

CAYMAN ISLANDS



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THE ELECTIONS (AMENDMENT) LAW, 2004

(LAW 18 OF 2004)

THE ELECTIONS (AMENDMENT) LAW, 2004

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CAYMAN ISLANDS

Law 18 of 2004.

I Assent

James M. Ryan

Acting Governor.

9th August, 2004

**A LAW TO AMEND THE ELECTIONS LAW (2000 REVISION) TO
REFINE AND MODERNISE THE ELECTION LEGISLATIVE SCHEME
OF THE ISLANDS; AND FOR INCIDENTAL AND CONNECTED
PURPOSES**

ENACTED by the Legislature of the Cayman Islands.

1. This Law may be cited as the Elections (Amendment) Law, 2004. Short title
2. The Elections Law (2000 Revision), in this Law referred to as “the principal Law”, is amended in section 2 as follows - Amendment of section 2
of the Elections Law
(2000 Revision) -
definitions and
interpretation
 - (a) in subsection (1), by inserting the following definitions in their appropriate alphabetical places -
 - “candidate” means a person who has been nominated as a candidate to contest an election;
 - “counting station” means any room secured by the returning officer for the counting of the votes on polling day;
 - “Deputy Supervisor” means a person appointed as Deputy Supervisor of Elections under section 4;
 - “election agent” means a person appointed by a candidate under section 58;

“electronic” means relating to technology having electrical, magnetic, optical, electromagnetic, or similar capabilities, whether digital, analogue or otherwise;

“Governor” means the person for the time being holding the office of Governor of the Islands, and includes any person for the time being lawfully performing the functions of that office under section 1 of Schedule 2 to the Cayman Islands (Constitution) Orders 1972 to 2003, and to the extent to which a Deputy appointed under section 4 of Schedule 2 to the Cayman Islands (Constitution) Orders 1972 to 2003 is authorised to act, that Deputy;

“Governor in Cabinet” means the Governor acting in accordance with the advice of the Cabinet of the Islands;

“political party” means a group of persons who have united to contest an election;

“registration agent” means a person appointed under section 13(8);”;

- (b) by repealing the definition of “agent” and substituting the following definition -

“ “agent” means a person appointed by a candidate to act on behalf of the candidate for the purposes of an election and includes –

- (a) a person appointed as a polling agent or counting agent under section 34(1)(a) or (b); and
- (b) a person appointed as an election agent under section 58(1);”;

- (c) by repealing subsection (2) and substituting the following subsection -

“(2) Where-

- (a) any notice, list or any other instrument is required to be published then, unless the contrary intention appears, the publication thereof shall be made by -
 - (i) posting the same in a conspicuous place on any court house, church, chapel, post office, school-house or such other building in the Islands as in the opinion of the Supervisor is suitable for the

purpose, except that in places where there is no such building as aforesaid, such instrument may be posted in a conspicuous place;

- (ii) transmitting the same by electronic means on a website authorised by the Supervisor; and
- (iii) publishing the same in a newspaper published and circulating in the Islands; and

- (b) any paper, list or report is required to be printed, such paper, list or report may be reproduced and printed by a computer.”.

3. The principal Law is amended by repealing section 4 and substituting the following section -

Repeal and substitution of section 4 - appointment, powers and duties of Deputy Supervisor

“Appointment, powers and duties of Deputy Supervisors

4. (1) The Governor, in his discretion, shall appoint not more than three public officers to be Deputy Supervisors of Elections.

(2) Subject to the general direction and supervision of the Supervisor and to such conditions, exceptions and qualifications as he may direct, each Deputy Supervisor shall have and may exercise such of the functions, powers and duties conferred or imposed upon the Supervisor by this Law as the Supervisor may in writing delegate to him, unless by this or any other Law expressly prohibited from so doing.”.

4. The principal Law is amended in section 8(1) by repealing the words “a deputy returning officer” and substituting the words “as many deputy returning officers as he deems necessary,”.

Amendment of section 8 - appointment of returning officer

5. The principal Law is amended in section 13 as follows –

Amendment of section 13 - preparation of quarterly register

- (a) in subsection (8) by repealing the words “his agent” and substituting the words “his registration agent”; and
- (b) in subsection (9) by repealing the words “An agent” and substituting the words “A registration agent”.

6. The principal Law is amended in section 14 by repealing subsection (2) and substituting the following subsection -

Amendment of section 14 - revised list

“(2) A revised list -

- (a) shall be transmitted by electronic means on a website authorised by the Supervisor; and

- (b) shall, during the hours of business in each day for a period of twenty-one days after the publication thereof, be open to inspection by the public free of charge in the electoral district to which such list applies at such places as the Supervisor may direct, and at the Elections Office in George Town;

and copies of the revised list shall be offered for sale in printed or electronic form at prices set by the Supervisor from time to time.”.

