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**ELECTIONS LAW**

**(1998 Revision)**

Law 36 of 1983 consolidated with Laws 2 of 1987, 15 of 1988, 20 of 1990 (part), 10 of 1992, 12 of 1996 and 19 of 1996, and with the Elections (Amendment) (Ballot Paper for By-Elections) Rules, 1990 and the Elections (Amendment) Rules, 1992.

Revised under the authority of the Law Revision Law (19 of 1975).

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Law 36 of 1983-2nd December, 1983  
Law 2 of 1987-25th February, 1987  
Law 15 of 1988-9th September, 1988  
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Originally made-

Rules, 1990-17th April, 1990  
Rules, 1992-28th April, 1992

Consolidated and revised this 27th day of October, 1998.

*Note (not forming part of the Law): This revision replaces the 1995 Revision which should now be discarded.*



**ELECTIONS LAW**

**(1998 Revision)**

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**ELECTIONS LAW**

**(1998 Revision)**

**PART I-Introductory**

1. This Law may be cited as the Elections Law (1998 Revision). Short title
  
2. (1) In this Law - Definitions and interpretation
  - “agent” means a person appointed by a candidate to act on behalf of the candidate for the purposes of an election;
  - “Assembly” means the Legislative Assembly;
  - “by-election” means an election other than a general election;
  - “election” means an election of a member or members to the Assembly;
  - “election documents” mean the documents which the returning officer is required by section 51(1) to transmit to the Supervisor after an election;
  - “election officer” includes the Supervisor, every registering officer, returning officer, presiding officer, poll clerk or other person having any duty to perform pursuant to this Law to the faithful performance of which duty he may be sworn;
  - “electoral district” means an electoral district as constituted under section 5;
  - “Form” means the form set out as such in the Second Schedule;
  - “poll book” means the book in Form 16 in which the name and other particulars of every person applying to vote are consecutively entered by the poll clerk as soon as the applicant’s right to vote at the polling station has been ascertained and before any such applicant is allowed to vote;
  - “polling day” means the day fixed for holding the poll at an election;
  - “polling division” means any polling division constituted in accordance with section 6;
  - “polling station” means any room secured by the returning officer for the taking of the votes on polling day;

“preliminary list” means the list of voters compiled under section 11(1);

“rejected ballot paper” means a ballot paper which has been handed by the presiding officer to a voter to cast his vote but which at the close of the poll has been found in the ballot box unmarked or so improperly marked that in the opinion of the returning officer it cannot be counted;

“returning officer”, in relation to an electoral district, means the returning officer and any deputy returning officer appointed in respect of that district by the Governor under section 8;

“specified day” means the day specified by the Governor under section 12(2);

“spoiled ballot paper” means a ballot paper which, on polling day, has not been deposited in the ballot box but has been found by the presiding officer to be spoiled or improperly printed, or which has been handed by the presiding officer to a voter to cast his vote, and-

- (a) has been spoiled in marking by the voter; and
- (b) has been handed back to the presiding officer and exchanged for another;

“Supervisor” means the person appointed as Supervisor of Elections under section 3;

“voter” means any person who votes or is entitled to vote at an election; and

“writ” means the writ for an election.

(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 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 Governor is suitable for the purpose:

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

- (b) any paper, list or report is required to be printed, such paper, list or report may, instead of being so printed, be represented or reproduced by means of typewriter, roneo, cyclostyle or other



similar apparatus or by any other method by which words, figures or signs maybe represented or reproduced in visible form.

**PART II-Electoral Districts and Registration of Voters**

3. The Governor, in his discretion, shall appoint a senior public officer to be Supervisor of Elections who shall- Appointment, powers and duties of Supervisor

- (a) exercise general direction and supervision over the administrative conduct of elections and enforce on the part of all election officers, fairness, impartiality and compliance with this Law;
- (b) issue to election officers such instructions as from time to time he may deem necessary to ensure effective execution of this Law; and
- (c) execute and perform all other powers and duties which by this Law are conferred and imposed upon him.

