

BELIZE:

STATUTORY INSTRUMENT

No. 134 of 2009

REGULATIONS made by the Elections and Boundaries Commission, after consultation with the National Association of Village Councils pursuant to section 35 of the Village Councils Act, Chapter 88 of the Laws of Belize, Revised Edition 2000-2003, and all other powers thereunto it, enabling.

(Gazetted 19th December, 2009.)

1. These Regulations may be cited as the

Citation.

**VILLAGE COUNCIL (ELECTIONS)
REGULATIONS, 2009.**

2. In these Regulations, a reference to "official voters list" shall be construed as a reference to the Elections and Boundaries Constituency list in which the village or community falls.

Interpretation.

3. (1) The Chief Elections Officer, with the approval of the Elections and Boundaries Commission, shall appoint an election day and time for every Village and Community Council established under PART II, Section 3 of the *Village Councils Act*, and different election days may be appointed for different villages and communities.

Election day
notice.

CAP. 88.

- (2) The announcement of the date and time so appointed shall be no less than 21 days before the date set for elections.

(3) After dates and times for village and community council elections have been appointed, the same shall be properly advertised by

- (a) regular radio announcements;
- (b) placing notices strategically in the village or community, e.g. grocery shops and other frequently visited places in the village or community;
- (c) requesting the assistance of community leaders to inform villagers and residents in the community;
- (d) placing notices in local newspapers;
- (e) any other appropriate means.

Qualification
for
chairpersons
and members.

4. A person is eligible to be elected as Chairperson or a Member of a Village or Community Council who is on the official voters list for that village or community.

Qualifications
to vote.

5. (1) A person is eligible to vote in a Village or Community Council election where that person

- (a) is on the official voters list for that village or community; and
- (b) is at least eighteen years of age; and
- (c) is a Belizean either by birth or naturalization and has been residing in the village for a continuous period of not less than two months prior to the date of the election; or
- (d) a permanent resident in Belize, and is in possession of a Permanent Residence Card or proof of possession thereof.

SCHEDULE

ELECTION REPORT

between _____ and _____ on _____

(see elections certificate overleaf)

[illegible]

(2) Residents are entitled to vote in only one Village or Community Council Election for that period.

6. (1) A person shall be disqualified from seeking election as a Chairperson or Member of a Village or Community Council, or from voting in any such election, if that person

Disqualification.

(a) is certified to be of unsound mind under the laws of Belize;

(b) has voted in another village or community election held for that period.

(2) It is an offence for a person to seek election as a Chairperson or Member of a Village or Community, or to vote again if that person knowingly (proof of which lies on the person) acts in breach of sub-regulation (1) (b).

7. (1) The Chief Elections Officer shall, with the approval of the Elections and Boundaries Commission, appoint any number of Public Officers as Elections Clerks for the purpose of the conduct of Village and Community Council elections.

Conduct of elections.

(2) Before the day fixed for the nomination and election of Chairpersons and members of Village and Community Councils, Elections Clerks shall obtain, from the Chief Elections Officer, the prescribed number of certified copies of the proper register of electors for the time being in force for that particular Village or Community as well as other election materials including ballot boxes, blank ballot papers, chalk, duster, black board, chairs, tables, pencils, rulers, indelible ink and tissue.

(3) An officer appointed as an Elections Clerk shall be responsible for the

- (a) setting up of polling stations,
- (b) taking and recording of nominations,
- (c) taking of the polls,
- (d) counting of the ballots,
- (e) announcement of the results, and
- (f) immediate verbal forwarding of official results to the Chief Elections Officer.

(4) An Elections Clerk shall, within two days of the holding of elections, return all elections materials, including ballot boxes, marked ballots and officially marked list of electors to the Chief Elections Officer.

(5) For the purpose of sub-regulation (3), the Chief Elections Officer shall, with the approval of the Elections and Boundaries Commission, appoint any number of Public Officers as Elections Officers for the purposes of assisting Elections Clerks.

Nomination
process.

8. (1) On election day the Elections Clerk or any assistant duly authorized, shall attend between the hours of nine and ten o'clock in the forenoon and receive nominations first for Chairpersons and then for Members of that Village or Community Council.

Schedule.

(2) Every nomination for Chairperson shall be seconded by another person who is eligible to vote in that Village or Community and the Elections Clerk, or any assistant duly authorized, shall record on the Form as set out in the *Schedule*, the names of the persons nominating and seconding the motion with the nominee indicating acceptance of the nomination by signing the Form as set out in the *Schedule*.

Schedule.

highest number of votes, the tie breaker shall be decided by the flipping of a coin as in Regulation 8(11).

11. Having confirmed the results of the elections inside the counting station, the Elections Clerk shall proceed to publicly announce the results

Announcing
the results.

- (a) of the election by first announcing the number of votes received by each candidate for chairmanship after which the Election Clerk shall declare the name of the person duly elected to the post of Chairman of that Village or Community Council;
- (b) of the polls for the six posts as Members of that Village or Community Council after which the Elections Clerk shall first announce the number of votes received by each candidate for membership of that Village or Community Council and declare the names of the six persons duly elected to the post of Members of that Village or Community Council.