Amendment of section 15 - procedure as to omissions and objections

- 7. The principal Law is amended in section 15(4) by repealing the words "names of the persons" and substituting the words "respective names, street addresses and occupations of the persons".

Amendment of section 18 - revised lists to be certified and deemed Register of Electors

- 8. The principal Law is amended in section 18 by inserting after subsection (3) the following subsection -

“ (4) Copies of the Register of Electors shall be offered for sale in printed or electronic form at prices set by the Supervisor from time to time.”.

Repeal and substitution of section 21 - change of elector's name or residence

- 9. The principal Law is amended by repealing section 21 and substituting the following section -

“Change of elector's name, occupation or street address

21. Any person whose name appears on the Register of Electors and who changes his name, occupation or street address shall -

- (a) within a reasonable period but no later than three months after such change, give to the registering officer for the electoral district in respect of which he is registered as an elector, notice in writing in Form 13 together with such supporting documents as the registering officer may require;
- (b) where the change of street address is from one electoral district to another, at the same time send a copy of such notice to the registering officer for the electoral district within which the new street address is located; and
- (c) where the change is from one electoral district to another or from one polling division to another within the same electoral district, return his elector registration card to the Supervisor for it to be altered

accordingly and replaced.”.

10. The principal Law is amended by inserting after Part II the following Part -

Insertion of Part IIA -
registration of political
parties

“PART IIA

Registration of Political Parties

Eligible political party 21A. Any group of persons who have united to contest an election, is eligible to be registered as a political party.

The Political Party Register 21B. The Supervisor shall establish and maintain a register of political parties, to be known as the Political Party Register, which shall contain a list of the political parties that are registered.

Application for registration 21C. (1) An application for registration by an eligible political party shall be made in Form 13A to the Supervisor by the president, chairman or secretary of the political party.

(2) An application for registration shall be signed by the applicant, shall set out the name of the political party and the name of the person applying for the registration of the political party for the purposes of this Law, and shall be accompanied by a copy of the constitution of the political party.

Grounds for refusal 21D. (1) No political party shall be registered between nomination day and the day on which all writs for a general election have been returned.

(2) The Supervisor may refuse to register a political party the name of which is obscene or consists of more than five words or resembles that of another political party.

Registration procedure 21E. (1) Where the Supervisor is satisfied that the application is in order he shall forthwith register the political party concerned, and issue a certificate of registration in Form 13B duly signed by him and bearing the seal of the Elections Office, and shall cause a notice of the registration to be printed in the Gazette.

(2) If the Supervisor is not satisfied that an

application is in order, the Supervisor may request alterations to the application to meet the prescribed requirements.

(3) Where an applicant has been requested to make changes to an application by the Supervisor and such applicant refuses to do so or does so in a manner that does not meet the prescribed requirements, the Supervisor shall refuse the application to register the political party concerned and inform the applicant accordingly.

(4) The Political Party Register shall state -

- (a) the name of each political party registered under this Part;
- (b) if an abbreviation of the name was given in the application, that abbreviation;
- (c) the name and address of the person who made the application for the registration of the political party; and
- (d) the name and address of the political party leader, chairperson or president, and secretary.

Appeals

21F. (1) Where the Supervisor refuses an application to register a political party, the Supervisor shall so inform the applicant giving reasons for the refusal.

(2) An aggrieved applicant may, within twenty-one days of being notified that his application was refused, appeal to the Grand Court against the decision of the Supervisor.

(3) The Chief Justice shall make rules for the better carrying out of this section, for the procedure and forms to be used for the admission of evidence and for the fees to be paid on any appeal under this Law.”.

Amendment of section
23 - nominations

11. The principal Law is amended in section 23 as follows -

(a) by repealing subsection (3) and substituting the following -

“(3) Nomination papers and nomination declarations shall be provided by the returning officer and shall be in Form 16 and Form 16A, respectively.”;

(b) by inserting after subsection (3) the following subsection -

“(3a) A person shall be entitled to be nominated as a candidate for election in one electoral district only.”;

(c) by repealing subsection (4)(b) and substituting the following -

“(b) signify his consent to the nomination by signing -

- (i) the nomination paper in the presence of a witness who must also sign the nomination paper; and
- (ii) the nomination declaration.”;

and

(d) in subsection (6) by inserting after the words “A nomination paper” the words “or nomination declaration”.

12. The principal Law is amended in section 26 as follows -

Amendment of section 26 - deposits

- (a) in subsection (1), by repealing the words "or before"; and
- (b) in subsection (3), by repealing the words "the Financial Secretary" and substituting the words "the chief officer in the Portfolio of Internal and External Affairs (as defined in section 3 of the Public Management and Finance Law (2003 Revision), for transmission to the Financial Secretary.

