

FOURTH SCHEDULE

CODE OF CONDUCT

1. PURPOSE

- (a) The purpose of this Code is to guide Branch Committees and Primary Candidates prior to and during Primary Elections.
- (b) The aim of the Code is to help avoid internal disputes and acrimony that can arise if a fair, open, and consistent system is not established.
- (c) All Approved Candidates are bound by this Code.

2. DEFINITION OF A PRIMARY ELECTION

- (a) A Primary Election is one process by which Approved Candidates maybe selected to fill vacant or challenged position(s) of Adopted Candidates for a particular Constituency.

3. ROLE OF PARTY OFFICERS

- (a) Party Officers shall at all times be required to remain neutral with respect to any Primary Election.
- (b) Two Party Officers shall be assigned, by the Party Chairman, to act as Observers at a Primary Election. They shall have full access to all voting procedures and ballot counts.
- (c) No Party Officer shall act as an Observer in a Branch in which he is a member.

4. ROLE OF BRANCH COMMITTEE

- (a) Branch Committee members shall provide equal support to all Primary candidates. Branch membership records and an outline of all procedures shall be made available to all Primary candidates immediately upon their acceptance as eligible candidates. Candidates must submit dated membership forms within seven (7) days of application date for entry into Branch Records. In the case of Branch Membership Records, any subsequent updates shall be forwarded on a weekly basis.

- (b) No changes or additions to a Primary Election date or procedures under the purview of the Branch Committee shall be modified by the Branch Committee once they have been initially set without the expressed permission of the Disputes Tribunal.
- (c) Branch Committee members shall conduct all Primary Elections in accordance with the Party Constitution, the Branch Constitution and this Code.
- (d) Branch Committee members shall ensure fairness in all procedures.
- (e) Upon notification to the Party Chairman as provided in 8(iii)(d) of the Branch Constitution, Branch Committee members shall at all times be required to remain neutral as to any Primary candidate.
- (f) Branch Committee members shall publicly support, without reservation, the winning candidate(s).

5. **PRIMARY CANDIDATES**

(a) Eligibility

Eligibility to run as a Primary Candidate shall be confirmed by the Branch Chairman, no later than 14 days prior to the date set for the Primary Election provided that:

- (i) Confirmation from the Branch Candidate Selection Campaign Committee has been received that the person is an Approved Candidate.
- (ii) Written confirmation addressed to the Branch Chairman that the Approved Candidate intends to stand in the Primary. This statement shall include the signatures of at least ten (10) persons who at that date have been Members of the Branch for the previous 180 days and who are registered Parliamentary Voters in that Constituency in accordance with Clause 8(iii)(a) Of the Branch Constitution.

(b) Conflict of Interest

Upon being accepted as a Primary Candidate, a Candidate shall resign any post(s) he may hold in relation to:

- (i) the Campaign Committee;
- (ii) the Officers of the Party;
- (iii) the Officers of the region in which the branch forms a part.

- (iv) the Branch Committee for the Branch in which the Primary is being held.
- (c) Public Statements
 - (i) During Primary Election campaigns, Primary candidates and their supporters shall not engage in either written or verbal personal attacks on fellow candidates or other members of the Party.
 - (ii) Any complaints of such behaviour shall be brought before the Disputes Tribunal.
- (d) Unsuccessful Candidates

Upon release of the election results, an unsuccessful Primary candidate shall immediately release a public statement in which his/her support for the winning candidate(s) is clearly and unequivocally stated.

6. NOTICE OF PRIMARY ELECTION

- (a) The Branch Committee shall publish by notice on the Central Office Bulletin Board and daily newspaper, the date, time, place, and voting qualifications for the Primary Election. It is recommended that where practical, that written notice to all Branch members also be furnished.

7. PRIMARY GENERAL MEETING

- (a) The Branch Committee shall call a General Meeting of the Branch for the purpose of allowing each Candidate the opportunity to address the Branch Membership in support of his candidacy.
- (b) This meeting shall take place at least three (3) days prior to the Primary Election unless unanimous agreement has been reached amongst Primary Candidates and the Branch Committee for alternative arrangements.
- (c) Notice shall be given in accordance with Clause 4(iii) of the Branch Constitution.
- (d) Each candidate shall be given equal times in which to speak. Speaking order shall be decided by lot on the day of the General Meeting.

