

ANTIGUA AND BARBUDA



**CONSTITUTIONAL REFERENDUM REGULATIONS, 2018**

**STATUTORY INSTRUMENT**

**2018, NO.**



**ANTIGUA AND BARBUDA**  
**CONSTITUTIONAL REFERENDUM REGULATIONS, 2018**  
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**CONSTITUTIONAL REFERENDUM REGULATIONS** made by the Governor General in exercise of the powers contained in section 32 of the Constitutional Referendum Act, 2016 No. 15 of 2016.

**1. Short Title**

These Regulations may be cited as the Constitutional Referendum Regulations, 2018.

**2. Interpretation**

Words and expressions used in these regulations have the same meaning assigned to them as, in the Representation of the People Act, Cap. 379, as amended, and as in the Constitutional Referendum Act, 2016 No. 15 of 2016.

**3. Application of the Representation of the People Act, Cap. 379**

For the purpose of enabling electors to vote on a constitutional amendment bill by way of a referendum, the proceedings of the referendum shall be conducted in accordance with the First Schedule to the Representation of the People Act, Cap. 379, as amended, with such modifications, adaptations and omissions as may be necessary for an elector to answer the constitutional referendum question in a free and fair manner.

**4. Statement of returning officer**

Upon receipt of the results of the poll for a referendum from each polling station in his or her constituency, the returning officer shall complete Form A in Schedule 2 and forward the completed form immediately to the Supervisor of Election.

**5. Community Organization to submit names of Monitors**

(1) A community organization shall, not later than 14 days prior to the referendum, submit in writing, to the Supervisor of Elections-

- (a) the names of three referendum monitors for each polling station in the Constituency for appointment as referendum monitors;
- (b) the name of one referendum monitor for appointment as the Chief Referendum Monitor to oversee the operation of the conduct of the referendum in the constituency.

(2) Where no names of referendum monitors have been submitted by a community organization of a constituency at the end of the date for submission of names, the Supervisors of Elections shall consult with the Christian Council and the Labour Unions to assist in the referendum of monitors for the referendum.

#### **6. Schedule 1 Forms**

The Forms numbered 7-13 and K-M in Schedule 1 are forms made under the Representation of the People Act and modified adapted for use in a Constitutional Referendum.

#### **7. Schedule 2 Forms**

The Forms numbered N-R in Schedule 2 are Forms made under the Constitutional Referendum Act for use in reporting the results of the Constitutional Referendum.

**SCHEDULE I**

**FORM NO.7.**

**Form of directions for guidance of voters in voting**

**Representation of the People Act Cap. 379 modified for use in the Constitutional Referendum (Rule 31(4))**

1. The voter should see that the ballot paper, before it is handed to him, is stamped with the official mark.

2. The voter will go into one of the compartments with the instrument provided in the compartment, mark to the right of the word YES or its symbol to approve the bill whose short title is given below or to the right of the word NO or its symbol to not approve of the Bill in the space provided under the question set out below.

3. The voter will then fold the ballot paper so as to show the official mark on the back, and leaving the compartment will, without showing the front of the paper to any person, show the official mark on the back to the presiding officer, and then, in the presence of the presiding officer, having first immersed such digit as the presiding officer shall direct in the appropriate electoral ink, put the paper into the ballot box, and forthwith leave the polling station.

4. If the voter inadvertently spoils a ballot paper he can return it to the officer, who will, if satisfied of such inadvertence, give him another paper.

5. If the voter votes for more than one question, or places any mark on the paper by which he may afterwards be identified, his ballot paper will be void, and will not be counted.

6. If a voter fraudulently takes a ballot paper out of the station or fraudulently puts into the ballot box any paper other than the one given to him by the officer, he will commit an offence and liable on conviction to the penalties laid down by law.

**FORM NO. 8**

**Form of declaration to be made by the companion of a blind voter at a  
Constitutional Referendum**

**Representation of the People Act Cap. 379 (Rule 50 (5)(a))**

I A.B., of .....having been requested to assist C.D. whose number on the register is .....to record his vote at the referendum now being held in this Constituency, hereby declare that (I am entitled to vote as an elector at the said election) (I am the .....of the said voter and have attained the age of eighteen years), and that I have not previously assisted any blind person to vote at the said referendum.

(Signed) A.B. ....this.....day of..... 20.. .....

I, the undersigned, being the presiding officer for the polling station for the Constituency, hereby certify that the above declaration, having been first read to the above-named declarant, was signed by the declarant in my presence.

(Signed) G.H.....this.....day of..... 20.. .....

NOTE If the person making the above declaration knowingly and wilfully makes therein a statement false in a material particular, he will be committing an offence.