4. The Governor shall appoint a public officer to be Deputy Supervisor of Elections who, subject to the general direction and supervision of the Supervisor and subject to such conditions, exceptions and qualifications as he may direct and unless by this or any other law expressly prohibited from so doing, 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. Appointment, powers and duties of Deputy Supervisor

5. (1) For the purpose of the election of members of the Assembly and of compiling and revising the lists of people entitled to vote at such elections the Cayman Islands are divided into the following electoral districts- Electoral districts and representatives

- (a) West Bay Electoral District;
- (b) George Town Electoral District;
- (c) Cayman Brac and Little Cayman Electoral District;
- (d) Bodden Town Electoral District;
- (e) North Side Electoral District; and
- (f) East End Electoral District,

the extent of each such electoral district being set out in the First Schedule.

(2) An electoral district shall be represented in the Assembly by the following number of elected members-

- (a) West Bay Electoral District - four elected members;
- (b) George Town Electoral District - four elected members;
- (c) Cayman Brac and Little Cayman Electoral District - two elected members;
- (d) Bodden Town Electoral District- three elected members;
- (e) North Side Electoral District - one elected member; and

(f) East End Electoral District- one elected member.

Polling divisions

6. (1) Each Electoral District shall be a polling division.
- (2) Notwithstanding subsection (1), the Supervisor with the approval of the Governor may divide any electoral district into so many polling divisions and with such boundaries and descriptions as he may by Notice appoint.
- (3) Every such Notice shall be published.
- (4) The Supervisor may, in like manner from time to time, vary the number, descriptions and boundaries of any polling division so appointed.
- (5) In determining the boundaries of any polling division, the Supervisor shall have regard to geographical and population considerations and such other factors as may affect the facility of communication between various places within the polling division.

Appointment of  
registering officers, etc.

7. (1) The Supervisor shall, from time to time, appoint for each electoral district a registering officer who shall be qualified as a voter in that electoral district and who shall be resident therein.
- (2) The Supervisor may appoint persons as assistant registering officers to assist registering officers in the performance of their duties and such assistant registering officers shall also be qualified as voters in such electoral district and shall be resident therein.
- (3) Subject to the authority, directions and control of the registering officer, an assistant registering officer shall have all the powers and may perform any of the duties of a registering officer under this Law.
- (4) The Supervisor may, at any time, revoke any appointment made by him under this section and make another appointment in place thereof.
- (5) A registering officer shall have such powers and be charged with such duties as appear hereinafter.
- (6) Every registering officer shall, before entering on his duties as such, take and subscribe an oath in Form 11 and shall transmit such oath to the Supervisor.

Appointment of returning  
officer

8. (1) The Governor may, on the recommendation of the Supervisor, from time to time appoint a returning officer and a deputy returning officer for each electoral district.

(2) The Governor may, at any time, revoke any appointment made by him under this section and make another appointment in place thereof.

(3) Forthwith upon his appointment each returning officer or deputy returning officer shall take and subscribe an oath in Form 12 and shall transmit such oath to the Supervisor.

(4) It shall be the duty of the Supervisor to ensure that all returning officers and deputy returning officers are aware of the provisions of this Law and of any rules, etc., made hereunder.

9. (1) Every election officer and every person who is required by Part II or III to take an oath may take such oath either before a Justice of the Peace, the Supervisor or before any returning officer or presiding officer or poll clerk appointed under this Law and every such Justice of the Peace, returning officer, presiding officer, poll clerk and the Supervisor is hereby authorised and empowered to administer any oath required by Part II or III to be made or taken by any election officer or other person.

Taking of oaths

(2) Every person who is required to take an oath pursuant to Part II and III may elect to make a solemn affirmation instead of taking such oath.

10. There shall be paid to the Supervisor, each registering officer, assistant registering officer, returning officer and to any other election officer appointed under this Law such remuneration for their services and such allowances in respect of travelling and other expenses incurred by them as the Governor may approve.

Remuneration of officers

11. (1) In such years as the Governor may by Proclamation appoint, in no case being more than four years after the date of the first meeting of the Assembly following the last preceding general election, a list of voters (hereinafter in this Law referred to as "the preliminary list") shall be compiled by the registering officer for each electoral district of all persons entitled to vote at the election of a member or members of the Assembly for that electoral district.

Compiling list of voters

(2) If for any reason the registering officer fails to compile the preliminary list for his electoral district so that by reason thereof the Register of Voters (as described in section 17(3)) for that electoral district cannot be brought in force,

the Register of Voters in force when the new Register of Voters should have come into force shall continue in operation and be deemed to be the Register of Voters for such electoral district.

Commencement of enumeration

12. (1) It shall be the duty of every registering officer to compile the preliminary list for the electoral district to which he is appointed.