13. The principal Law is amended in section 28 by inserting after subsection (2) the following subsection -

Amendment of section 28 - contested elections, publication of date and place, etc.

" (3) The Supervisor may establish as many counting stations as may be necessary for counting the votes, but there shall be at least one counting station in each electoral district."

14. The principal Law is amended by repealing sections 30 and 31 and substituting the following sections -

Repeal and substitution of sections 30 and 31 - presiding officers; poll clerks

"Presiding officers

30. (1) The Supervisor shall, subject to the approval of the Governor, appoint a presiding officer to attend at each polling station to receive the votes, but he shall not so appoint any person who has been employed by or on behalf of a candidate in or about the election.

(2) Where a presiding officer cannot perform his duties on polling day due to illness or other inability, the Supervisor shall appoint an alternative presiding officer to undertake those duties.

(3) Forthwith upon his appointment every presiding officer shall take and subscribe an oath in Form 19 and shall transmit such oath to the Supervisor.

Field officers, logistics officers and poll clerks

31. (1) The Supervisor shall, subject to the approval of the Governor, appoint -

- (a) such field officers and logistics officers, as may be necessary for the conduct of the elections; and
- (b) a poll clerk or poll clerks for every polling station in an electoral district.

(2) Forthwith upon his appointment -

- (a) every field officer and logistics officer shall take and subscribe an oath in Form 19A and shall transmit such oath to the Supervisor; and
- (b) every poll clerk or person appointed to act as poll clerk shall take and subscribe an oath in Form 20 and shall transmit such oath to the Supervisor.

(3) Where a field officer, logistics officer or poll clerk cannot perform his duties on polling day due to illness or other inability, the Supervisor shall appoint an alternative field officer, logistics officer or poll clerk, as the case may be, to undertake those duties.”.

Amendment of section 33 - supplies of election material

15. The principal Law is amended in section 33(2) by repealing paragraph (h) and substituting the following paragraph -

"(h) security seals for sealing the ballot boxes; and".

Amendment of section 34 - polling and counting agent

16. The principal Law is amended in section 34 as follows -

- (a) in subsection (1) -
 - (i) by repealing the words "seven days" and substituting the words "ten days"; and
 - (ii) by repealing paragraph (b) and substituting the following paragraph -

“(b) two counting agents to attend at the counting of the votes at each counting station,”; and

- (b) by repealing subsection (3) and substituting the following subsection -

" (3) Every appointment of an agent shall be in writing and shall state the name and street address of the person appointed and the electoral district in which he is registered as an elector, and shall

be duly signed by the candidate and given to the returning officer.”.

17. The principal Law is amended by repealing sections 39 and 40. Repeal of sections 39 and 40 - transfer of electors in special cases; where transferred elector to vote
18. The principal Law is amended in section 41(4) by repealing the word “residence” wherever it appears and substituting the words “street address”. Amendment of section 41 - proceedings at poll
19. The principal Law is amended in section 43 as follows - Amendment of section 43 - general mode of taking ballot
- (a) in subsection (3), by repealing the words “and deposit the ballot in the ballot box” and substituting the following words -
“and return the ballot to the elector who shall deposit the ballot in the ballot box; except that where the elector is unable from physical or other disability to deposit the ballot in the ballot box, the presiding officer shall, on the elector’s behalf, deposit the ballot in the ballot box”;
 - (b) in subsection (4), by inserting after the words "to the elector" the words "and shall offer assistance to an elector who has spoiled three ballot papers"; and
 - (c) in subsection (5), by repealing the words "ballot papers" and substituting the words "ballot paper".
20. The principal Law is amended in section 50 by repealing subsection (1) and substituting the following subsection - Amendment of section 50 - who may be present
- “(1) The following persons shall be permitted to remain in the polling station during the time the poll remains open -
- (a) the presiding officer;
 - (b) the poll clerk;
 - (c) the Supervisor;
 - (d) the Deputy Supervisors of Elections;
 - (e) the returning officer of the electoral district;
 - (f) the candidates;
 - (g) one agent for each candidate in each polling station;
 - (h) the constables in uniform on duty ; and
 - (i) such field officers, logistics officers, emergency personnel and observers as may be authorised in writing by the Supervisor;
- but no candidate and his agent shall be in the same polling station at the same time for more than ten consecutive minutes.”.

Amendment of section
51 - proceedings at the
close of the poll

21. The principal Law is amended in section 51 as follows -

(a) by repealing subsection (2) and substituting the following subsection -

"(2) The presiding officer, accompanied by the poll clerks, police officers, and candidate or agent who may be present, shall deliver the ballot boxes, the keys therefor, the poll book, the envelopes containing the spoiled or unused ballot papers, the official list of electors and the other documents used at the poll, to the returning officer or the deputy returning officer."; and

(b) by repealing subsection (3).