**FORM NO. 9**

**Application for Transfer of Vote**

**Representation of the People Act, Cap.379 (Rule 39.(3))**

**Constitutional Referendum Act, 2016**

**Referendum in the**

.....  
**Constituency**

**I, (Surname)**.....  
**(Block Letters)**

**(Other Names)** .....  
**(Block Letters)**

am registered as an elector in the register for elections for (address in fill in block letters)

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

I have been assigned as a referendum officer\* (state particular task)..... referendum monitor\* at ..... polling station in the constituency of.....and I am unlikely to be able to go to the polling station allotted to me.

I therefore hereby apply to the Returning Officer for the above-mentioned Constituency for a transfer certificate to enable me to vote at the aforesaid polling station to which I am assigned.

Signature of applicant.....

Date.. ..... .20.....

\*Delete whichever is inapplicable.

Note: This application must be made in person no later than five days before polling.

**FORM NO. 10**  
**Transfer Certificate**  
**Representation of the People Act, Cap.379 (Rule 39 (4))**  
**Constitutional Referendum Act, 2016**  
**Referendum in the**

.....  
**Constituency**

I certify that (name) ..... who is numbered.....in the register for elections for the constituency named above, has been assigned as an referendum officer\* (state task)..... referendum monitor\* on polling day to.....polling station in ..... constituency.

Signature.....  
**Returning Officer.**

Date.....20.....

\*Delete whichever is inapplicable.



**FORM NO. 11**

**Notice to Presiding Officer**

**Representation of the People Act, Cap.379 Rules 39(5)**

**Constitutional Referendum Act, 2016**

**Referendum in the**

.....  
**Constituency**

Notice is hereby given to:

Presiding Officer of..... polling station; and to the officers participating in the referendum in this Constituency as following:

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

that the under-mentioned person, whose name and number listed below, appears in the register for elections has been issued with a certificate of transfer of his or her

vote to .....polling station in  
.....Constituency where he is assigned to work on polling day;

Name.....  
**(Block Letters)**

Number.....  
**(In the register for elections)**

Signature.....  
**Returning Officer**

**FORM 12**

**Oath for Referendum Officers**

**Representation of the People Act, Cap.379**

**Rules 4(1)**

**Constitutional Referendum Act, 2016**

"I. .... of..... swear by Almighty God that I will perform faithfully the duties imposed on me under the Constitutional Referendum Act without partiality, favour or affection."

Sworn at .....this.....day of .....20....

Before me,

.....

**Magistrate.**

**FORM 13**

**Affirmation Referendum Officers**

**Representation of the People Act, Cap.379**

**Rules 4(1)**

**Constitutional Referendum Act, 2016 No. of 2016**

"I .....of ..... solemnly and sincerely declare and affirm that I will perform faithfully the duties imposed on me under the Constitutional Referendum Act without partiality, favour or affection."

Affirmed at ..... this.. .....d a y of .....20 .....

Before me,

.....

**Magistrate.**

**FORM K**

**Application to be Treated as an Absent Voter**

**Representation of the People Act, Cap.379 Rule 33(1)**

**Constitutional Referendum Act, 2016**

**Registration Regulations**

I, (Surname).....

**(Block Letters)**

Other Names.....

**(Block Letters)**

am registered as an elector for -(address in full in block letters)

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

and I hereby apply to be treated as an absent voter at the coming referendum in the .....constituency on the. ....day of. ....20 .....

because I am likely to be unable to go in person to the polling station allotted to me, owing to my employment on polling day -

- \* (i) as a police officer;
- \* (ii) as a member of the Antigua and Barbuda Defence Force; or
- \* (iii) as a referendum officer in connection with the referendum in

..... constituency and I hereby apply for (Name of Proxy)

.....

(Address) of .....

To be appointed proxy to vote for me at the referendum for the .....

Constituency on the.....day of .....20.....

Signature.....

Date ..... 20 .....

\* Delete whichever is inapplicable.

Note: This Application must be accompanied by the certificate of employment (Form H) duly completed by the appropriate officer.

**FORM L**  
**Certificate of Employment**

**Representation of the People Act, Cap.379** **Rule 33(2)**

**Constitutional Referendum Act, 2016 No. of 2016**

**Registration Regulations**

**Referendum in the**

.....

**Constituency**

I certify that (name).....

who is numbered .....the register for elections for the constituency named above, is likely to be unable to go in person to vote as an elector at the referendum on (date of poll) by reason of his employment on that date -

- \*(a) as a police officer;
- \*(b) as a member of the Antigua and Barbuda Defence Force;
- \*(c) as a referendum officer for a purpose connected with the referendum.

Signature .....

\*Returning Officer/Commissioner of  
Police/Commanding Officer, Antigua  
and Barbuda Defence Force.

Date .....20 .....

\*Delete whichever is inapplicable.