(2) Every registering officer shall-

- (a) commencing on and with effect from such day (hereinafter called "the specified day") as the Governor may by Proclamation appoint in respect of an electoral district prepare in and for such electoral district and pursuant to this Law, a preliminary list of all persons who qualify as voters therein;
- (b) immediately after his appointment, or immediately after publication of the specified day, whichever is the later event, affix on two public buildings in his polling division, or if there be no public buildings in the polling division, on two other buildings with the prior permission of the occupants a copy of a registration notice in Form 1;
- (c) within the period specified in section 13(1), proceed to ascertain the name, location of residence and occupation of every person qualified to vote for the election of a member of the Assembly in the electoral district for which he has been appointed, and shall obtain the information he may require by a house to house enquiry:

Provided that he may, at any time, at a place to be notified by him in the Gazette-

- (i) on the application of that person, register any person so qualified; or
- (ii) on his own motion, register any person so qualified who he is satisfied is unable to attend that place by reason either of blindness or any other physical incapacity.

The names, location of residences and occupations of all voters who are included in the enumeration in the preliminary list shall be written down in the manner and form specified in section 13(1) with the names of the voters grouped according to the initial letters of their surnames, and with the surname, given names and occupation of each being fully stated;

- (d) exercise the utmost care in preparing the preliminary list for the electoral district for which he has been appointed, taking all necessary precautions to ensure that the list when completed contains the name, location of residence and occupation of every

qualified voter in the said electoral district and that it does not contain the name of any person who is not qualified.

- (3) Any registering officer who wilfully or without reasonable excuse-
  - (a) refuses to prepare the preliminary list as provided in paragraph (a) of subsection (2);
  - (b) omits from the preliminary list the name of any person entitled to have his name entered thereon; or
  - (c) enters on the preliminary list the name of any person who is not entitled to have his name entered thereon,

is guilty of an offence and liable on summary conviction to a fine of five hundred dollars and in default of payment to three months imprisonment.

(4) Where a person qualified to be registered as a voter in an electoral district is of opinion that he is likely to be temporarily absent from that electoral district when the preliminary list and the Register of Voters are being prepared that person may appoint in writing in the prescribed form and in the prescribed manner another person to act as his agent for the purpose of ensuring his registration as a voter in that electoral district.

- (5) An agent appointed by any person pursuant to subsection (4)-
  - (a) may give on behalf of that person notice pursuant to section 14 that that person's name has been wrongly omitted from or wrongly stated in the preliminary list and Form 3 may be adapted for the purpose;
  - (b) may represent that person at any proceedings before the revising officer pursuant to sections 15 and 16;
  - (c) may do all such other acts, matters or things as may lawfully be done by that person to ensure inclusion of that person's name in the preliminary list and in the Register of Voters; and
  - (d) shall be obliged to accept on behalf of such person any notice of objection to the inclusion of such person's name in the preliminary list pursuant to section 14(2) and accordingly any such notice shall be deemed to have been validly served on such person if it is validly served on such agent.

13. (1) A registering officer shall, within the space of forty days from the specified day, record in alphabetical order of their surnames on the preliminary list in Form 2, the names of all persons entitled to be registered as voters who are ordinarily resident on the specified day in the electoral district for which he is appointed, and shall cause a copy of such list dated and signed by him to be published.

Preliminary list

(2) Every preliminary list 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 at such places as the Governor may direct in the electoral district to which such list applies and at the Governor's office in George Town.

Procedure as to  
omissions and objections

14. (1) Every person whose name has been omitted from or wrongly stated in the preliminary list and who claims to have his name inserted therein or the mistake rectified, as the case may be, shall within twenty-one days after the publication of such list, give notice in writing to the registering officer of the electoral district in which he was ordinarily resident on the specified day in Form 3.

(2) Every person whose name appears in any such list may object to any other person whose name also appears therein as not being entitled to have his name therein, and shall within twenty-one days after the publication of such list give notice of objection and the grounds of such objection in Form 4 to the registering officer of the electoral district in which he was ordinarily resident on the specified day.

(3) A registering officer shall, as soon as practical after the receipt of a notice of objection under subsection (2), cause a copy of the notice to be delivered to the residence of the person objected to.