Amendment of section
52 - the count

22. The principal Law is amended in section 52 as follows -

(a) by repealing subsection (1) and substituting the following subsection -

"(1) Each returning officer, or deputy returning officer, as the case may be, shall, upon receipt by him of each of the ballot boxes place his seal thereon in the presence of the candidates or their agents, and shall then take every precaution for its safekeeping until the count commences.";

(b) in subsection (3), by repealing the words "and the Deputy Supervisor of Elections" and substituting the words ", the Deputy Supervisors of Elections and any person authorised in writing by the Supervisor";

(c) in subsection (5), by repealing the words "are being counted" and substituting the words "are counted"; and

(d) by repealing subsection (11) and substituting the following subsection -

"(11) Any of the candidates, if not satisfied with the accuracy of the count of a particular ballot box, may, on completion of the count of that ballot box, immediately demand a recount which shall thereupon be carried out in the same manner as the original count; but no candidate may demand such a recount more than once in respect of a particular ballot box.".

Amendment of section
56 - custody of election
documents

23. The principal Law is amended in section 56 by repealing subsection (1) and substituting the following subsections -

"(1) Subject to subsections (1a) and (1b), the Supervisor shall ensure that –

- (a) the election documents referred to in section 55(1) are kept in safe custody; and
- (b) the keys to the ballot boxes containing the said documents in a vault or strong-room are held by the Governor.

(1a) If an election petition has been presented questioning the validity of any election or return, the Supervisor shall, on the order of a Judge of the Grand Court, deliver to the proper officer of that Court the documents relating to the election that is in dispute.

(1b) After the expiration of twelve months from the day of any election, the Supervisor shall cause the documents used at such election to be incinerated in the presence of two Justices of the Peace, two police officers and the Deputy Supervisors."

24. The principal Law is amended by repealing Part IV and substituting the following Part -

Repeal and substitution
of Part IV - Election
Expenses

"PART IV - Election Expenses

Appointment of election
agents

58. (1) A candidate may, on or before the day fixed for the election, by notice given to the returning officer, appoint some other person as his election agent.

(2) A candidate who does not appoint some other person as his election agent shall perform the functions, duties and responsibilities conferred on an election agent by the provisions of this Law (other than section 63(2)).

(3) The candidate shall specify a street address in his electoral district to which all claims, notices, writs summonses and documents addressed to the candidate or to his election agent may be sent.

(4) A candidate may, by notice in writing given to the returning officer, revoke the appointment of his election agent, and in the event of such revocation or death of the election agent, forthwith appoint another election agent and give written notice of his name and address to the returning officer.

(5) Where any act or omission of an association or body of persons, corporate or unincorporated, is an offence under this Law, any person who at the time of the act or

omission was a director, general manager, secretary or other similar officer of the association or body, or was purporting to act in any such capacity, shall be guilty of that offence if it is proved -

- (a) that the act or omission took place with his consent or connivance; or
- (b) that he failed to exercise all due diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

Candidate's expenses

59. (1) No expenses shall, with a view to promoting or procuring the election of a candidate at an election, be incurred by any person other than the candidate, his election agent and persons authorised in writing by the candidate on account –

- (a) of holding public meetings or organising any public display;
- (b) of issuing advertisements, circulars or publications; or
- (c) of otherwise presenting to the electors the candidate or his views or the extent or nature of his backing or disparaging another candidate.

(2) If a person –

- (a) incurs or aids, abets, counsels or procures any other person to incur, any election expenses in contravention of this Law; or
- (b) knowingly makes a false declaration as to election expenses,

he is guilty of an illegal practice.

Unauthorised expenditure

60. (1) Where an expenditure is incurred in contravention of this Part, the person by whom such expenditure was incurred and the candidate in connection with whose candidature it was incurred shall, in addition to any other penalty to which either of them may be liable, be deemed to be guilty of an illegal practice.

(2) No candidate shall be deemed to be guilty of an

illegal practice by reason of any other person having incurred any expenditure in connection with the candidature of the candidate in contravention of this Part, unless it is proved that such expenditure was incurred with his knowledge or consent or that he did not take all reasonable steps to prevent the incurrence of such expenditure.

Limitation on election expenses

61. (1) Election expenses shall not exceed the sum stipulated in subsection (2).

(2) The maximum amount of election expenses to be incurred in respect of a candidate at an election shall be -

- (a) where the candidate does not belong to a political party, or there is no other candidate belonging to the same party at an election in an electoral district, thirty-five thousand dollars; and
- (b) where the candidate is not the only candidate belonging to a party at the election in an electoral district, thirty thousand dollars.

