1977. In addition, on the 2000 list for that constituency persons with the initials "M.J." and "P.J." were on the list but both of these persons were dead. Finally, a person with the initials "A.J." appeared on the 2000 list but he had been in jail since 1995.

Under cross-examination Counsel for the EBC noted that in relation to "N.I.L.C." the EBC had no information that he had migrated since no one informed the EBC of this. Similarly, in relation to the person with initials "J.S.V." the EBC had not been informed of his demise.

With regard to the person with the initial "A.P." the EBC did have information that this person was dead and he had been deleted from the list.

With regard to the person whose initials were "E.B." the EBC's position was that his name was not on the list for the year 2000.

The EBC also stated that the person with the initials "P.J." had been deleted from the 2001 list. The same applied to the person with the initials "M.J."

With regard to the person whose initials were "A.J.," Counsel for the EBC stated that they did not have this information and that the Commission was making its checks.

The EBC's response May 3rd 2002 page 71 to 73 and May 6th 2002 9:30 a.m.

Mr. Cayenne stated that all the names except those with initials "A.J." and "N.I.L.C" were deleted from the revised lists in 2001. Therefore, only the names with the initials "A.J." and "N.I.L.C" continued to appear on the revised list.

Oscar Roberts

Examination in Chief and Cross-examination April 18th 2002 pages 9 to 13.

Mr. Roberts who has lived at 46 Lewis Street, La Puerta for 41 years complained that for the 2000 general elections he received three poll cards, one for his wife, one for his daughter and one for himself. Although the poll cards to his wife was addressed to 46 Lewis Street, his and his daughter's poll cards were addressed to 46 Lewis Avenue. He said that he went to the Elections and Boundaries Commission and brought this error to their attention and he was asked to sign a change of address form. However, he protested that he did not change his address and signed the form noting at the bottom that he had not changed his address.

He said further, that during the house to house survey in 2001 he was visited by an EBC official and he told her that the correct address was 46 Lewis Street.

However, for the 2001 election his daughter's address was still stated as 46 Lewis Avenue.

In cross-examination it was explained that Lewis Street is sometimes referred to as Lewis Avenue.

The EBC's response May 6th 2002 9:50 a.m.

Mr. Cayenne explained that for the street on which Mr. Roberts lived the EBC had three codes. One for Lois Street, one for Louis Avenue, and one Lewis Street. He said that the problem arose when Mr. Roberts' wife and his daughter had renewed their identification cards. Errors were made in the application of the street code. The records have however since been corrected so that there is only one code in relation to Lewis Street.

Mr. Roberts' registration record card was produced in which he had signed as living at 46 'Louis' Street (not 'Lewis') this is exhibited as H.C. 51.

Gene Portner

Evidence in Chief and Cross-examination April 22nd 2002 pages 45 to 56.

Mr. Portner was the Chairman of the Fyzabad PNM Constitution. He brought to the Commission's attention that a Mrs. Thomas, the mother of one Keith Thomas produced to him a poll card which was delivered to Mrs. Thomas' address at 15 Sealands Drive, South Oropouch in the name of Keith Thomas. He was informed by Mrs. Thomas that Keith Thomas had been out of the country for 14 years.

He was also presented with a poll card address to Mr. Ralph Young but he had been information that Mr. Ralph Young did not live at the address on the poll card. He was told this by someone who lived at that address for the past 40 years.

He produced a third poll card in the name of Robert Raphael Rodney addressed to 326 Timital Trace, Siparia, but he was informed by that person's brother that he had been out of the country for at least 10 years. Mr. Porter said in answer to the Commissioners that he agreed that the list could have been more accurate if he had reported these matters to the EBC but that he did not have time to do so and he felt that it was the EBC's responsibility to follow up.

Under cross-examination Counsel for the EBC pointed out to Mr. Portner that the poll card in the name of Ralph Young was addressed simply at Guapo Road, Fyzabad and that it may be that Mr. Young lived somewhere on Guapo Road because the address was not sufficiently specific. In response Mr. Portner pointed out that the last name of the woman who had reported this matter to him was also Young.

With regard to Keith Thomas, Counsel for the EBC indicated that the EBC had information that he was living at the stated address on the poll card. The EBC had been provided this information by somebody named Paul Thomas.

The EBC's response May 6th 2002.

With regard to Keith Thomas, Mr. Cayenne reported that his IAROs had determined that he was still living at the address on the poll card. With regard to Ralph Young, Mr. Cayenne reported that he was registered in an incorrect polling division. The address was correct but it was placed in the wrong polling division. With regard to Mr. Rodney, Mr. Cayenne reported that the IARO had determined that he was still living at the stated address.