(4) Within seven days after the expiration of the twenty-one days mentioned in subsection (2), each registering officer shall prepare a list of all such claims and objections and the names of the persons who have made the same. Such list shall be published and shall be open to the inspection of the public free of charge during the hours of business in each day for a period of fifteen days after the preparation of such list at such places as the Governor may direct in the electoral district to which such list applies and at the Governor's office in George Town.

Revising officer and  
revision of preliminary  
lists

15. (1) The Magistrate shall be the revising officer for the purpose of revising and settling the preliminary lists in the manner hereinafter provided. He may be paid such additional remuneration for the services and such allowances in respect of travelling and other expenses incurred by him as the Governor may award.

(2) The place or room in which the revising officer sits for the purpose of revising the preliminary lists shall be deemed an open court.

(3) The revising officer shall sit on such day as may be fixed by him being within twenty-one days after the publication of the list of claims and objections, and seven days notice in Form 5 of the revision of such lists and of the place at which such revision will take place shall be published.

16. (1) The registering officer shall produce to the revising officer on the day fixed pursuant to section 15(3), the list of claims and objections received by such registering officer, and the revising officer shall consider such list and shall insert in the preliminary list the name of every person who is proved to his satisfaction to be entitled to have his name inserted therein, rectify any mistake in such preliminary list of which he is satisfied and strike out of the said list the name of every person who, upon the application of the objector, is proved to the satisfaction of the revising officer to be disentitled to have his name retained in the said list.

Procedure on revision of preliminary lists

(2) If the objector appears neither in person, nor by attorney-at-law, nor by some voter duly authorised in writing by him in that behalf, the objection shall be overruled and the name of the person objected to shall be retained in the preliminary list for the electoral district or polling district, as the case may be.

(3) The revising officer sitting to revise the preliminary lists shall have power to adjourn the same to such time and as often as may be necessary, and shall have the same powers for the keeping of order in his court as is now or may be hereafter given to the Magistrate under any law of the Islands.

(4) The revising officer sitting as aforesaid shall determine all claims or objections, and shall write his initials against any name struck out of the preliminary list or inserted therein and against any mistake or omission corrected, and shall sign his name to every page of each preliminary list when the same is finally settled.

(5) If the revising officer is of the opinion that the claim or objection of any person is without foundation or is frivolous, he may order such person to pay the actual costs of the inquiry including the costs of witnesses, and such costs shall be recoverable by an action before any court of competent jurisdiction.

(6) The decision of the revising officer shall be final and no appeal shall be allowed therefrom.

17. (1) On completion of the revision of the preliminary list for each electoral district the revising officer shall, after signing such lists, cause them to be printed and bound separately in respect of each electoral district.

Revised preliminary lists to be certified and deemed Register of Voters

(2) The revising officer shall certify such bound lists and shall thereupon transmit one copy thereof to the returning officer for the electoral district to which it relates and one copy to the Supervisor.

(3) The copy of the lists transmitted to the Supervisor shall be deemed to be the Register of Voters for that electoral district and shall come into force on such date as the Governor may, by Notice published in the Gazette, appoint and shall remain in force until the next Register of Voters is compiled and comes into force in accordance with this Law, and such date as has been so appointed shall, for the purposes of section 25 of Schedule 2 to the Cayman Islands (Constitution) Order 1972, be deemed to be the date of registration.

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(4) The Register of Voters for each electoral district shall be published by the Supervisor on the day on which it comes into force, and copies may be sold to candidates by the Supervisor at such price as he may decide.

### **PART III- Arrangements for Elections**

Issue of writs for holding elections

18. (1) For the purpose of every general election of members of the Assembly, and for the purpose of the election of members to supply vacancies caused by death, resignation or otherwise, the Governor shall issue writs under the Public Seal addressed to the returning officers of the respective electoral districts for which members are to be returned. Such writs shall be forwarded to the Supervisor for transmission to the several returning officers.

(2) Every such writ shall be in Form 6 and shall specify the day and place of nomination of candidates, the day on which, if necessary, the poll shall be taken, being not less than six weeks after the day of such nomination, and the day on or before which such writ shall be returnable to the Governor.

Nominations

19. (1) On receipt of a writ under section 18(1) a returning officer shall publish a notice in Form 7 specifying the day and place fixed for the receipt of nominations.

(2) The notice referred to in subsection (1) shall be published at least seven clear days before the day fixed for nominations.

(3) Nomination papers shall be provided by the returning officer and shall be in Form 8.