(3) In determining the total expenditure incurred in relation to the candidature of any person at any election no account shall be taken of -

- (a) any deposit made by the candidate on his nomination in compliance with the Law; or
- (b) any expenditure incurred before the date of nomination of the candidate with respect to services rendered or material supplied before such notification.

(4) A candidate who knowingly acts in contravention of this section is guilty of an illegal practice.

(5) A political party which acts in contravention of this section is liable on summary conviction to a fine of twenty-five thousand dollars.

Time for sending in and paying claims

62. (1) Every claim against a candidate in respect of election expenses which is not sent to him within twenty-one days after the date on which the result of the election is declared shall be barred and not paid.

(2) All election expenses shall be paid within twenty-eight days after the date on which the result of the election is declared.

(3) A candidate who pays a claim in contravention of subsection (1) or who makes a payment in contravention of subsection (2) is guilty of an illegal practice.

Return as to election expenses

63. (1) Within thirty-five days after the date on which the election is declared, every candidate shall deliver to the Supervisor a true return in the form requested by the Supervisor containing a statement of all payments made or received by or on behalf of the candidate.

(2) Every return shall be supported by a declaration sworn to before a Justice of the Peace by the candidate stating -

- (a) that the return fully and accurately sets out all payments made by the candidate himself; and
- (b) that to the best of his knowledge, information and belief the return is a full and accurate return of all expenditure incurred by any person by or on behalf of the candidate, and of all monies, securities or the equivalent of money received by the election agent from any source in connection with the election.

(3) The Supervisor, within ten days after he receives any return, shall publish a summary thereof accompanied by a notice of the time and place at which the return and the documents in support thereof can be inspected.

(4) A person who knowingly makes a false or incorrect return is guilty of an illegal practice.

Penalty for sitting or voting where no return and declarations transmitted

64. (1) If, in the case of any candidate, the return and declaration as to election expenses is not delivered before the expiry of the period limited for that purpose, that candidate shall not, after the expiry of that time, sit or vote in the Legislative Assembly until the return and declaration has

been delivered and if he sits or votes in contravention of this subsection he shall forfeit five hundred dollars for every day on which he sits or votes.

(2) Civil proceedings for the penalty under this section shall be commenced within one year beginning with the day on which the penalty is alleged to have been incurred.

Disclosure by candidates

65. (1) A candidate or his election agent shall keep an account of -

- (a) monetary or other forms of contribution received by the candidate or his election agent for the purposes of the election campaign; and
- (b) the name and address of any person who contributed any money or other form of contribution which exceeds ten thousand dollars.

(2) No candidate or election agent shall accept any monetary or other contribution exceeding five thousand dollars unless he can identify the source of the money or other contribution to the Supervisor.

(3) Every payment made in respect of any election expenses shall, except when less than thirty dollars, be vouched by a bill stating the particulars, and by a receipt.

(4) Where any question arises as to any monetary or other form of contribution, the Supervisor may request that the account be submitted to him for inspection, along with the return required pursuant to subsection (1) of section 63.

(5) The Supervisor shall ensure that these provisions are complied with, and where he has reason to believe that any person has committed an offence against these provisions, the Supervisor shall report the facts on which that belief is based to the Attorney-General.

(6) The Supervisor shall keep a copy of the return at his office until the close of the poll for the second general election that takes place after the date on which the

Supervisor received the return, and at the expiration of that period the Supervisor shall cause the copy of the return to be destroyed.

(7) Where a provision of this Part would be inconsistent with the Register of Interests Law, 1996, the Register of Interests Law, 1996 shall to the extent of the inconsistency prevail over that provision of this Part.

(8) A person who fails to comply with the provisions of this section is guilty of an illegal practice.

Prohibition of expenses
not authorised by
candidate

65A. (1) No expenses shall, with a view to promoting or procuring the election of a candidate at an election, be incurred by any person other than the candidate or persons authorised in writing by the candidate on account-

- (a) of holding public meetings or organising any public display;
- (b) of issuing advertisements, circulars or publications; or
- (c) of otherwise presenting to the electors the candidate or his views or the extent or nature of his backing or disparaging another candidate,

but paragraph (c) shall not-

- (i) restrict the publication of any matter relating to the election in a newspaper or other periodical or in a broadcast made by any licensed television or radio broadcasting organisation in the Islands or in a programme included in a satellite or cable programme service that does not have to be licensed;
- (ii) apply to any expenses not exceeding in the aggregate thirty-five thousand dollars where the candidate does not belong to a political party, or there is no other candidate belonging to the same party at an election in an electoral district; or
- (iii) apply to any expenses not exceeding in

the aggregate thirty thousand dollars where the candidate is not the only candidate belonging to a party at the election in an electoral district.

