

COMMONWEALTH OF THE BAHAMAS

2010

IN THE ELECTION COURT

No. 00221

IN THE MATTER OF THE PARLIAMENTARY
ELECTIONS ACT, 1992

AND

IN THE MATTER OF AND ELECTION FOR THE
ELIZABETH CONSTITUENCY HELD ON THE
16TH DAY OF FEBRUARY 2010

BETWEEN

LEO RYAN PINDER

Petitioner

And

JACK THOMPSON
(Returning Officer)

First Respondent

And

ERROLL BETHELL
(Parliamentary Commissioner)

Second Respondent

And

DUANE SANDS

Third Respondent

And

CASSIUS STUART

Fourth Respondent

And

ANDRE ROLLINS

Fifth Respondent

And

RODNEY MONCUR

Sixth Respondent

CLOSING SUBMISSIONS ON BEHALF OF
THE THIRD RESPONDENT.

1. This is the hearing of a petition filed on the 23rd February 2010 by the petitioner Mr. Leo Ryan Pinder who was a candidate in the Bye-Election for the Constituency of Elizabeth held on the 16th February 2010.

2. The petition is filed pursuant to rule 3(1) of The Representation of The People (voting under protest) Rules and seeks to invoke the jurisdiction of the Election Court vested in them by Section 69 of the Parliamentary Elections Act to determine the validity of protest votes.
3. A proper starting point is to note that in The Bahamas no individual has an automatic right to Vote. The Court of Appeal has held that the right to vote is Statutory and not a Constitutional or Fundamental right. See **Gladstone McEwan v Errol Bethel etal (Civil Appeal no. 24 of 2002)**. It follows from this that anyone who seeks to avail himself of that right must comply with the relevant Statute which in this case is the Parliamentary Election Act. In this regard unless he is properly registered he will have no right to vote and if he does vote his vote cannot be legally counted.
4. The second point of note is that no individual has any obligation to vote neither is he compelled to Register. In this regard he may register and then for his own reasons choose not to re register when his initial registration expires.
5. Section 8 of the Act makes provisions for the qualification for registration as a voter which is essentially that *on the day on which he applies for registration* one must be a citizen of full age and not subject to any legal incapacity and must meet the test of ordinary residence laid out in that section. The section concludes by

mandating that “no person’s name which is included in any part of the register shall be retained therein if that person is not entitled to have his registration retained in that part in accordance with the provisions of this Act.”

6. Section 13 of the Act makes provision for the register and subsection 2 provides that the register shall contain in alphabetical order the names of those who are registered to as being entitled to vote at an election in the polling division to which it relates.

7. Section 9 of the Act is the other side of the same coin so to speak of section 7 of the Parliamentary and Municipal Elections Act 1872 of the United Kingdom (Commonly Known as The Ballot Act) which provides as follows:

“At any election for a county or borough, a person shall not be entitled to vote unless his name is on the register of voters for the time being in force for such county or borough and every person whose name is on such register shall be entitled to demand and receive a ballot paper and to vote. Provided that nothing in this section shall entitle any person to vote who is prohibited from voting by any statute or by the common law of Parliament or relieve such person or relieve such person from any penalties to which he may be liable for voting.”

8. This section was considered by the court of Common Pleas in **Stowe v Jolliffe** [1874] IX Common Pleas Reports p 734. in which it was argued that the provision of the section was applicable only to procedure at elections, and by its

proviso practically leaving open the inquiry into any voter's vote, which although it may be on the register is capable of being impeached on any legal ground. The court responded to that argument as follows:

“The argument is ingenious, but I think untenable. From the Reform Act to The Ballot Act, the tendency of legislation has been to make, with certain exceptions the register conclusive. There is nothing in the words “at” or “in” “any election” (for both prepositions are used) to limit the enactment to the time of polling only; and although it is true that the 58th and 60th sections of the Reform Act and the 98th Section of the Registration Act have been repealed and the enacting part of the 79th section of the Registration Act has been carefully kept in force; which is more remarkable because the provisos which insist on the retention of certain incidents of the qualification up to the time of voting are expressly repealed.... I think the true construction of these sections which alone remains, is, to make the register conclusive, not only on the returning officer, but also on any tribunal which has to enquire into any elections, except in the case of persons ascertained by the proviso. These are, persons prohibited from voting by any statute or by the common law or by Parliament.”