(4) A candidate for election shall-



- (a) be nominated on a nomination paper by at least two persons who, at the time of signing the nomination paper, are registered voters of the electoral district for which the candidate seeks election; and
- (b) signify his consent to the nomination by signing the nomination paper in the presence of a witness who must also sign the nomination paper.

(5) On the day and at the place so fixed for the nomination of candidates, the returning officers shall attend between eight o'clock in the forenoon and three o'clock in the afternoon, and receive the nomination of any duly qualified candidate.

(6) A nomination paper may be delivered by the person nominated or by a person acting on his behalf.

(7) If, at the end of the period specified for the receipt of nominations, the number of candidates in an electoral district is equal to or less than the number of members to be returned in respect of that district the returning officer shall-

- (a) by endorsement on the writ, in accordance with Form 9, certify the return of the candidates (if any); and
- (b) return the writ to the Supervisor for transmission to the Governor within the time specified for that purpose.

(8) If the number of members returned for an electoral district in accordance with subsection (6) is less than the number of vacancies in that electoral district the Governor shall, in respect of the outstanding vacancy or vacancies, issue a writ under the Public Seal addressed to the returning officer in that electoral district in Form 6, and thereupon this Part shall apply, except that for the period of less than six weeks specified in section 18(2) there shall be substituted a period of more than three months.

20. (1) A person-

Offences in respect of  
nomination papers

- (a) who signs a nomination paper nominating a candidate for election in an electoral district; and
- (b) who at the date of signing the nomination paper-
  - (i) is not a registered voter of that electoral district; or
  - (ii) knows that the person nominated is not qualified to be elected as a member of the Assembly,

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

(2) A person -

- (a) who signs a nomination paper to signify his consent to being nominated as a candidate for election; and
- (b) who, at the time of signing the nomination form, knows that he is not qualified to be elected as a member of the Assembly,

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

Withdrawal or death of candidate

21. (1) A candidate may withdraw his candidature if he gives the returning officer a signed notice of his intention to do so at least ten clear days before the day fixed for taking the poll.

(2) If, after the ballot papers are printed, a candidate-

- (a) withdraws his candidature in accordance with subsection (1); or
- (b) dies,

the returning officer shall advise, by the quickest available means, each presiding officer of his constituency of the withdrawal or death, and, if time permits, distribute to each presiding officer a printed notice of the withdrawal or death.

(3) On polling day each presiding officer shall post up in a conspicuous place in his polling station-

- (a) any printed notice distributed to him under subsection (2); or
- (b) if he has been advised of a candidate's withdrawal or death but has not received a notice under subsection (2), a notice prepared by him advising voters of the withdrawal or death,

and, in either case, shall, when delivering a ballot paper to each voter, inform the voter of the withdrawal or death.

(4) A vote for a candidate who-

- (a) withdrew in accordance with subsection (1); or
- (b) died before the time set for the start of the poll,

is of no effect.

(5) If, in an electoral district-

- (a) after the period specified for the receipt of nominations in that district a candidate-
  - (i) withdraws in accordance with subsection (1); or
  - (ii) dies; and

- (b) as a result of the withdrawal or death, the remaining number of candidates is equal to the number of members to be returned in respect of that electoral district,

the returning officer shall, without waiting for the day fixed for holding the poll-

- (c) by endorsement on the writ, in accordance with Form 9, certify the return of the remaining candidates; and
- (d) return the writ to the Supervisor for transmission to the Governor within the time specified for that purpose.

22. (1) A candidate for election, or someone on his behalf, shall deposit with the returning officer on or before the day of his nomination, the sum of one thousand dollars and, if he fails to do so, the nomination of such candidate shall be null and void.

Deposits

(2) The deposit shall be made in any legal tender.

(3) The full amount of every deposit made under subsection (1) shall forthwith after its receipt be transmitted by the returning officer to the Financial Secretary.

(4) If, after the deposit is made, the candidature is withdrawn in accordance with section 21(1), the deposit shall be returned by the Financial Secretary to the person by whom it was made, and if the candidate dies after the deposit is made and before taking the poll, the deposit, if made by him, shall be returned to his legal personal representative, or, if not made by him, shall be returned to the person by whom it was made.

23. (1) If a candidate-

- (a) is not elected; and
- (b) received less than one-tenth of the total of votes polled,

When deposit forfeited or returned

the money deposited with the returning officer in accordance with section 22(1) is forfeited to the Crown, but shall otherwise be returned to the candidate or to the person who paid the deposit on behalf of the candidate, as the case may be, as soon as practical after the result of the election is declared.