12. (1) A person who is the holder of a liquor license granted under the *Intoxicating Liquor Licensing Act* shall be prohibited from the sale of all forms of intoxicating liquor during the period from the opening of nominations right up to the announcing of the results and the owners of such establishments shall closed such establishments to the public during these times.

Election
offences.

CAP. 150.

(2) A person who contravenes sub-regulation (1) commits an offence and is liable on summary conviction to a fine of two hundred and fifty dollars or to imprisonment for six months.

Penalty for
breach of
regulations.

13. A person who contravenes these Regulations commits an offence and is liable on summary conviction to the penalties under section 35(2) of the Act.

Challenging of
results of
elections.

14. (1) Any challenge or complaints about the conduct or the results of any elections in any Village or Community shall be referred, in writing, to the Elections and Boundaries Commission.

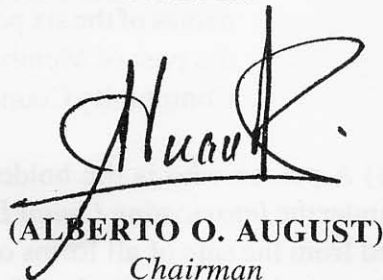
(2) A challenge or complaints made under sub-regulation (1) shall be made no later than seven days after the date of such elections.

(3) The decision of the Elections and Boundaries Commission shall be final.

Revocation of
Village Council
(Elections)
Regulations,
2003.
S.I. 100 of
2003.
S.I. 12 of 2007.

15. The Village Council (Elections) Regulations, 2003 are hereby revoked.

MADE by the Elections and Boundaries Commission, after consultation with the National Association of Village Councils this 8th day of December 2009.



(ALBERTO O. AUGUST)
Chairman

Elections and Boundaries Commission

(3) Every nomination for Members of a Village or Community Council shall be seconded by another person who is eligible to vote in that Village or Community Council and the Elections Clerk, or any assistant duly authorized, shall record on the Form as set out in the *Schedule*, the names of the persons nominating and seconding the motion with the nominee indicating acceptance of the nomination by signing the Form as set out in the *Schedule*.

Schedule.

Schedule.

(4) No person shall be nominated or be accepted as a candidate *in absentia*.

(5) If at ten o'clock in the forenoon only one candidate has been nominated for the post of Chairperson, the Elections Clerk shall forthwith declare such candidate as having been duly elected as Chairperson of that Village or Community Council.

(6) If at ten o'clock in the forenoon only six candidates have been nominated to fill the vacant post of Members of the Village or Community Council, the Elections Clerk shall forthwith declare such candidates as having been duly elected as Members of that Village or Community Council.

(7) No candidate for Chairperson or Member of any Village or Community Council shall accept nomination in more than one Village or Community and in the event of so assenting and contesting, having been elected, that position shall be declared vacant and the next candidate in line with majority votes shall be returned as duly elected to fill that vacant position.

(8) Where there is more than one Candidate nominated to fill the vacant post of Chairperson of a Village or Community Council, the Elections Clerk shall, immediately after declaring nominations closed, proceed with the taking of the polls in accordance with Regulation 9.

(9) Where there are more than six Candidates nominated to fill the vacant post of Members of a Village or Community Council, the Elections Clerk shall, immediately after declaring nominations closed, proceed with the taking of the polls in accordance with Regulation 9.

(10) Where there are two candidates nominated for the post of Chairperson, the Elections Clerk shall assign numbers by the flipping of a coin.

(11) The Elections Clerk shall

- (a) clear an obstruction free area in the nominating station;
- (b) request each candidate to choose a side of the coin;
- (c) flip the coin in the air allowing it to fall freely onto the cleared area.

(12) Where there are three or more candidates for the post of Chairperson, the Elections Clerk shall invite them to draw numbers, commensurate with the number of candidates for Chairperson, from an obscure container.

(13) Where Candidates for election as Members of a Village or Community Council are associated with a particular slate, along with a Candidate for Chairperson, the Elections Clerk shall assign succeeding numbers to candidates on that slate.

(14) Where there are candidates for election as Members of a Village or Community Council who are not associated with any slate, the Elections Clerk shall assign succeeding numbers after appropriate numbers have been assigned to candidates on that slate.

- (b) place the ballot in an envelope provided; and
- (c) initial the back of another ballot paper and hand it to the voter.

(8) Where a voter is incapacitated and unable to vote in the prescribed manner either through blindness, or other physical causes, including the inability to write, that voter shall be allowed to bring along into the polling station a person of that voter's choice to mark the ballot paper on the voter's behalf and to place the ballot so marked inside the ballot box.

(9) Where a voter is incapacitated and unable to vote in the prescribed manner either through blindness, or other physical causes, including the inability to write, and that voter is unaccompanied in the polling station, the Elections Clerk shall summon Agents of the candidates to witness the Elections Clerk's marking of the ballot as instructed by the voter and place the ballot so marked inside the ballot box.