(The 79th section to which reference is made is discussed in the arguments on page 741).

9. The second case in which section 7 of the Ballot Act was discussed is the **Pembroke Boroughs Case**. [1901] O'M. & H 135.

10. The court stated in its judgment at p. 139 as follows:-

“It is very hard, he says, that they should be entitled to vote simply because they are on the register. But put the corresponding case of a person who is entitled to be on the register and the Revising Barrister has left him off, and then an election takes place. He is a perfectly qualified person. He has claimed to be put on the register, his claim has been improperly disallowed and yet he cannot vote. It is exactly the correlative case to this. Here are people who it is said are not entitled to be on the register but who have voted. That would be a case where a person thoroughly entitled to be upon the register is prevented from voting because the section says a person shall not be entitled to vote unless his name is on the register. It would not help him to come to the polling station with proof of his qualification- even with the judgment of the court- that his qualification was a good one and that he ought to have been put upon the list, if he was not on the list, if the list had not been corrected and he was not upon it like other voters. He was only entitled to vote if his name was upon the register.”

11. In this matter much has been urged on this court that the Parliamentary

Commissioner has not complied with the duties imposed on him by section 22 of the Act. It is to be observed first of all that the revisions to which the section refers are all relating to persons whose names appear on the register. There is nothing to suggest that he has any duty to put some one on the register who for

whatever reason is not there. The section specifically states that the Commissioner's obligation to revise the register is that of "**ensuring that no person shall be –(a) named more than once in the register: or (b) registered by virtue of a qualification which he does not hold"** (emphasis mine). The remaining portions all deal with enabling him to purge the register.

12. Section 20 addresses the case of application for transfer and that is quite plain in its scope.

13. Section 9 lays down the entitlement to vote in the following terms

"9(1) Subject to the provisions of this Act every person who is registered as a voter in any polling division in any constituency shall be entitled to vote in that polling division at an election in that constituency.

(2) Notwithstanding the provisions of subsection (1) no person shall be entitled to vote at an election in any, constituency, unless on the day of election-

(a) he is a citizen of The Bahamas of full age and not subject to any legal incapacity; and

(b) in the case of a person who is registered as a voter in a polling division in that constituency, he is, or has been at some time during the six months immediately preceding that day, ordinarily resident in premises in that Constituency "

14. A proper reading of section 9 above will show that even the fact that an individual's name is on the register is not a guarantee that he is entitled to vote. It is for this reason that persons who attend at the polls to vote even though they have a voter's card and their names appear on the register may find that their votes may be disallowed by the Court on the basis that section 9(2) operated to exclude the validity of their vote.
15. The Parliamentary Commissioner under the Act is mandated with making provisions for the registration of voters. He is required by section 13 to create a register which must be revised and amended from day to day. In order to accomplish this he must establish registration stations where members of the public may attend and be duly registered.
16. The commissioner then has specific responsibilities with respect to the register and is given certain powers to assist him with those responsibilities. Section 16 (1) enables the Commissioner 'as far as it is practicable' make enquiries at every house in any constituency or any part thereof to ascertain the correctness of the register. It is significant that this is an enabling and not a mandatory provision as the legislators obviously understood that it may not always be practicable.
17. It has been submitted that a voter cannot be removed from the register under this section without a hearing. However this point was raised by Counsel for the

Petitioner in **Ferguson v. Gray** (No. 1166 of 2002) and was dealt with by the court which found as follows:-

“It appears to us that nothing turns on the irregularity of the procedure followed by the Parliamentary Commissioner for the removal of Ms. Pyfrom’s name from the MICAL register. Having regard to the date at which she registered in Adelaide and the oath that she subscribed (which must be regarded and having the solemnity which it purported to have and cannot be taken to be a mere pro forma exercise), she was entitled to vote in Adelaide and not in MICAL. Accordingly her vote must be disallowed.”

18. It is submitted that a proper reading of the Act will show that the onus of activating his placement on the register begins with the prospective voter. He is required to approach the registering sites provide them with his information and request that he be registered. In doing so he is required to take an oath as the Commissioner’s office as they would normally have no way of confirming that information in the initial stages. (See Section 19 of the Act).