Alfred Brizan

Evidence in Chief and Cross-examination April 22nd 2002 pages 30 to 44.

Mr. Alfred Brizan's evidence was followed by the evidence of his daughter Anthea Brizan. Anthea Brizan was working as an information officer for the 2000 election. Both he and his daughter lived in the Nariva Constituency. She noticed that their neighbours who also lived in the Nariva Constituency turned up to vote in the Toco/Manzanilla Constituency in the year 2000 but in the year 2001 they voted in Nariva. This was strange to the Brizans since their neighbours had lived in the Nariva Constituency all along and had not changed their address.

The EBC's response May 6th 2002.

Mr Cayenne indicated that since the names of the neighbours were not provided he could not check the accuracy of the information given by the Brizans.

Arjoon Rajkumar

Evidence in Chief and Cross-examination April 15th 2002 9:30 a.m.

Mr. Arjoon Rajkumar testified that he lived at No. 24 Coora Road, Siparia, and he had been living there since 1982. This put him in the Siparia Constituency where he had voted from 1982 onwards. He last voted there in the December 2000 election at polling station No. 4455 situate at the Siparia Boys R.C. School.

When he checked the list for 2001, however, he discovered that his name was not on the list. He went to the EBC's office and he was informed that a sub list would be prepared and his name would be added on. However, when he turned up on election day to vote his name was not on the list at polling station.4455 and he was not allowed to vote. Upon

enquiry he discovered that his name was on a list at polling station No. 4450 which was situated in the Fyzabad Constituency. Mr. Rajkumar testified that he did not at any time notify the EBC of a change of address. He said that on the 6th March 2002 he was informed by Mrs. Wharwood of the EBC that his registration had had been changed to number 33 Erin Road, a property which he owned. Mr. Rajkumar said that he did not reside at that address. He said that his son Brent Rajkumar resided there. Mrs. Wharwood said to him that this change was made because the EBC had received information that Mr. Rajkumar had premises at 33 Erin Road and that he frequented that place. He said that he was never informed by the EBC that his registration had been changed to 33 Erin Road. Neither was he visited by an IARO during the house to house survey in 2001.

Under cross-examination it was put to Mr. Rajkumar that on June 1st 2001 an IARO by the name of Keisha Bascombe visited 13 Erin Road, Siparia and found him there. Mr. Rajkumar denied that allegation. He pointed that when he spoke to Mrs. Wharwood on March 6th he was not provided with this information. Mr. Rajkumar was further told that on the 18th October 2001 a field officer visited his daughter at No. 24 Coora Road and was told that Mr. Rajkumar was living at 24 Coora Road. Mr. Rajkumar responded that his daughter left the country on the 15th September 2001 and had not returned to Trinidad to this date. It was further put to Mr. Rajkumar that on the 24th June an IARO spoke to his daughter Kadeen at 24 Coora Road and that she told the IARO that Mr. Rajkumar did not live there. He said that he was not informed by his daughter that an IARO had been there to speak with her. It was put to him further that a field officer visited 33 Erin Road and 24 Coora Road on 8th March 2002 and that they were told that Mr. Rajkumar had two residences. Mr. Rajkumar countered by pointing out that Mrs. Wharwood told him that they had now discovered that he was living at 24 Coora Road, Siparia and that he had never changed his address. It was put to Mr. Rajkumar that the person who had given information to the field officers on the 8th March were Malcolm Fitts, and Roslyn Ramnanan. Mr. Rajkumar said that he knew neither person. On the same day these field officers went to 33 Erin Road and they were told by Crystal Emmanuel and Rachael Logan that Mr. Rajkumar lived there. Mr. Rajkumar said that these names were also

unknown to him. Mr. Rajkumar pointed out that when he visited the EBC's office in March 2002 he gave the EBC references to his neighbours from whom the information concerning his residence could be checked. Finally, Mr. Rajkumar was informed that his registration had now been put back to 24 Coora Road.

The EBC's response May 6th 2002.

Mr. Cayenne said that during the house to house survey an IARO visited Mr. Rajkumar's residence at Coora Road and was informed that he was not living there. The field investigators also visited the address at 33 Erin Road and they found him there. As a consequence his registration was removed to that new address. Because of Mr. Rajkumar's representations it was determined that he had two residences and his registration at his old address was reinstated.

Ms. Judy Ramsundarsingh

Evidence in Chief and Cross-examination April 17th 2002 9:30 a.m.

