



# PEOPLE'S ACTION MOVEMENT

“To Clasp Hands And Strive For Progress”

25<sup>th</sup> July, 2022

## **Attempts being made to steal the elections in St. Kitts & Nevis**

With only days remaining before the people of St. Kitts & Nevis go to the polls, efforts are being made by sources within the government to steal the election and deny citizens the opportunity to elect a government of their choice.

This attack on democracy is unfolding before the eyes of the people, as the illegal government seeks to use and abuse the electoral system to provide an outcome in their favour.

Reacting out of fear and desperation, the Dr. Timothy Harris Administration, which has less than two more weeks in office, seems determined to misuse government resources, including public funds, to corrupt the electoral system.

The tricks being played by Harris include but are not limited to the following: padding of the voters list by registering persons who were not eligible to vote, including some who recently arrived in the country; removal of some voters from the list; illegal transfer of some voters; incentivizing persons to register and vote; and undue influence over the Electoral Commission.

Chairman of PAM and the Candidate for Central Basseterre, Honourable Jonel Powell, has recently taken action to have the issues and concerns addressed, in accordance with the laws of St. Kitts & Nevis.

Powell explained that attempts are being made to ignore the law and the election regulations. The laws clearly state that a revised voters list for a given month can only be published after all objections have been determined by the registration officer.

However, the people of St. Kitts & Nevis should be made aware, that the government has instructed the Electoral Commission to ignore the law and to publish a revised list for the month of May despite the fact that there are still outstanding objection hearings for persons who registered to vote in that month.

The Harris government has given instructions to ignore the law, saying that if the opposition parties have a problem, they are free to take their matter to the court.

In light of this, the People's Action Movement has formally written to the Supervisor of Elections, making it clear that the list of voters to be used for the Friday, 5<sup>th</sup> August, 2022, General Elections, can only be the one up to April, 2022, if all objections to the May, 2022 list are not fully completed.

Jonel Powell wrote to Election Supervisor, Elvin Bailey on Thursday, 21<sup>st</sup> July, 2022, stating that his concerns are "... in respect of the "Revised List of Voters for May 2022" for the electoral district of St Christopher #2, Central Basseterre, published under the seal of the Supervisor of Elections and dated July 15th, 2022, hereinafter referred as the **revised list.**"

Powell said that the publication of the revised list is set out in section 49 of the National Assembly Elections Act.

"As section 48 deals with objections and claims, it, therefore, follows that the revised list can only be published after all objections and claims to persons included on the monthly list have been determined. Only then can it be said that a *corrected monthly list* has been published," stated the Central Basseterre Candidate.

**Address:**

P.O Box 1294  
#3 Church Street  
Basseterre  
St Kitts  
West Indies

**Telephone:**

C + (869) 762-8630  
C + (869) 665-4754

**Facsimile:**

+ (869) 466-7659

**Email:**

Secretariat.pamskn@gmail.com

**Website:**

www.pamdemocrat.org

**National Executives**

**Political Leader:**

Hon. Shawn K. Richards

**Chairperson:**

Hon. Jonel F H Powell

**Deputy Political Leaders:**

Hon. Eugene Hamilton  
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Powell cited legal precedent, by indicating that “The Court of Appeal has explained this process of the publication of the revised list quite pellucidly in the 2011 Nevis Island Assembly election petitions brought by Mark Brantley, HCVAP2012/003, 004 & 005, which resulted in the voiding of the election of Hensley Daniel in the electoral district of Nevis 2. Here Mitchell JA (Ag) outlined in paragraph 11 of the Judgement.

*“Section 45 provides the mechanism for registration of voters. Persons may make a claim to be registered as a voter, and persons may object to the names of persons appearing on the Register. The Registration Officer having dealt with all claims and objections is to transmit the resulting record of her determination to the Chief Registration Officer, who is to then revise the Monthly List and publish it. The January Lists of the Register of Voters together with the published revised monthly lists is the register of voters to be used in any election held in the particular constituency.”*

Powell said he has been advised that there are still outstanding hearings in respect of objections and claims to the May monthly list.”

“I submit that in the absence of the determination of these objections and claims, the Chief Registration Officer is not able to properly publish a legitimate revised list reflecting the corrected monthly list, stated Powell, who is also a lawyer.

Powell explained that section 49 does not permit a “supplemental revised monthly list”. There can be only one revised list in a month as per section 49 of the Act, stated the PAM candidate.

“In the circumstances, I hereby respectfully request the [recall of the revised list Constituency #2](#), published on July 15<sup>th</sup>, 2022, and that an appropriate revised list be published by the Chief Registration Officer, only after the Registration Officer has dealt with all claims and objections, (and) has transmitted the resulting record of his determination to the Chief Registration officer,” argued Powell.

He said that “It would be remiss of me if I did not take this opportunity to point out that the register of voters to be used for the August 5<sup>th</sup>, 2022, election must therefore be January 2022 annual revised list, together with the revised monthly lists for... February, March, and April 2022, the April revised list being the last lawfully published revised list at the time of the issuance of the writ.”

The PAM Chairman said this matter is guided by section 52 (2) of the Act, “Whenever a writ is issued between the publication of the last revised monthly list and any other revised monthly list, the last revised monthly list shall be used for the purposes of the conduct of the Poll.” and he is calling on the Supervisor of Elections to take immediate and urgent action in response to his request.

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