19. Once the register is commenced the Commissioner is required to keep it available for inspection and also to publish the same for public review. It is clear that the purpose of the same is to enable persons who have been registered to review the same for accuracy and to point out any corrections which may be necessary. (See section 26 of the Act)

20. It is clear that where the prospective voter's circumstances have changed such as a change of address the onus is on him to contact the Commissioner's office and notify him of the same. It follows therefore that if a voter changes his address and thereby becomes resident in another constituency he must necessarily also notify the Commissioner of that change so that he can become properly registered in the new constituency so as to be able to vote. It is misconceived to think that because one moves and assumes new residency he automatically becomes entitled to vote. It is clear that he must first take the necessary steps to become properly registered and if he does not do so he cannot complain about not being able to vote in the new Constituency.

21. The voter's right to cast a ballot which is valid and can be counted depends as stated earlier on his compliance with the provisions of the Act. Section 57 of the Act is instructive.

“57 (1) No person shall be permitted to vote in any polling division at any election unless-

(a) he produces his voter's card or any other sufficient means of identification and it is apparent that he has not already voted at the same election in the same constituency or in any other constituency; and

(b) his name is on the part of the register for that polling division, and the presiding officer has scrutinized the voter's card or other means of identification other than his voter's card, and the means of identification produced by him and is satisfied as to his identity and his right to vote.

(2) The name of every voter who is permitted to vote upon the production of sufficient means of identification other than his voter's card, and the means of identification produced, shall be entered on a list to be kept by the presiding officer.

(3) In any case where a voter's card bears the date of registration on page two of such card but is defective only because it does not bear a date or date stamp on the face of page one of such card then such card shall be accepted as valid."

22. A proper reading of Section 57 shows that in order to be allowed to vote the prospective voter must either be on the register or have a voter's card. Where he does not appear on the register and also presents no voter's card he cannot be allowed to cast a ballot at all. If he is on the register but has no voter's card then the issue becomes one of identification. If the presiding officer can be satisfied by other means of identification that the person presenting is the same person on the register he can allow him to vote. Where the individual presents with a voter's card but his name is not on the register section 58 becomes applicable.

23. Section 58 (1) of the Act provides that:-

"If during the course of identifying any person before voting in any polling division at any election under the provisions of paragraph (b) of subsection (1) of section 57, the presiding officer is not satisfied as to the identity of such person or as to his right to vote because-

- (a) such person's voter's card has any defect;*
- (b) the entry relating to such person in the register is incorrect; or*
- (c) such person has a voter's card but his name does not appear in the register for the relevant constituency or polling Division.*

*Then the presiding officer shall permit such person to cast a vote upon a coloured ballot paper and such vote shall be known as a **protest vote**.” (emphasis mine)*

24. It is submitted that Section 58 clearly deals with what on the face of it appears to be clerical errors. The voter is required to vote on a protest ballot so that if necessary his true status can be resolved. Item (a) is clear in its understanding. It deals with a situation where the card is defective. Item (b) deals with a situation where the entry on the register is defective. The defect is usually noted in that the information on the voter's card and the register is inconsistent. For determination will be which accurately represents the official record. The third item (c) relates to where he presents with a voter's card but he is not on the register. The question then for determination is what is the official state of the record.

25. In section 69 (4) it is provided that on the hearing of an application such as the present matter:-

“the Election Court is satisfied after taking into account paragraphs (a), (b) and (c) of section 58 or any of them that voter was entitled to be properly registered and entitled to vote in the relevant constituency then it shall allow such vote, and if necessary, order that the register be rectified accordingly.”

26. This subsection to be properly understood requires a proper understanding of the provisions which we have just reviewed. It is our submission that having regard to the provisions of sections 57 and 58 of the Act the words of section 69 (4) must be construed as meaning that if the Election Court is satisfied that after taking into account the relevant provisions of section 58 that a voter was properly registered and entitled to vote in the relevant constituency then it should allow such vote to be counted.
27. It is important to note that once this process before the court is completed the returning officer will be able to hopefully declare a winner. However, once this is done the unsuccessful party in the election will be able to lodge a petition under Section 79 of the Act. It is at this stage that the court will be concerned with issues such as ordinary residence. It is well known that at such a hearing the court can and has disallowed votes cast by persons who were on the register and also held voters cards which contained no defects. This is usually on the basis that the voter was not ordinarily resident in the constituency and ought not to have voted having regard to section 9 (2) (b).
28. It is submitted that if on this discrete application this court were to concern itself with more than determining what the register looks like and instead to embark on a determination of ordinary residence there will be an overlap between section 69 and section 79 which clearly the legislators did not intend. For example if this

Honourable Court were to find that Voter C was properly identified and her vote ought to count, this leaves room for a determination on a section 79 petition that she was none the less not ordinarily resident in the constituency at the time she voted.