Ms. Judy Ramsundarsingh testified that she lived at Quarry Village, Santa Flora. During the 2001 house to house survey she was visited by a representative of the EBC and told them that she was the only person living at the house and that her husband and two sons had emigrated. The EBC representative returned on a later date to verify the information which Mrs. Ramsundarsingh had provided. Later on, Ms. Ramsundarsingh had cause to check the list and she observed that while her husband and her son Richard's names no longer appeared on the list, her son Brian still appeared on the list even though he too had emigrated. Mrs. Ramsundarsingh informed a clerk of this error who told her that the necessary correction would be made. Later, three notifications were delivered at Mrs. Ramsundarsingh's address informing her husband and her two sons that their names would be taken off of the list. On election day Mrs. Ramsundarsingh's son Brian still appeared on the list despite previous assurances.

Under cross-examination it was explained to Mrs. Ramsundarsingh that the reason why her son Brian was not removed from the list was because his name appeared on the EBC's file as Brian Mark Ramsundarsingh whereas in doing the coding his name was shown as Brian Ramsundarsingh. The deletion was therefore queried and it was not finally processed until after the election.

The EBC's response May 3rd 2002 page 72.

Mr. Cayenne explained that when coding Brian's name the clerk coded it with just the first and last name, omitting the middle name. This produced a query which was not processed until after the publication of the revised list.

Mrs. Daphne Archbald-Rosseau

Evidence in Chief and Cross-examination.

In June 2001 Mrs. Archbald-Rosseau obtained a new ID card. During the course of that month as well representatives of the EBC visited her home one Sunday as part of the national house to house survey. She was not there at the time and they left a notice for her giving her a number to call to arrange an interview. She made an appointment and stayed home all afternoon waiting to be visited but no one came. She then called the EBC office to find out when they were going to come and she was told that the exercise had been discontinued. In August or September she was told by a neighbour that there were EBC representatives in the neighbourhood with Mrs. Archbald-Rosseau's card in hand looking for her. Accordingly she went home and waited but no one turned up.

Some time in November 2001, Mrs. Archbald-Rosseau went to the EBC's offices to check to see if her name was on the list. There was a list available for the public to check but she was not able to find her name. She brought this to the attention of the EBC

officials there present and after exhaustive searches they were not able to point to her name on the list nor could they find her card on the binder. She complained that one of the EBC representatives was hostile to her asking her where she got her ID card, in a manner which suggested that she had obtained it by illegal means. She said that at one point a clerk took information from her and wrote her name spelling Archbald with an i, and she had to correct her.

Later that day she received a telephone call from the EBC representative saying that they found her record card in a folder to be re-filed. She eventually got a polling card and she was able to vote without any problems. She recommended that there should be a greater measure of security and confidentiality in the keeping of record cards and that the way public servants treated members of the public had to be improved.


Under cross-examination a list was produced on which Mrs. Archbald-Rosseau's name appeared. When asked if that was the list that she looked at she suggested that it may not have been because the list that she looked at had her niece's name (Debra Archbald) on it and this name did not appear on the list that she was shown. The Commission was then informed by Counsel for the EBC that the list which was produced was the list by polling division, whereas the list which was available for Mrs. Archbald-Rosseau to look at was for the whole Diego Martin Constituency organised alphabetically. Counsel for the EBC promised to get that list for examination. It was suggested by Counsel for the EBC that there may have been a problem in how Ms. Archbald-Rosseau spelt her name and that the EBC officials may have been looking for Archbald spelt with an i. It was also suggested that the card could not be found initially because it was being processed "moving them from one point to another". To which Mrs. Archbald-Rosseau quipped that she would like to know how it was being processed when she had not moved.

The EBC's response May 6th 2002.

Mr. Cayenne stated that eventually it was determined that Mrs. Archbald-Rosseau's name appeared on the annual list, on the revised list and on the preliminary list. One of those

lists was entered into evidence as "H.C. 50" Mr. Cayenne suggested that Mrs. Archbald-Rosseau's name could not be found because the clerk may have been looking for Archbald with an i.

Dated this 14th day of May 2002.


.....
Trevor Lee S.C.


.....
Douglas L. Mendes

APPENDIX 13

RULING ON THE ADMISSIBILITY OF THE EVIDENCE
CONTAINED IN THE STATEMENT OF R. R.