8. PRIMARY ELECTION

- (a) Each candidate shall be entitled to two (2) Scrutineers during the counting process.
- (b) The Polls shall be open for not less than three (3) hours or more than ten (10) hours.
- (c) The voting process shall be by secret ballot and shall follow the following format:
 - (i) A Returning Officer shall be appointed by the Party Chairman from the two Party Officers assigned to act as Observers. He shall immediately before the commencement of the poll show the ballot box empty to such persons as may then be present in the election room so that they may see that it is empty and shall then lock it up and keep the key himself and shall place the box in his view for the receipt of ballot papers, keeping it so locked until the conclusion of the poll.
 - (ii) Those eligible to vote in a Primary Election are persons on the Electoral Register for the Constituency and who are also paid up members of the Party. Any member not previously on the Branch list as a paid up member shall be paid up fourteen (14) days prior to the Primary Election. Any registered elector whose name is on the Branch list as having been a paid up Party member for the full year immediately preceding the year in which the Primary Election is being held, may present himself at the Polling Station on the date of the Primary and by paying the requisite membership fee shall be permitted to vote.
 - (iii) Where any Parliamentary elector who is duly registered in the Parliamentary Register for the constituency and who is a paid up member of the Party, who anticipates being absent from the Island on the Primary Polling Day, may apply to the Executive Officer of the Party or such other Officer as the Chairman of the Party may appoint, who if satisfied that the application is made in good faith shall thereupon issue him with a "Letter" for the purpose of enabling him to vote at an Advanced Poll.

Any Advanced Poll for such elections shall be held at the Central Office of the Party on such date not earlier than seven (7) days prior to the Primary Polling Day and any such Primary

Elector on production of the Letter may proceed to vote in the Primary Election.

It shall be the responsibility of the Executive Officer to supervise any such advance polling and to maintain a separate ballot box and ballot papers in a secure environment and deliver the said ballot box to the Primary Polling Station on the Polling Day so as to be included in the official count.

It shall be the duty of the Branch Chairman to set the date for any such Advanced Poll and having set such a date to advise both the Chairman of the Party and each Primary candidate of the same no later than fourteen (14) days prior to the date of that Advanced Poll.

- (iv) Subject to Clause 8(c)(v) every person voting at a Primary Election shall secretly mark his vote on the ballot paper given to him and without revealing his vote, shall place the ballot paper in a ballot box in the presence of the Returning Officer.
- (v) The Returning Officer on the application of any Primary elector who is blind, unable to read or so physically incapacitated as to be unable to vote in the manner prescribed in (iv), shall assist in voting by marking his ballot paper in the manner directed by such elector and if he so requests in the presence of the other Party Officer acting as an Observer, and shall place the ballot paper in the ballot box.
- (vi) A person voting at a Primary Election who has inadvertently dealt with his ballot paper in such a manner that it cannot conveniently be used as a ballot paper may, on delivering it to the Returning Officer and on providing the fact of the inadvertence to the satisfaction of the Returning Officer, obtain another ballot paper in the place of the one so delivered up and the spoilt ballot paper shall immediately be cancelled but shall be preserved by the Returning Officer.
- (vii) Any ballot paper:
 - (a) on which votes are given for more candidates than there are vacancies to be filled as permitted by the Branch Constitution.
 - (b) on which anything is written or marked by which the voter can be identified, or

- (c) which is unmarked or which does not indicate with sufficient clarity the candidate or candidates, as the case may be, for whom the elector intended to vote,

shall be void and shall not be counted.

- (viii) A ballot paper on which a vote is marked:

- (a) elsewhere than in the proper place, or
- (b) otherwise than by means of a cross, or
- (c) by more than one mark in respect of each candidate voted for,

shall not be reason thereof be deemed void if an intention that the vote shall be for one or more of the candidates, as the case may be, clearly appears and the way the ballot paper is marked does not of itself identify the voter and is not shown that he can be identified thereby.

- (ix) Immediately after the close of the poll, the Returning Officer shall seal the ballot box so as to prevent the introduction of additional ballot papers and shall take charge of such box and shall then, in the presence of such of the candidates as may choose to attend, and such other persons whom the Returning Officer shall permit to be present not exceeding two persons for each candidate, open the ballot box and ascertain the result of the poll by counting the votes given to each candidate, provided that any candidate who is not present at the count of votes may nominate one person as his agent to be present in his place.

- (x) Immediately after the counting of the votes has terminated, a candidate or his agent present at the count may demand a recount and thereupon, unless the Returning Officer considers the demand to be unreasonable having regard to the result of the first count, he shall proceed to re-count the votes accordingly to ascertain the result of the poll.

- (xi) In the event of a re-count of votes:

- (a) every other candidate or his agent shall have the right to demand a further re-count, and the Returning Officer may in his own discretion conduct further re-counts.

- (b) the result of the poll shall be determined by the final count of the votes.
- (xii) When the result of the poll has been ascertained, the Returning Officer shall, forthwith declare to be elected the candidate or candidates, as the case may be, to whom the majority of the votes has been given.
- (xiii) Where it appears to the Returning Officer that, as a result of an equality of votes cast between any of the candidates for election, it is not possible to declare the election of one or any of the candidates, as respects one or both, as the case may be, of the vacancies to be filled at a Primary Election, then the Returning Office shall, to the extent that any one of such candidates can be declared to be elected as an Adopted Candidate(s), so declare him accordingly and shall in addition report the circumstances of casting of the equality of votes to the Party Chairman. A second Primary Election shall ensue within the next succeeding period of two months to fill the remaining vacancy or vacancies not duly filled at such Primary Election.

9. **DISPUTES**

Any disputes shall be dealt with by the Disputes Tribunal as provided at Section 13 of the Party Constitution.

Adopted by Central Council
9th October 2001/II