29. It is our similar submission that on the issues of those persons not on the register the Court in section 69 must determine whether the omission was due to clerical malfunction or a deliberate act of the Commissioner. If it was a clerical act of omission then the register can be corrected to allow the vote to count but where the Commissioner's evidence is that he intentionally did not place them there or removed them then it should not count.

30. It is in a section 79 application that the Commissioner's decision to not place the voter on the register or to remove them due to their lack of compliance with the residence requirement becomes justiciable.

31. This is critical to the resolution of the matter herein as some of the affidavit evidence tendered by the Petitioner seeks to establish the entitlement of voters to vote in the Elizabeth constituency by reason of their alleged residence in such constituency notwithstanding that their names do not appear on the register for that constituency.

32. It is submitted that these issues fall outside the limited scope of this application and ought to be raised by the petitioner in a section 79 petition if the need arises. To do otherwise would subject the same issue to two separate considerations where conflicting results could result.

33. It is we submit only in circumstances where there are discrepancies regarding the entries on the register and/or counterfoil and/or voter's card that the question of rectification of a register becomes relevant. This operates similarly to the slip rule in correcting an order or judgement made by the court. The intent of the slip rule is to correct what is an obvious clerical error not to change what is perceived to be a wrong decision. In making the correction the official record is being established. The decision itself can only be challenged by an application brought for that specific purpose which would involve reviewing the substance of the case for that purpose.

34. We invite the court to consider the entirety of Part III of the Act in the context of an assessment of the evidence of the Parliamentary Commissioner.

Objection to the Admissibility of certain evidence

35. Earlier in these proceedings we flagged an objection to the admissibility of paragraphs 15 and 16 of the affidavit of the Petitioner and the entire affidavit of Stafford Coakley. The objection to paragraph 15 of the Petitioner's affidavit and that of Mr. Coakley is on the ground that this evidence is inadmissible hearsay

and paragraph 16 of the Petitioner's affidavit has no probative value (see ss 38 and 39 of the Evidence Act chapter 65).

36. A comprehensive exposition of the hearsay rule is contained in the speech of Lord Reid in the House of Lords in the case of Myers v D.P.P. [1965] A.C. 1001 the essence of the rule is that assertions which are not made at a trial by a witness who is testifying are inadmissible as evidence of the truth of that which is asserted. Such assertions are hearsay and except in certain non-adversary proceedings are generally excluded at common law. The underlying notion is that a witness must speak only of facts which he has perceived with one of his five senses.

37. The rule applies to out of court assertions which are being tendered as evidence of their truth. In paragraph 15 the Petitioner asserts that the location of the placed of residence of the five voters in question was marked on the map exhibited and that he caused a legend to be prepared. There is nothing in this paragraph to indicate or even to suggest that he is able to verify the marks on the map or the legend by reason of his perceiving such facts with one of his five senses. In the circumstances it is submitted that this evidence falls within the hearsay rule and cannot come within any of the exceptions thereto and is therefore inadmissible.

38. The same applies to the evidence of Mr. Coakley who deposes that in the case of all five premises he identifies on the map he was shown the same by another person
39. Paragraph 16 of the Petitioner's affidavit has not probative value because the fact that he says he believes the evidence of deponents of the mentioned affidavits does not enhance the cogency or value of the evidence given therein.
40. In this matter the evidence shows that there are three voters who were not registered in the Elizabeth Constituency but instead two are registered in the adjacent Yamacraw Constituency and the other in the Fox Hill Constituency. These voters were plainly not entitled to vote in the Elizabeth Constituency and no question of rectification of the register arises.

The Evidence in relation to the Voters

41. According to the evidence of the Returning Officer and Exhibit JT-1 there were six (6) protest votes cast during the voting process these votes being cast in Polling Divisions 4,5,7,8 and 10.
42. In Polling Division 4 Voter A attempted to vote and was required to vote on coloured ballot due to the fact that her name did not appear on the Register. This voter registered on the 17th February 2007 and under oath gave her address as N/Pine Barren Rd. A check of the Voters Register for Fox Hill will show that this

voter is listed there as a registered voter and as such she was not entitled to vote in the Elizabeth Constituency.