1. During the early stages of this Enquiry, Mr. Prescott applied to have the evidence contained in the written Statement of R. R. admitted. After certain discussions with the Director of Public Prosecutions, Mr. Prescott decided not to pursue the matter.
 2. Later on in the Enquiry, Mr. Prescott renewed his application. The evidence was of a very sensitive nature and likely to severely prejudice persons named in the Statement. Further, the Statement contained matters some of which were, and some of which were not, relevant to the Enquiry.
 3. The Commissioners decided to edit the Statement to include only those matters which were relevant to our Terms of Reference and hold "in camera" hearings to ensure that the persons "implicated" in the Statement received a measure of protection from adverse publicity.
 4. The Commissioners took the view that although at the end of the day, it may not have been able to come to definitive findings of fact on the issues raised, the matter was of sufficient import and relevance to warrant hearing the evidence from R. R. and the persons "implicated" in the context of an "in camera" setting.
-

5. On Thursday 18th April, 2002, the Commissioners met with all Attorneys in private and indicated its decision. It produced to all Attorneys the edited version of the Statement of R. R. and on the application of Attorneys, made certain further editings. The Commission then informed the Attorneys that it would proceed with the "in camera" hearings as soon as the "implicated" persons had obtained legal representation to be provided by the State.
6. The Director of Public Prosecutions had in the meantime, by letter to Mr. Prescott dated April 11, 2002 (a copy of which was forwarded to the Commission's Attorneys) warned that the taking of the evidence of R. R., whether "in camera" or not, could compromise a pending criminal prosecution for the offence of Conspiracy to Defraud the Elections and Boundaries Commission. We now read into our Ruling the said letter from the Director of Public Prosecutions with the names therein mentioned substituted by the letters "X" and "Y". "X" is the R. R. of the Statement. (Attachment 1)
7. Unfortunately, the Press, on Friday 19th March, 2002, published a report which included edited parts of the Statement and pointed to persons whom the Commission was at pains to protect from serious prejudice.
8. On Monday 22nd, 2002, the Chairman in open hearing, referred to the press report. All Attorneys expressed their dismay at this "leak" to the Press of confidential matters taking place within the Commissioners' private offices.

9. Mr Montano submitted that in the light of what had happened, the Commission should “dismiss the evidence now”.....but if the Commission decided to hear the evidence then it should be done in the open. Mr. Martineau submitted that as a result of the “leak”, the evidence proposed to be taken in camera should now be left in the hands of the Police and Director of Public Prosecutions. Mr. Lee agreed with Mr. Martineau’s suggestion that the matter be left in the hands of the Police. Mr. Prescott’s position was that all of R.R’s Statement, unedited, be allowed in evidence and in public.
 10. Having heard Attorneys on the matter, the Chair directed Mr. Lee to communicate with the persons “implicated” in R. R’s Statement and invite them to reply to the allegations made, if they so wished, after taking legal advice. The Chair indicated that a decision would be taken on the replies being received from these persons.
 11. There the matter rested, the position being that the next step would be a Ruling on R. R’s Statement.
 12. The Commission did not sit until Monday 29th April, 2002 due to the illness of the Chairman. In the meantime, the P.N.M. had filed a Notice with the Commission dated April 24, 2002 which we include in this Ruling. (Attachment 2) In effect it sought (1) to have the oral evidence of R. R. “heard in public (without television or other broadcast)” and (2) to have the entire Statement of R. R. admitted unedited save for direct references to a political party and government Ministers referred to therein.
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13. The Chairman enquired from Mr. Prescott whether the Notice was merely formulating what had transpired the previous Monday. Mr. Prescott's replied that he was challenging the Commission's decision to edit certain parts of R. R's Statement as it had done. This opened the flood gates.

14. Both Mr. Martineau and Mr. Montano pressed for a public hearing on the unedited Statement on the basis that the matter was now out in the open, that their clients were prejudiced by the press report and that only a full public hearing could vindicate their clients. Mr. Martineau's view was that if the P.N.M. were saying that exclusion of the evidence was contrary to public policy, if it wanted the evidence admitted before this Enquiry despite the strong reservations expressed by the Director of Public Prosecutions, if it feels that it is in their interest and the interest of the State that this be so, then let it be so. Because of all that had happened, his clients wanted their name cleared. "Let it all hang out" was now the E.B.C's position. Mr. Montano took an equally strong position. He would no longer object to R. R's unedited evidence being heard in public. His attitude was that if the P.N.M. wanted the criminal processes already under way to go awry, then let it be so. Mr. Montano added that certain Ministers (including the Prime Minister) would now have to give evidence in the matter. Mr. Lee (Attorney for the Commission) had advised that the Commission had to as a matter of priority, to remind itself of the public interest aspect of the matter – those regarding the integrity of criminal prosecutions as well as the generally public nature of Commissions of Enquiry. Mr. Lee submitted that in this

particular case, the first far-outweighs the second and that the Commission should carefully bear this in mind. He was in fact, advising the Commission against allowing the evidence of R. R. in the present situation. Mr. Prescott agreed to a public hearing (as he had sought all along) but with the Statement of R. R. edited in the manner contained in the Notice.