(2) For the purpose of subsection (1) the total of votes polled shall be taken to be the number of ballot papers (other than wholly rejected ballot papers) counted.

24. (1) If in an electoral district there are more candidates duly nominated than there are seats to be filled, a poll shall be taken, and in such case the returning

Contested elections, publication of date and place, etc.

officer shall adjourn the election to the day specified in the writ, and the poll shall be taken on such day in the manner hereinafter provided.

(2) The returning officer shall, as soon as practical after adjourning the election, publish a notice in Form 10 specifying that day and time on which, and the locations of the polling stations in the electoral district at which, the poll will be taken, and of the names of the candidates nominated for election and of the place where and the day and time where the number of votes given to the several candidates for such electoral district will be counted.

Polling stations

25. (1) On the day named in the notice published under section 24(2) for the taking of the poll, the returning officer shall cause to be opened in the electoral district to which he is appointed such number of polling stations as the Supervisor shall determine:

Provided that there shall be not less than three polling stations in the West Bay and George Town Electoral Districts and not less than two polling stations in the Cayman Brac and Little Cayman, and Bodden Town Electoral Districts.

(2) The returning officer shall provide each polling station with such number of compartments as he may consider necessary to enable voters to record their votes screened from observation.

(3) Unless the writ otherwise directs, polling stations shall be opened at seven o'clock in the forenoon and shall be closed at six o'clock in the afternoon.

(4) The Supervisor may require the owner of a building of a public nature (including, but not limited to, a school, auditorium or private hall but not including a church) to make the building available for use as a polling station.

(5) The owner of a building shall only comply with a request made under subsection (4) if the Supervisor-

- (a) gives the owner at least two months' notice (or one month's in the case of a by-election) of the requirement; and
- (b) agrees to compensate the owner-
  - (i) for any damage caused to the building as a result of its use as a polling station; and
  - (ii) for any costs incurred, or profit lost as a result of the use of the building as a polling station.

Presiding officers

26. (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. The Supervisor may himself, if he thinks fit, preside at a polling station or may appoint the Deputy Supervisor of Elections to preside at a polling station.

(2) Forthwith upon his appointment every presiding officer shall take and subscribe an oath in Form 13 and shall transmit such oath to the Supervisor.

27. (1) The Supervisor shall, subject to the approval of the Governor, appoint a poll clerk or poll clerks for every polling station in an electoral district. Poll clerks

(2) Forthwith upon his appointment every poll clerk or person appointed to act as poll clerk shall take and subscribe an oath in Form 14 and shall transmit such oath to the Supervisor.

(3) If any presiding officer dies or becomes incapable of performing his duties during the taking of the poll, the poll clerk shall forthwith assume the office of presiding officer and shall appoint some other person to act as poll clerk.

(4) If any poll clerk dies or becomes incapable of performing his duties during the taking of the poll, the presiding officer shall forthwith appoint some other person to act as poll clerk.

(5) Every appointment made under subsection (3) or (4) shall be immediately reported to the Supervisor by the person making the appointment.

(6) The references to poll clerk in subsections (3) and (4) shall, where there are two or more poll clerks in a polling station, be construed as references to the poll clerk senior in appointment as such.

28. (1) The Supervisor shall supply to each returning officer as many ballot boxes as he deems necessary being at least equal in number to the number of polling stations in his electoral district. Ballot boxes

(2) Every ballot box shall be made of some durable material, with one lock and key and a slit or narrow opening in the top and so constructed that the ballot papers may be introduced therein but cannot be withdrawn therefrom unless the box is unlocked.

29. (1) The returning officer shall provide each presiding officer with as many ballot boxes and as many ballot papers as in the opinion of the returning officer may be necessary. Supplies of election material

- (2) The returning officer shall provide each polling station with-
  - (a) a statement showing the number of ballot papers so provided, with their serial numbers;
  - (b) the necessary materials to enable voters to mark the ballot papers;
  - (c) the necessary materials for putting the official mark on the ballot papers;
  - (d) at least two copies, which he shall certify, of the Register of Voters (hereinafter called the “official list of voters”) relating to the electoral district to which he is appointed;
  - (e) at least three copies of the directions for the guidance of voters in Form 15;
  - (f) blank poll books;
  - (g) a copy of this Law;
  - (h) sealing wax and tape for sealing the ballot boxes; and
  - (i) such other things as may be necessary for conducting the election in the manner provided by this Law.