43. In support of her contention of her residence being within the Elizabeth Constituency there have been four affidavits filed and two of the affiants have given evidence. In her evidence, Voter A indicated that she registered to vote at the food store and later found that she had been placed in the wrong constituency and attended the Parliamentary Registrar's Office along with several persons including Mr. Michael Bullard, who gave evidence, her husband, who also gave evidence and other persons with a view to having their Voter's cards corrected. Mr. Bullard and Mr. McPhee asserted that at the time they attended the Parliamentary Registrar's Office they met with Mr. Erroll Bethel however it was not put to Mr. Bethel that he had met with them when he was cross examined by Mr. Davis. There are glaring and significant inconsistencies between the evidence taken from Voter A and her witnesses.

44. Mr. Bullard testified that he attended the Office once along with others from his household and waited for the entire day (15th March afternoon pg. 18 line 5) and that Voter A's voter's card was issued in his presence when he was issued his own (pg.5 line 22). He contradicted his own evidence in that first he said that he waited for his voter's card and then he changed his evidence to say that he waited for a receipt (pg. 20 line 18).

45. The receipts obtained by Mr. Bullard and one other person were provided by him ostensibly to prove the date on which the group attended the Registrar's office to change their voter's cards, however, no receipt relative to Voter A was produced to show that she was awaiting a new voter's card as of that date. It would be unusual for Mr. Bullard to have only kept the receipts for himself and the other person but not Voter A, who was also a member of the household. Assuming without conceding that the others had gone to the office for the same purpose that she had, it is unlikely that they would have had receipts and Voter A didn't.
46. The length of time that was spent at the Office was also contradicted by voter A in her evidence when she stated that she had only spent two hours at the Office. This statement contradicts both the evidence of Mr. Bullard as above (16th March morning pg 19 line 18 onward) and that of her husband when he stated that he spent three to four hours or more at the office and further that they had to return on numerous occasions before they could 'get straight' and that the last visit was the Sunday before the election (pg 44 line 8 onward)
47. There are also blatant contradictions in relation to who was with Voter A when she applied to have her Voter's card rectified. According to her, she was in the office with her husband who gave the officer his voter's card as proof of her residence (pg 26 line 31 and over to p 27), however, her husband denies being in the office with her and says that she was in the office with Mr. Bullard and another person (15th March afternoon pg 43 line 25 and over to pg 44).

48. Another contradiction which shows the unreliability of all of this evidence is that Mr. Bullard indicated that their household visited a residence in Monastery Park for up to months at a time (pg. 15 beginning at line 13), however Mr. McPhee indicated that the residence is his mother's home and the longest he ever stayed there was a month though due to his mother's illness (pg 45 beginning at line 16 and over to p. 46) but that all of them stayed there for the Christmas (pg 47 line 7 onward). Voter A however said that she did not spend significant time with her mother-in-law and denied the evidence of Mr. Bullard (pg 22 line 22 onward) and also that only she and her children accompanied her husband when he visited his mother-in-law.

49. Voter A also contradicted the affidavit evidence of Bishop Philemon Wilson in that he indicated that he was aware of Voter's A's residence because he had picked her up and given her a ride to the compound on at least four occasions. Voter A on the other hand indicated that he had only given her a ride on one occasion when she was walking for exercise on Prince Charles Drive and he offered her a ride which she took (pg. 23 line 14 onward)

50. The contradictions within voter A's own evidence are particularly enlightening and further support the Third Respondent's assertion that she cannot be believed. In relation to her Form B, she accepts that she signed the Form B (pg. 15 line 10) but that the date was not on the form (pg 15 line 18) but later insisted that only

South Pine Barren Rd was on the form (pg 16 line 9). However she gave evidence that on her initial registration for the Elizabeth constituency she was given a receipt with north of Pine Barren Rd written on it (pg. 18 line 15 onward). Later in her evidence she said that Pine Barren Rd was on the form B when she signed it (pg. 28 line 18).

51. Voter A also contradicted herself in that she gave evidence firstly that she picked up her amended voter's card some time after her application for correction was taken (pg 11 line 26), however under cross examination she said that her voter's card was the only one that was changed that day (pg 19 line 13) and that it was issued to her that day (pg 20 line 1 onward).