(2) Where a person incurs any expenses required by this section to be authorised by the candidate-

- (a) that person shall, within twenty-one days after the date on which the result of the election is declared, deliver to the Supervisor a return of the account of those expenses stating the candidate in whose support they were incurred; and
- (b) the return shall be accompanied by a declaration made by that person (or in the case of an association or body of persons, by a director, general manager, secretary or other similar officer of the association or body) verifying the return and giving particulars of the matter for which the expenses were incurred.

(3) The return and declaration under subsection (2) shall be in such form as may be required by the Supervisor, and the authority received from the candidate shall be annexed to the return.

(4) Whoever-

- (a) incurs, aids, abets, counsels or procures any other person to incur any expenses in contravention of this section; or
- (b) knowingly makes the declaration required by subsection (2) falsely,

is guilty of an offence and liable on summary conviction to a fine of five thousand dollars.

(5) Where any act or omission of an association or body of persons, corporate or unincorporated, is an offence under this section, any person who at the time of the act or omission was a director, general manager, secretary or other similar officer of the association or body, or was purporting to act in any such capacity, shall be deemed to be guilty of

that offence unless he proves-

- (a) that the act or omission took place without his consent or connivance; and
- (b) that he exercised all due diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

Definition of "election expenses" for the purposes of Part IV

65B. In this Part -

"election expenses" means expenses incurred by a candidate in respect of the conduct or management of an election contested by that candidate, after nomination."

Insertion of Part IVA and Part IVB - political broadcasts; publication of statistical information

25. The principal Law is amended by inserting after Part IV the following Parts -

"PART IVA - Political Broadcasts

Regulation of political broadcasts

65C. (1) No political broadcast or political announcement shall be made by any person except in accordance with this Part; but where the exercise of any power conferred by or under this Part would be inconsistent with the exercise of a power conferred by or under the Information and Communications Technology Authority Law, 2002, the provisions of the Information and Communications Technology Authority Law, 2002, shall to the extent of the inconsistency prevail over the provisions of this Part.

(2) The provisions of this Part shall, with the necessary changes being made, apply in respect of a by-election as they apply to an election.

Political broadcasts and political announcements

65D. (1) A political broadcast or political announcement shall not include -

- (a) any matter in contravention of the Laws of the Islands;
- (b) any abusive comment upon any race or religion;
- (c) any blasphemous, obscene, indecent or profane matter;
- (d) any scandalous or defamatory matter;
- (e) any scenes of nudity, eroticism, crime or

violence;

- (f) any scenes or sounds of private grief or human suffering; or
- (g) any harrowing sights or sounds.

(2) During a political broadcast or political announcement, there shall be indicated visually or aurally as may be appropriate having regard to the mode of the broadcast or announcement -

- (a) the name of the political party or candidate (as the case may be) responsible for the broadcast or announcement; and
- (b) the fact that the broadcast or announcement has been paid for.

Restriction on broadcasting

65E. No political broadcast, election advertising or political announcement shall be permitted on a polling day.

Advertising of political broadcasts or events

65F. A political party or a candidate may advertise the broadcasting of a programme under this Part within the period commencing at the pre-recording of the programme and ending at the broadcasting of such programme.

Saving of powers of Ministers to broadcast

65G. Nothing in this Part shall be construed as precluding a Minister from broadcasting -

- (a) an explanation of legislation passed or action taken or to be taken or Government policy or policy approved by the Assembly; and
- (b) an appeal on a matter of national importance.

Broadcasting offences

65H. A person who, in contravention of this Part, makes or carries on or procures any other person to make or carry on, any political broadcast, political announcement or election advertising, is guilty of an illegal practice.

Definitions in Part IVA

65 I. In this Part -

“election advertising” means political announcements designed to support and promote the election of members of a political party who are candidates, or the election of other individuals who are candidates, limited to the purposes and extent specified in this Part;

“election period” means, in relation to –

- (a) a general election, the period commencing with the date of dissolution of the Assembly; and
- (a) a by-election, the period commencing with the date of the issue of the respective writ,

and ending with the respective close of poll;

“leader of a political party” means the individual who has been elected or otherwise acclaimed as the leader (by whatever name called) of a political party;

“Minister” means a Member of Cabinet for the time being charged with responsibility in accordance with section 9 of the Constitution;

“political announcement” means an announcement on television or radio advertising an event, which is paid for by or on behalf of a political party or a candidate;

“political broadcast” means a broadcast, whether by television or radio, designed to promote or reduce the popularity of a political party or a candidate; and

“text” includes any script, whether written or recorded.