Polling and counting agent

30. (1) A candidate may, at any time after being nominated but at least seven days before the commencement of the poll, appoint-

- (a) two polling agents to attend a polling station; and
- (b) two counting agents to attend at the counting of the votes,

being persons who are entitled to vote in the same electoral district as that in which the candidate has been nominated.

(2) An agent may be appointed on behalf of more than one candidate and a person may be appointed both as a polling agent and a counting agent.

(3) Every appointment of an agent shall be in writing and shall state the name and address of the person appointed and shall be given, duly signed by the candidate, to the presiding officer or the returning officer as the case may be.

(4) The agent of each candidate, on being admitted to the polling station, shall take an oath in Form 23 to keep secret the name of the candidate for whom any of the voters has marked his ballot paper in his presence.

Taking of poll and the ballot

31. (1) The poll shall be taken in each electoral district by secret ballot in accordance with sections 39, 40 and 41.

(2) The ballot of each voter shall be a printed paper in Form 17 (in this Law called a ballot paper) in which the full names of the candidates alphabetically arranged in the order of their surnames and numbered accordingly shall be printed

exactly as they are set out in the nomination paper. Each ballot paper shall have a serial number printed on the back and shall have attached to it a counterfoil with the same serial number printed on the face and there shall be a line of perforations between the ballot paper and the counterfoil.

32. Each presiding officer shall, on or before the day fixed for taking the poll, visit his polling station and see that the requirements of this Law for taking the poll have been complied with.

Inspection of polling station

33. (1) Subject to sections 35 and 36, no person shall be entitled to vote in any polling division unless his name appears on the official list of voters for the electoral district in which that polling division is situated.

Where voter shall vote

(2) Every person whose name appears on the official list of voters for an electoral district shall be entitled to vote in that electoral district notwithstanding that he is not resident in that electoral district upon polling day:

Provided however that no person shall vote in more than one electoral district, or at more than one polling station in the same electoral district, or more than once in the same electoral district on the same day:

And provided that where there is more than one polling station in any electoral district or polling division no persons shall vote at any polling station other than the polling station which has been allotted to them by notice made by the Supervisor.

(3) Any person contravening this section is guilty of an offence and liable on summary conviction before the Magistrate to a fine of one thousand dollars or to imprisonment for six months.

34. No person shall vote for the election of more candidates than there are seats to be filled.

Restriction on voting

35. (1) Where any person whose name appears upon the official list of voters for any polling division is appointed as presiding officer or poll clerk for some other polling division in an electoral district, the returning officer may, upon written request, transfer the name of the presiding officer or poll clerk, as the case may be, to the official list of voters for the polling division of which such person is appointed the presiding officer or poll clerk as the case may be.

Transfer of voters in special cases

(2) The returning officer shall give notice in writing to every candidate in his electoral district of any transfer made under subsection (1) and to the presiding

officer of the polling station at which the person whose name is so transferred would have been entitled to vote but for section 36.

Where transferred voter to vote

36. (1) Every person whose name is transferred in accordance with section 35 from any official list of voters to another official list of voters shall vote, if he votes at all, in the polling division of which he is appointed presiding officer or poll clerk as the case may be.

(2) Every presiding officer who issues to any person whose name has been transferred from any official list of voters to any other official list of voters any ballot paper at any polling division other than the polling division of the electoral district to which such person's name has been transferred is guilty of an offence and is liable on summary conviction before the Magistrate to a fine of five hundred dollars or to imprisonment for six months.

Proceedings at poll

37. (1) At the hour fixed for opening the poll the presiding officer and at least one poll clerk shall, in the presence of such of the candidates, their agents, and the voters as are present, open the ballot box and ascertain that there are no ballot papers or other papers therein, after which the box shall be locked, and the presiding officer shall keep the key thereof; the box shall be placed on a table in full view of all present and shall be maintained there until the close of the poll.

(2) Immediately after the ballot box is so locked, the presiding officer shall call on the voters to vote.

(3) The presiding officer shall secure the admittance of every voter in the polling station and shall see that they are not impeded or molested at or about the polling station.