52. Voter A signed form B. She acknowledged her signature. There are no corrections on the form B to her address. This is the form which is used to create the register. Based on all of these facts the doctrine of non est factum applies and Voter A is bound by her document.

53. The flood of contradictions in the evidence of Voter A and her witnesses is irrefutable proof of their lack of credibility and it is submitted that where evidence has been proffered by the Second Respondent as to the facts surrounding firstly, the purported visit, secondly the evidence held by his office with regard to Voter A, his evidence is to be believed. The Second Respondent stated that he has no record of Voter A attending to correct any error on her voter's card (pg 32 line 27

onward) nor was he able to obtain any documentary evidence that such an application was made. Also, the counterfoil in evidence bears the same date as the voter's card but has a different address and is signed by a different Revising Officer. Most importantly her oath was un-amended. Based on the Second Respondent's evidence that if a change was made to any aspect of the information provided it would be reflected on all of the documents relative to that voter. This court is therefore invited to find on that basis that Voter A never made any such application. In the premises this court is invited to accept that Form B has not been altered since she signed it and that she voluntarily placed herself in the Fox Hill constituency by giving an address of N Pine Barren Rd therefore her vote should not be allowed.

54. In Polling Division 5 two voters, B and C, voted on coloured ballots. There was a problem with their identification. The information available shows that Voter B was registered on the 26th January 2007 and at that time gave his birth date as 15th June 1963. This is the date which appears on the Register as well as the counter foil. The voter did not produce a voter's card and provided a driver's licence as a means of Identification. The driver's licence was inconsistent with the documents of the Parliamentary Registration Department as it showed a date of birth which was different. He was required to vote on a coloured ballot. This witness has given no evidence and as such his true date of birth is unknown and he has offered no explanation as to why his date of birth is different on the driver's licence. The driver's license has not been produced. We have nothing before the court to

confirm that the holder of the driver's licence is the same person listed in the Register as a voter in the Elizabeth Constituency. Therefore, his vote should not be counted.

55. Voter C was registered to vote on the 19th January 2010 and gave her birth date as the 3rd January, 1970. On the 16th February 2010 she presented herself to Polling Division 5 but due to an inconsistency between the date of her birth on the register and the counterfoil she was required to vote on a coloured ballot.

56. Voter D does not live in the Elizabeth Constituency and is in fact registered as a voter in the Yamacraw Constituency. It follows that her vote cannot be counted as she was not entitled to vote in the Elizabeth Constituency. This voter did not swear an affidavit nor did she appear to give evidence therefore the only evidence in relation to her is that of the Second Respondent both in his Affidavit and in his viva voce evidence.

57. It had been suggested to the Parliamentary Commissioner that he never spoke to this voter to inform her that she was not in the Elizabeth Constituency, however the un-controverted evidence of the Parliamentary Commissioner is that he visited her home and spoke with someone but he could not be sure that the person he spoke to was the voter (March 12th afternoon p. 10 beginning at line 24 and over to p 11 and p 20 at line 21 onward).

58. Therefore, her vote should not count.
59. Voter E was challenged on the ground of residency but was on the Register for the Elizabeth Constituency and had a Voter's card so once she took the oath on being challenged she was entitled to vote on a white ballot. Whether she was in fact ordinarily resident will have to be determined in a section 79 petition.
60. Voter F registered on the 23rd November 2005 and was placed on the Register for the Constituency of Yamacraw. She claims that she relocated to a site of South Pine Yard Road in May of 2006. By her own admission this voter never made any application for a transfer following her move from the Yamacraw constituency (see 15th March afternoon transcript at p.55 beginning at line 18) as mandated by the Act. On the 16th February 2010 she presented herself to Polling Division no 10 and on her own evidence did not have a Voters Card nor did she appear on the Register for Elizabeth. It is also significant that she now produces a voters card which clearly shows that she is registered in Yamacraw. It follows that even if she had produced this card on the 16th February she could not vote as it had no relation to the Elizabeth constituency. In these circumstances there was no lawful basis on which she could have been allowed to vote at all. (See Section 57 of the Act). Therefore, her vote should not count.

RESPECTFULLY SUBMITTED BY:-

THOMAS A. E. EVANS Q.C.

G. DIANE STEWART

MILTON A. EVANS

VERONIQUE J. N. EVANS

HOWARD W. THOMPSON

CHARLYNE SEALY

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