15. All three Attorneys advanced *inter alia* the public interest as the basis of their applications for a public hearing.
16. In a letter dated April 29, 2002, from the Director of Public Prosecutions to Mr. Prescott (a copy of which was forwarded to the Commission's Attorneys) the Director of Public Prosecutions expressed his extreme concern at the developments which had taken place. We read into our Ruling the said letter of the Director of Public Prosecutions with the said substitutions of "A" and "B". (Attachment 3)
17. These are three courses open to the Commission:
 - (1) Not to admit the evidence contained in the Statement of R. R.
 - (2) Allow a full public hearing on the unedited Statement.
 - (3) Allow a full public hearing on the Statement, edited as suggested by Mr. Prescott.

We reject the third alternative right away. It is too late for that and it now comes down to a question of all or nothing at all.

18. These are the matter for consideration by the Commission.

(1) Competing Public Interests

We are confronted in this matter by competing public interests. Public interest requires that the evidence at a Commission of Enquiry should be in public except where there is good and sufficient reason to the contrary. The public interest also requires that the integrity of criminal prosecutions should be protected and that nothing should be done to jeopardise pending criminal prosecutions. In large measure, the evidence sought to be adduced by the P.N.M. before the Commission comprise the evidence of the State in the pending criminal proceeding.

(2) Nature of the Public Hearing before the Commission

19. As the matter now stands, allowing the evidence of R.R. to be given will transform this Enquiry into what can only be termed a "criminal trial". All parties (six in number so far) will be entitled to Attorneys, will have the right to give evidence and call witnesses on their behalf, will have the right of cross-examination and closing addresses through their Attorneys. It is estimated that this can run into three weeks or more.

20. The Commission's Terms of Reference does not include an enquiry into whether or not there has been any plan or attempt by any person or persons to "pad" the electoral Lists. And this for good reason. The Police were actually involved in such investigations and the

Director of Public Prosecutions has already instituted criminal proceedings against an accused for the offence of conspiracy to defraud the E.B.C. Further, parallel investigations into a criminal issue both by a Criminal Court and a Commission of Enquiry are undesirable both in principle and in practice. "Voter-padding" becomes material to the Enquiry only where such plan (if there is one) impacts upon the systems and procedures followed by the E.B.C. to ensure the accuracy of the electoral lists or to ensure that members of the E.B.C. exercise their functions competently and in accordance with democratic practice and principle. It was on this basis that the Commission had decided to take R.R.'s evidence on the edited Statement in camera.

21. It is not the Commission's business to find any person "guilty" or "not guilty" of any offence. The most this Commission (as indeed any other Commission) can do is, if we find that there is evidence which indicates that an offence has been committed, to recommend that the matter be referred to the Director of Public Prosecutions for any action he may wish to take. But in this case, the Director of Public Prosecutions has already taken action and other investigations are being actively pursued by the Police relative to the whole question raised in the Statement of R. R. Allowing the evidence of R.R. at a public hearing (and there can be no longer any avoiding of this if the evidence is to be heard) will jeopardize the pending criminal prosecution to which the Director of Public Prosecutions refers and possible prosecutions to follow. It is strange that the P.N.M. should want this but this seems to be their stand.
-

22. Further, if the Commission undertakes this lengthy exercise, it will most likely be left at the end of the day in a position which is not far removed from the position in which it now stands, that is, not being able to come to any definitive findings of fact because of the fiercely adversarial positions the parties could be expected to take.

(3) Prejudice the Innocent Persons

23. Every person is presumed innocent until he is proven guilty by a competent Court of Law. This is a fundamental principle of the Constitution. All Commissions of Enquiry must therefore, be careful to protect innocent people from embarrassment and prejudice. This does not mean that innocent people may never be embarrassed by proceedings before Commissions of Enquiry. What it means is that a Commission of Enquiry must be sensitive to the rights of innocent people and take all reasonable steps to ensure that they are not unjustifiably prejudiced; and where they are going to be implicated, to ensure that they are present and ready to meet any charges made against them. The value of the evidence sought to be adduced must be such as to out-weigh the prejudice it may cause.
24. We are troubled by the feeling that this Commission is being used to further ends other than that which constitutes our Terms of Reference. We take serious objection to that. The original decision of the Commission to have in camera hearings on the edited Statement was the right approach but this course has been sabotaged by the "leak" to the Press and the press report which followed.