(10) No voter shall vote by proxy.

(11) Apart from accompanying incapacitated electors to vote, agents shall not interfere in the voting process.

(12) In order to facilitate the reconciliation process, the Elections Clerk shall keep the ballots in multiples of 50 and as the taking of the polls progresses, the Elections Clerk may periodically announce the exhausting of every 50 ballots.

10. (1) At the time designated for the closing of the polls, being 1 o'clock, 3 o'clock or 5 o'clock in the afternoon, in accordance with the schedule prepared by the Elections & Boundaries Department, and approved by the Elections and Boundaries Commission, a police officer shall position

Counting of
ballots.

himself on the direction of the Elections Clerk at the end of the line in those instances where electors are still waiting in the line to cast their ballots and the police officer so positioned, shall not allow any other person to join the line for the purposes of voting.

(2) After the last vote has been cast, the Elections Clerk shall inform the agents of the amount of ballots issued including the number of spoilt ballots.

(3) In those Villages and Communities where there are more than one Polling Station in one Polling Area, the Elections Clerk shall cause the various ballot boxes to be brought to one central counting location.

(4) In cases where ballot boxes are moved from a polling station to a central counting station, Elections Clerks shall cause agents to accompany ballot boxes to the counting station and to remain with those boxes until they have been properly handed over to designated counting agents.

(5) Prior to commencing the counting process, the Elections Clerk shall, with the assistance of police officers present, if so required, order persons other than Elections Workers, candidates and their Agents to evacuate the counting station.

(6) The Elections Clerk shall cause doors and windows of counting stations to remain closed during the counting process.

(7) Where two candidates for the post of Chairperson of a Village or Community Council emerge with equal highest number of votes the tie breaker shall be decided by the flipping of a coin in accordance with Regulation 8 (11).

(8) Where two candidates for the post of Member of a Village or Community Council emerge with equal sixth

(15) Subject to sub-regulations (10) or (12) and (13) or (14), the Elections Clerk shall number the names of candidates consecutively starting first with the candidates for Chairmanship and second with the candidates for membership of the Village or Community Council.

(16) There shall be established a one hundred yards line, to be known as the restricted area, which shall be agreed upon by the Elections Clerk and candidates, prior to the commencement of the taking of the polls.

(17) While the Elections Clerk is ultimately responsible for the maintenance of order inside the nomination, polling, and counting stations and within the restricted area, Elections Clerks may enlist the services of as many Law Enforcement Officers as are necessary to assist in the maintenance of law and order inside the nomination, polling, and counting stations and within the restricted area.

(18) After nomination has been completed and the taking of the polls begins, the Elections Clerk may, with the assistance of Law Enforcement Officers present, if so required, order the evacuation of the nomination and polling station where only Elections Workers and Agents for candidates shall remain as electors begin forming a line outside the polling station for the commencement of the taking of the polls.

9. (1) Elections Clerks shall announce the commencement of the taking of the polls and invite agents to view the empty ballot boxes after which the Elections Clerks shall lock the box for commencement of the voting process.

Taking of the
polls.

(2) The Elections Clerk shall repeat the process in sub-regulations (1) for verifying that a ballot box is empty in every instance where a different ballot box is brought into service.

(3) A voter may approach the official desk and give his name and voter's identification card to the Elections Officer (if he is in possession of a voters' identification card at the time) and the Elections Officer shall announce the name of the voter in a loud enough tone of voice to allow agents of candidates to take necessary note.

(4) Having found the voter's name on the list, the Elections Officer shall proceed to strike a line through the name while another Elections Officer supervises the dipping of the voter's right index finger, at least to the first joint, into the indelible ink provided.

(5) Having been satisfied that a Permanent Resident Card Holder is eligible to vote, the Elections Clerk shall take note by causing that person's name and permanent resident number to be added to the list of electors.

(6) The Elections Clerk shall initial the back of the blank ballot paper and issue it to the voter who may then

- (a) proceed to vote in the prescribed manner;
- (b) fold the marked ballot;
- (c) place the ballot in the ballot box provided; and
- (d) immediately exit the polling station.

(7) Where a voter has made an error in voting, the voter may hand the spoilt ballot to the Elections Clerk who shall

- (a) immediately write the word "CANCELLED" across the front of the ballot;

ELECTION CERTIFICATE

I, _____ being the Elections Clerk for the Village/Community of _____ in the _____ District do hereby certify that a total of _____ ballots were cast in these elections. A total of _____ ballots were rendered spoilt during the polling process. A total of _____ votes for chairperson were rejected during the counting process while a total of _____ votes for members were likewise rejected during the counting process.

I further certify that the elections were conducted in accordance with the rules governing the conduct of Village/Community Council Elections and that the information overleaf is a true representation of the results of the election.

The duly elected Chairperson and Members of the Village/Community Council are:

1. Chairman _____
2. Member _____
3. Member _____
4. Member _____
5. Member _____
6. Member _____
7. Member _____

Signature
Elections Clerk

Date