PART IVB – Publication of Statistical Information

Regulation of statistical information

65J. (1) A person is guilty of an illegal practice if, in contravention of this Part, he publishes statistical information relative to an election.

(2) The provisions of this Part shall, with the necessary changes being made, apply in respect of a by-election as they apply to an election.

Publication of statistical information

65K. No statistical information published under this Part shall, without the previous consent in writing of the person from whom the information has been obtained, be published in such form as to enable the information to be identified as

information relating to that person.

Falsification of statistical information

65L. A person who compiles or uses any false statistical information (including an opinion poll) with a view to exerting an influence upon or affecting an election, is guilty of an illegal practice.

Definition of "publish" for the purposes of Part IVB

65M. Notwithstanding section 2(2)(a), in this Part -

"publish" includes to communicate by any manner whatever, orally, in writing or by electronic means, or to reveal in any manner whatever, and to any person whatever, other than the Supervisor or a Deputy Supervisor."

26. The principal Law is amended in section 72 by repealing subsection (1) and substituting the following subsection -

Amendment of section 72 - intoxicating liquor not to be sold or given

"(1) No intoxicating liquor shall be sold, offered for sale or given away at any premises situate in any electoral district in which an election is being held, to which a licence issued under the Liquor Licensing Law (2000 Revision) applies, at any time between the opening of the poll and one hour after the close of the poll."

27. The principal Law is amended in section 83 as follows -

Amendment of section 83 - illegal practices and penalties

(a) in subsection (1) by repealing the words appearing after paragraph (d) and substituting the words "is guilty of an illegal practice.";

(b) by inserting after subsection (1) the following subsection -

"(1a) A person guilty of an illegal practice under this section or any other provision of this Law, is liable on summary conviction to a fine of five hundred dollars or to imprisonment for six months."; and

(c) in subsection (5) by repealing the words "any person convicted under subsection (1), (2) or (4)" and substituting the words "any person convicted of an illegal practice under any provision of this Law".

28. The principal Law is amended in section 90(1) by repealing the words "Governor in Council" and substituting the words "Governor in Cabinet".

Amendment of section 90 - power to make rules

29. The principal Law is amended in the Second Schedule as follows -

Amendment of Second Schedule - Forms

- (a) in Form 4 by repealing the words “*Note: Completion of items 7 to 11 is optional but should be completed if possible-*”;
- (b) in Form 7 by repealing the words “location of residence” wherever they appear and substituting the words “street address”;
- (c) in Form 8 by repealing the words “Location of Residence” and substituting the words “Street Address”;
- (d) in Forms 9, 17, 27 and 30, respectively, by repealing the words “location of residence” and substituting the words “street address”;
- (e) in Forms 16 and 24, respectively, by repealing the words “Location of residence” and substituting the words “Street address”;
- (f) by repealing Form 13 and substituting the following form -

“FORM 13

NOTICE OF CHANGE OF NAME, OCCUPATION OR STREET ADDRESS

CAYMAN ISLANDS

ELECTIONS LAW

section 21

(2000 Revision)

To the Registering Officer for the _____ Electoral District.

I, _____
(insert full first and surnames in block capitals)

whose postal address is _____,

solemnly and sincerely declare that -

**delete as applicable*

*(a) on or about the _____ day of _____, 20 _____,

I changed my name from _____
(insert full previous names)

to _____
(insert new full first and surnames)

and that change of name occurred by reason of -
marriage/divorce/a deed poll/*(other reason)*;
(delete as applicable)

namely _____
(complete as appropriate)

OR

*(b) on or about the _____ day of _____, 20 _____,

I changed my occupation from

(insert previous occupation)
to _____
(insert new occupation)

OR

*(c) on or about the ____ day of _____, 20_____,
I ceased to reside at _____
(insert full street address of previous residence)
in the said electoral district and now reside at

(insert full street address of new residence)

in the said electoral district/ _____ electoral district;
(delete as applicable)

and I hereby apply for such change to be noted and entered on the Register of Electors.

Dated this _____ day of _____, 20_____.

Signature of applicant: _____

Signature of witness: _____

Name of witness: _____

(in block capitals)

Note: Where the elector has changed his or her street address from one electoral district to another, a completed, signed and witnessed copy of this form must also be sent to the registering officer of the new electoral district.”;

(g) by inserting after Form 13 the following forms -

“FORM 13A Section 21C

APPLICATION FOR THE REGISTRATION OF A POLITICAL PARTY

CAYMAN ISLANDS

**THE ELECTIONS LAW
(2000 REVISION)**

section 21C

To the Supervisor of Elections
Elections Office
Tower Building
North Church Street

George Town
Grand Cayman

I, _____

–
(Give full first name and surname in block letters)

of _____,
(Give postal address including street address)

pursuant to section 21C of the Elections Law (2000 Revision) set out the following particulars -

(State position in political party - president, chairman or secretary of the political party, and strike out the others)

(Name of political party - not more than five words)

(Name of person registering political party)

(State that a copy of the political party's constitution is attached to the application)

(Signature of applicant)

.....