25. We have considered the matter anew. In the final analysis:
- (1) We find that the time, effort and monies required and the prejudicial effect flowing from a public hearing on this issue far outweighs the probative value of any evidence which may be adduced.
 - (2) We find, finally and most importantly, that the over-riding public interest in this case is that the integrity of criminal prosecutions must be protected.
26. We wish to emphasize that allegations are not evidence and nothing said or implied in the Statement of R. R. or in the press means in any way whatever that any person has been or is guilty of any offence or indeed, of any impropriety.
27. In the circumstances, the Commission will not admit the evidence contained in the Statement of R.R.
-



**OFFICE OF THE
DIRECTOR OF PUBLIC PROSECUTIONS**

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April 11, 2002

IMMEDIATE AND URGENT

Mr. Elton Prescott
Attorney-at-Law
Counsel for the Peoples National Movement
M.G. Daly & Partners
115A Abercromby Street
PORT OF SPAIN

Dear Mr. Prescott

Re: Commission of Enquiry into the Elections
and Boundaries Commission

I refer to our telephone conversation of April 10, 2002 during the course of which you confirmed to me that you intended to call as a witness before the above-captioned Commission of Enquiry. I also acknowledge receipt of the faxed copy of proof of intended evidence before the Commission of Enquiry.

As you know from our telephone conversation of approximately three (3) weeks ago, I had (and indeed continue to have) serious concerns that the calling of to give evidence before the Commission of Enquiry, even if that evidence is to be taken "in camera", could compromise the pending criminal prosecution against for the offence of Conspiracy to Defraud the Elections and Boundaries Commission. You seemed to have accepted the prosecutorial soundness of my position then but your position appears to have changed in the last three weeks.

While respecting your right to call witnesses who you consider to be probative of your case, I must nonetheless advise you in strong terms, consistent with my responsibility to protect the overall integrity of criminal prosecutions, that the calling of before the Commission of Enquiry has the potential to jeopardise the pending prosecution of for the reasons that I have intimated to you in our various telephone conversations.

I advise accordingly.

Yours sincerely,

MARK A. MOHAMMED, S.C.
DIRECTOR OF PUBLIC PROSECUTIONS
Mark Mohammed, S.C.
Director of Public Prosecutions

D. G. SCOTT
G. P. MOREAN AND COMPANY
ATTORNEYS-AT-LAW

HEAD OFFICE:
No. 110 St. Vincent Street, Port of Spain.
Phones: 623-1637, 623-7972.
Telefax: 623-1637.

D. G. Scott (Mrs)

April 24, 2002.

The Honourable Mr Justice Lennox Deyalsingh
The Chairman to the Commission of Enquiry
into the Functioning of the Elections
and Boundaries Commission,
No. 24-28 Richmond Street,
PORT OF SPAIN.

Dear Sir,

RE:- COMMISSION OF ENQUIRY
INTO THE FUNCTIONING OF THE ELECTIONS AND BOUNDARIES COMMISSION

TAKE NOTICE that a formal application will be made (verbal notice of which was given in Chambers and in open hearing on April 18 and 22, 2002 respectively) for the following orders or directions:-

- (1) that the oral evidence of Richard Ramkissoon be heard in public (without television or other broadcast).
- (2) that the entire Witness Summary be admitted unedited save for
 - (a) the direct references to "the UNC" at the following:
 - (i) paragraph 3 lines 2 and 4
 - (ii) paragraph 5 line 1
 - (iii) paragraph 8 lines 1 and 2 ("from constituencies").
 - (iv) paragraph 18 line 5 and
 - (b) the reference to "government ministers" in paragraph 10, lines 3 and 4.

AND TAKE NOTICE that the grounds on which the application will be based are, in summary :-

- (1) that the material contained in the witness summary are relevant and pertinent to any inquiry into
 - (a) the entire process involved in the compiling of the lists.
 - (b) the systems and procedures followed by the Elections and Boundaries Commission to ensure the accuracy of the lists where registered persons change their places of residence from one registration area to another and or



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April 11, 2002

IMMEDIATE AND URGENT

Mr. Elton Prescott
Attorney-at-Law
Counsel for the Peoples National Movement
M.G. Daly & Partners
115A Abercromby Street
PORT OF SPAIN

Dear Mr. Prescott

Re: Commission of Enquiry into the Elections
and Boundaries Commission

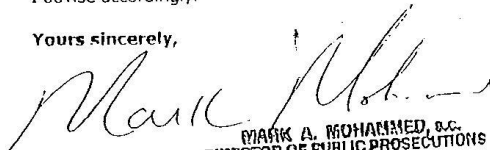
I refer to our telephone conversation of April 10, 2002 during the course of which you confirmed to me that you intended to call X as a witness before the above-captioned Commission of Enquiry. I also acknowledge receipt of the faxed copy of X's proof of intended evidence before the Commission of Enquiry.