**FORM M**  
**List of absent Voters and Proxies**  
**Representation of the People Act, Cap.379**      **Rule 34(1)**  
**Constitutional Referendum Act, 2016**  
**Registration Regulations**  
**Referendum in the**

.....  
**Constituency**

Name of Absent Voter	Address of Absent Voter	Name of Proxy	Address of Proxy

.....  
Returning Officer

**SCHEDULE 2**

**FORM N**

**RESULTS OF REFERENDUM BY CONSTITUENCY  
STATEMENT OF POLL**

**CONSTITUTIONAL REFERENDUM ACT, 2016**

**SEC. 17 (1)**

**CONSTITUENCY:**

**POLLING DIVISION/DISTRICT:** .....

**POLLING STATION:** .....

<b>NO</b>	<b>DESCRIPTION</b>	<b>TOTAL NUMBER</b>
(i)	Electors in Polling Division/Polling District	
(ii)	ballot papers available for distribution: # to #	
(iii)	Electors issued ballot paper according to Poll Books	
(iv)	Unused ballot papers (not issued): #: to # :	
(v)	Rejected ballots	
(vi)	Spoiled ballots	

**I hereby certify that all ballot papers have been accounted for according to the above.**

.....

**Presiding Officer**

**RESULTS OF VOTE**

<b>Total number of votes cast in the Affirmative</b>	<b>Total number of votes cast in the Negative</b>	<b>Total Number of Valid Votes Cast</b>

**I hereby certify that the results above show the total number of valid votes cast in the**

**Constituency of.....**

.....

**Presiding Officer**

**FORM O**

**REPORT ON THE RESULTS OF THE POLL IN RESPECT OF EACH  
CONSTITUTIONAL REFERENDUM HELD IN THE CONSTITUENCY**

**REPORT OF POLL**

**CONSTITUTIONAL REFERENDUM ACT, 2016                      SEC. 17 (2)**

**CONSTITUENCY:.....**

**POLLING DIVISION/DISTRICT:                      .....                      POLLING STATION: .....**

**RESULTS OF VOTE**

<b>Total number of votes cast in the Affirmative</b>	<b>Total number of votes cast in the Negative</b>	<b>Total Number of Valid Votes Cast</b>	<b>Number of rejected votes</b>	<b>Number of spoiled votes</b>

**I hereby certify that the results above show the total number of valid votes cast in the**

**Constituency of.....**

.....

**Returning Officer**



**FORM P**

**CERTIFICATE OF THE RESULT OF THE REFERENDUM (ENTIRE STATE)**

**CONSTITUTIONAL REFERENDUM ACT, 2016**

**Sec. 18 (1) (a)**

<b>NO</b>	<b>DESCRIPTION</b>	<b>TOTAL NUMBER</b>
(i)	Electors eligible to vote (all Constituencies)	
(ii)	Number of ballots printed (available for distribution)	
(iii)	Electors issued ballot paper according to Poll Books	
(iv)	Unused ballot papers (not issued)	
(v)	Rejected ballots	
(vi)	Spoiled ballots	

**I hereby certify that all ballot papers have been accounted for according to the above (having verified accounts from Returning Officers).**

.....  
**Supervisor of Elections**

**RESULTS OF VOTE**

<b>Total Number of Valid Votes Cast</b>	<b>Total number of votes cast in the Affirmative</b>	<b>Percentage (%) cast</b>	<b>Total number of votes cast in the Negative</b>	<b>Percentage (%)</b>

**I hereby certify that the results above show that a majority of voters have approved /not approved the Constitutional Referendum Question by a percentage of:..... to .....**

.....  
**Supervisor of Elections**

**FORM Q**

**CERTIFICATE OF RESULTS OF REFERENDUM**

**CONSTITUTIONAL REFERENDUM ACT, 2016**

**Sec. 18 (1) (b)**

**CONSTITUENCY.....**

**I hereby certify that the results submitted from the Constituency above truly reflect the valid votes cast in the affirmative/approving and in the negative not approving the constitutional amendment bill.**

**Lorna Simon (Miss)**

**Supervisor of Elections**

**Dated this.....day of November, 2018**

**FORM R**

**TALLY SHEET**

**FOR THE COUNTING OF VOTES**

**CONSTITUTIONAL REFERENDUM ACT, 2016**

A check mark will be made consecutively in the small squares under **RESULT** in the appropriate column, as each vote is being called by the Presiding Officer.

Column of Votes cast for: <b>AFFIRMATIVE (YES)</b>	Column of Votes cast for: <b>AFFIRMATIVE (NO)</b>	Column of Votes cast for: <b>NEGATIVE (NO)</b>	Column of Votes cast for: <b>NEGATIVE (YES)</b>	<b>REJECTED</b>
1				2
10				10
15				15
20				20
25				25
30				30
35				35
40				40
45				45
50				50
55				55
60				60
65				65
70				70
75				75
80				80
85				85
90				90
95				95
100				100
105				105
110				110
115				115
120				120
125				125
130				130
135				135
140				140
145				145
150				150
155				155
160				160
165				165
170				170
175				175
180				180
185				185
190				190
195				195
200				200

**Made the                      day of October, 2018**

.....

**Sir Clare Roberts KCN, QC  
Governor-General's Deputy**