Date of application

FORM 13B

CERTIFICATE OF REGISTRATION OF A POLITICAL PARTY

CAYMAN ISLANDS

**THE ELECTIONS LAW
(2000 REVISION)**

section 21E

I, Supervisor of Elections, hereby certify that
(Insert name of Supervisor)

the has met the requirements stipulated in
(Insert name of political party)

section 21E of the Elections Law (2000 Revision) and has been entered in the register of political parties.

.....
(Signature of Supervisor of Elections)

(Seal of Elections Office)

Dated at George Town, Grand Cayman, the day of 2004.”

(h) by inserting after Form 19 the following form -

“FORM 19A

section 31(2)

OATH OF FIELD OFFICER/LOGISTICS OFFICER

I, _____ the undersigned, appointed field officer/logistics officer for the polling station at _____ in the _____ electoral district swear that I will act faithfully in my said capacity of field officer/logistics officer, according to law, without partiality, fear, favour or affection.

SO HELP ME GOD.

Field Officer/Logistics Officer

Sworn before me at _____ this day _____ of _____, 20____.”;

(i) in Form 21, in paragraph 7, by repealing the words “and place the ballot paper in the ballot box” and substituting the following words -

“and return the ballot paper to the elector who will deposit the ballot paper in the ballot box; except that where the elector is unable from physical or other disability to deposit the ballot paper in the ballot box, the presiding officer will, on the elector’s behalf, deposit the ballot paper in the ballot box”;

(j) in Form 28 –

(i) in the heading, by inserting after the word “**QUALIFICATION**” the words “**AS AN ELECTOR**”; and

(ii) in paragraph 2, by repealing the words “British Dependent Territories Citizen” and substituting the words “British Overseas Territories Citizen”; and

(k) by repealing Form 29.

Amendment of Third
Schedule – Elections
Rules (2000 Revision)

30. The principal Law is amended in the Election Rules (2000 Revision), set out in the Third Schedule, as follows -

(a) in rule 2 -

- (i) in the marginal note by repealing the word “agent” and substituting the words “registration agent”;
 - (ii) in subrule (1) by repealing the words “an agent” and substituting the words “a registration agent”; and
 - (iii) in subrule (2) by repealing the words “the agent” and substituting the words “the registration agent”;
- (b) in Form A in the Appendix to the Rules -
- (i) by repealing the words “**APPOINTMENT OF AGENT**” and substituting the words “**APPOINTMENT OF REGISTRATION AGENT**”;
 - (ii) by repealing the words “Address of father” and substituting the words “Street address of father”;
 - (iii) by inserting after the words “name and” wherever they appear the word “street”;
 - (iv) by repealing the words “sex and address” and substituting the words “sex and street address”;
 - (v) by repealing the word “agent” wherever it appears and substituting the words “registration agent”; and
 - (vi) by repealing the words “**Declaration By Agent**” and substituting the words “**Declaration By Registration Agent**”; and
- (c) by repealing Form B in the Appendix to the Rules and substituting the following form -

“FORM B

(rule 3(1))

APPLICATION TO BE TREATED AS AN ABSENT ELECTOR VOTING BY POST

Name in full
Mr./Mrs./Miss _____
Street
address _____

Electoral district for which registered as an elector

Reasons for application _____

Address to which postal ballot paper shall be sent _____

Declaration By Applicant

I, A.B. _____ of _____
do solemnly and sincerely declare that the information contained in the above
form is correct to the best of my knowledge and belief.

Signature of applicant _____

Signature of witness _____

Full name of witness _____

Date _____, 20____.

Declaration By Person Who Assists An Applicant

*(To be completed by a person who has assisted the applicant to complete the
form or who has signed the form on behalf of the applicant, or both, where the
applicant was not able, because of physical or other disability, to complete or
sign the form.)*

I, _____ of _____ do solemnly and
sincerely declare that I assisted the applicant by filling out and/or signing the
above form in the presence of the applicant and on behalf of the applicant, and
that in doing so I did not influence the applicant in any way but accurately
recorded therein the wishes, information and reasons stated by the applicant, and
that the information contained in the above form is correct to the best of my
knowledge and belief.

Signature of person making declaration _____

Signature _____ of _____
witness _____

Full name of witness _____

Date _____, 20__.”

Passed by the Legislative Assembly the 28th day of July , 2004.

LINFORD A. PIERSON

Speaker.

SHARON SMITH

Acting Clerk of the Legislative Assembly.