As you know from our telephone conversation of approximately three (3) weeks ago, I had (and indeed continue to have) serious concerns that the calling of X to give evidence before the Commission of Enquiry, even if that evidence is to be taken "in camera", could compromise the pending criminal prosecution against Y for the offence of Conspiracy to Defraud the Elections and Boundaries Commission. You seemed to have accepted the prosecutorial soundness of my position then but your position appears to have changed in the last three weeks.

While respecting your right to call witnesses who you consider to be probative of your case, I must nonetheless advise you in strong terms, consistent with my responsibility to protect the overall integrity of criminal prosecutions, that the calling of X before the Commission of Enquiry has the potential to jeopardise the pending prosecution of Y for the reasons that I have intimated to you in our various telephone conversations.

I advise accordingly.

Yours sincerely,


MARK A. MOHAMMED, S.C.
DIRECTOR OF PUBLIC PROSECUTIONS
Mark Mohammed, SC
Director of Public Prosecutions

NOTE: IT IS AN OFFENCE WILLFULLY TO GIVE INCORRECT INFORMATION TO THE REGISTRATION OFFICER

| | | | | | |
|---|----------------------------|---|--|--|---------------------------------|
| 1. Full Name (Surname First) | | | | 2. REGISTRATION NUMBER | |
| 3. Residential Address | | | | File Number | |
| 4. Mailing Address (if different) | | | 5. RA | 6. PD | |
| 7. Sex <input type="checkbox"/> M <input type="checkbox"/> F | 8. Height (cm) | 9. Colour of Skin | 10. Colour of Eyes | 11. Blood Type | 12. Marital Status |
| 13. Date of Birth | 14. Place of Birth | | 15. Citizenship status | | 16. Residential Status |
| Birth Cert. Entry No., Vol. No., Folio No. | 17. National Insurance No. | | 18. Social Assistance No. | | 19. Date Residence taken up in: |
| Passport Number | Date of Issue | Place of Issue | | (A) Trinidad and Tobago | |
| 20. Usual Occupation | | | 21. Name and Address of Employer | | |
| CG <input type="checkbox"/> P <input type="checkbox"/> R <input type="checkbox"/> J | | | 25. Photograph | | |
| 22. Have you been Registered previously? Yes <input type="checkbox"/> No <input type="checkbox"/> | | 23. If Yes, State (A) Registration No. | | (B) Under what Name | |
| | | | | (C) Under what Address | |
| 24. List Names and Dates of Birth of Minors (Under 15) | | | | | |
| 26. Are you eligible for Jury Service? Yes <input type="checkbox"/> No <input type="checkbox"/> | | 27. If Yes, State the Basis of Eligibility <input type="checkbox"/> Salary <input type="checkbox"/> Property <input type="checkbox"/> Through Husband | | 28. If Eligibility through Husband, Basis of Husband's eligibility <input type="checkbox"/> Salary <input type="checkbox"/> Property | |
| 29. Address of Property | | | 31. Thumb Print | | |
| 30. Municipal Property Qualification | | | 32. I certify the above information to be correct: | | |
| Date _____ Address _____ | | | Signature of Registered Person _____ | | |
| 33. Date of Registration | | | 34. Signature of Officer Registering | | |

| | | | | | | | | | | | | | | | | | | | | | | | |
|--|---|-------------------------|---|--|--|----------------------|----|--|--|--|--|---|--|--|--|---|---|---|---|--|--|--|--|
| 35. General Remarks: | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | | |
| 36. (A) List of Electors Checked | | | | (B) Included in List of Cancellations | | | | (C) Check Card Issued | | (D) Check Card Executed | | Officers' Initials | | | | | | | | | | | |
| <input type="checkbox"/> Yes <input type="checkbox"/> No | | | | <input type="checkbox"/> Yes <input type="checkbox"/> No | | | | <input type="checkbox"/> Yes <input type="checkbox"/> No | | <input type="checkbox"/> Yes <input type="checkbox"/> No | | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%;">A</td> <td style="width: 25%;">B</td> <td style="width: 25%;">C</td> <td style="width: 25%;">D</td> </tr> <tr> <td style="height: 20px;"></td> <td></td> <td></td> <td></td> </tr> </table> | | | | A | B | C | D | | | | |
| A | B | C | D | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | | |
| 37. Changes since Registration | | | | | | | | | | | | | | | | | | | | | | | |
| (A) Residence | | | | | | (B) Electoral Status | | | | | | | | | | | | | | | | | |
| Date Changed | | New Residential Address | | | | RA | PI | Date Changed | | Reason for Change | | Signature of R.O. | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | | |
| 38. DATE ELIGIBLE FOR: | | | | 39. Record of Receipt of Identification Card | | | | Signature | | | | Date | | | | | | | | | | | |
| PARLIAMENTARY | | | | | | | | | | | | | | | | | | | | | | | |
| TOBAGO HOUSE OF ASSEMBLY ELECTION | | | | | | | | | | | | | | | | | | | | | | | |
| MUNICIPAL ELECTION | | | | | | | | | | | | | | | | | | | | | | | |
| COUNTY COUNCIL ELECTION | | | | | | | | | | | | | | | | | | | | | | | |
| 40. Cancellation | | | | | | 41. Re-Instatement | | | | | | 42. Remarks | | | | | | | | | | | |
| Code No. | | Date | | Signature of R.O. | | | | Date | | Signature of R.O. | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | | |

(Front)

Form No. 19

(Registration rule 36)

REPRESENTATION OF THE PEOPLE ACT

Check Card

Registration area

Polling Division No.

| Registration | |
|--------------|--------|
| Date | Number |

Registrant's Surname Given Name Initials

Registrant's Residence

Number, if any Street or Road

Town or Village

| Place and Year of Birth | Sex | Height | Colour | | Marital Status | Nationality |
|-------------------------|-----|--------|--------|------|----------------|-------------|
| | | | Skin | Eyes | | |

(To be filled out only if applicable): Applicant unable to sign Registration Record because:

Illiterate Disabled

Whether objected to: Yes No

The nature of such disability is: Objector:

Name

Address

Initials of Officer who filled out this Card:

The following space shall be reserved for use by Registration Officers:

Determination as to Validity Valid

Yes No

Date:

(Back of Check Card)

To be filled out and signed by the person assigned to check under rule 37:

Date received:

Note to person assigned: If you know of your own knowledge that this registrant resides at his claimed residence and is qualified to be registered under the Registration Rules, you may, without further investigation write the words "Valid, Personal Knowledge" in this space and then sign your name and whenever applicable, and your title in the space below provided.

| | | | | |
|-----------------------------|------------------------------|--|--|---|
| Date and hour of interview: | Registrant interviewed | No <input type="checkbox"/> | (If Registrant not interviewed) Full name of person interviewed at Registrant's residence or place of employment | Family relationship of person interviewed to Registrant (State same if applicable). |
| | Yes <input type="checkbox"/> | Address at which interview took place: | | |

Are you satisfied that registered person resides at the given address? Yes No

How long has registered person resided at given address?

How long has registered person resided in Trinidad and Tobago?

State any reason you have to believe that this Registration should not be approved. (If you have none, write "None")

As a result of my investigation I believe this registration to be (Here write either "Valid" or "not Valid")

Signature of person assigned under rule 37

APPENDIX 16

(Front)

Elections and Boundaries Commission
 Form No. A134
Field Investigation Reporting Form

To be used in connection with inquiries made to establish the validity of the information recorded on Registration Record Cards and routine checks on the accuracy of the unit register for a polling division. Checks are to be conducted by the Registration Officer and Assistant Registration Officer.

No:

| | | |
|---------------------------|--------------|-------------|
| Registration Area: | Registration | |
| | Date | File Number |
| Polling Division No. | | |
| Type of Transaction | | |

| | | |
|----------------------|------------|-----------------|
| Registrant's Surname | Given Name | Middle Initials |
| | | |

Registrant's Residence

.....

| | |
|-----------------|----------------|
| Number if any | Street or Road |
| | |
| Town or Village | |
| | |
| Tel. No. | Land Mark |
| | |

| | | |
|-----------------------|---|-------------|
| Place & Date of Birth | Sex | Nationality |
| | <input type="checkbox"/> M <input type="checkbox"/> F | |
| Marital Status | | |
| | | |

Form No. A134 - continued

(Back of Field Investigation Reporting Form)

| | | |
|--|---|---|
| Date of Interview | Time:..... am,pm | |
| Registrant interviewed Yes <input type="checkbox"/> No <input type="checkbox"/> | (If registrant not interviewed) Full name of person interviewed and address at which interview took place Name:..... Address:..... | Family relationship of person interviewed to Registrant (State "none" if applicable) |

| | |
|--|--|
| Are you satisfied that registered person resides at the given address? Yes <input type="checkbox"/> No <input type="checkbox"/> | How long has registered person resided at given address? How long has registered person resided in Trinidad and Tobago? |
|--|--|

State any reason you have to believe that this registration transaction should not be approved
 (If you have none, write "None")

.....

.....

As a result of my investigation I believe this registration transaction to be Valid/Not Valid

..... 20.....

Date Registration Officer:
Assistant Registration Officer

Determination by Registration Officer (If check conducted by A.R.O.)

Valid Not Valid

..... 20.....

Date Registration Officer