(4) Every voter, upon entering the polling station, shall declare his name, residence and occupation. The poll clerk shall then ascertain if the name of the voter appears on the official list of voters used at the polling station. When it has been ascertained that the applicant voter is qualified to vote at the polling station, his name, residence and occupation shall be entered in the poll book to be kept by the poll clerk in the form set out as Form 16, a number corresponding to the consecutive number allotted to the voter on the official list of voters being inserted against the voter's name in the appropriate column of the poll book, and the voter shall be immediately allowed to vote, unless an election officer or any agent of a candidate present at the polling station desires that he be first sworn.

(5) The poll clerk shall-



- (a) make such entries in the poll book opposite the name of each voter as the presiding officer pursuant to this Law directs;
- (b) enter in the poll book opposite the name of each voter as soon as the voter's ballot paper has been deposited in the ballot box, the word "Voted";
- (c) enter in the poll book the word "Sworn" or "Affirmed" opposite the name of each voter to whom any oath or affirmation has been administered, indicating the nature of the oath or affirmation; and
- (d) enter in the poll book the words "Refused to be sworn" or "Refused to affirm" opposite the name of each voter who has refused to take an oath or affirm, when he has been legally required so to do, or has refused to answer questions which he has been legally required to answer.

38. (1) The presiding officer shall keep order at his polling station and shall regulate the number of voters to be admitted at a time, and shall exclude all other persons except the persons permitted to remain in the polling station by section 46(1).

Who are to be admitted  
within polling stations

(2) The agents aforesaid shall be posted in such a place that they can see and keep a written record of each person who presents himself as a voter and hear his name as given by him, but so that they cannot see how any voter votes. They shall not interfere in the proceedings save insofar as they may be allowed by this Law.

(3) If any person persists, after being warned, in disobeying the direction of the presiding officer given with a view to keeping order at the polling station or in acting in contravention of this section, it shall be lawful for the presiding officer to cause him to be removed from the polling station.

39. (1) Each voter who applies therefor shall receive from the presiding officer a ballot paper, and immediately before delivery-

General mode of taking  
ballot

- (a) the ballot paper shall be stamped with an official mark, either embossed or perforated;
- (b) the number, name and description of the voter as stated in the copy of the register of voters shall be called out;
- (c) the counterfoil of the ballot paper shall be marked with a number corresponding to the consecutive number on the official list of voters and entered in the poll book;
- (d) a mark shall be placed on the register of voters against the number of the voter to denote that a ballot paper has been received but without showing the particular ballot paper which has been received; and

(e) the presiding officer shall place his initials as indicated in Form 17.

(2) The presiding officer shall instruct the voter how to make his mark, and shall properly fold the voter's ballot paper, directing him to return it, when marked, folded as shown, but without inquiring or seeing for whom the voter intends to vote, except when the voter is unable from physical or other disability from voting without assistance to vote in the manner prescribed by this Law.

(3) The voter, on receiving the ballot paper, shall forthwith enter one of the polling compartments in the polling station and there secretly mark his ballot paper by placing an **X** within the space to the right of the name of the candidate or each candidate for whom he intends to vote, and he shall then fold the ballot paper as directed so that the initials and the numbers on the counterfoil can be seen without opening it, and hand the paper to the presiding officer who shall, without unfolding it, ascertain by examination of the initials and numbers appearing thereon that it is the same paper as that delivered to the voter and, if the same, he shall in full view of the voter and of all present remove the counterfoil and deposit the ballot in the ballot box.

(4) A voter who has inadvertently so dealt with the ballot paper delivered to him that it cannot conveniently be used shall restore it to the presiding officer who shall cancel it by writing the word "Spoiled" across the face of the same. The presiding officer shall then deliver another ballot paper to the voter.

(5) Every voter shall vote without undue delay and shall leave the polling station as soon as his ballot papers has been put into the ballot box.

(6) If, at the closing of the poll, there are any voters inside the polling station who are qualified to vote and have not been able to do so since their arrival at the polling station, the poll shall be kept open a sufficient time to enable them to vote, but no one not actually present within the polling station at the hour of closing shall be allowed to vote.

Questions which may be put to voter

40. (1) The presiding officer may, and shall if requested by a candidate or his agent, put to the voter the following questions-

- (a) "Are you the same person whose name appears as A. B. on the official list of voters now in force for this polling division?"; and
- (b) "Have you already voted at this election either here or elsewhere?".

(2) If any person refuses to answer to any such questions put to him in this section provided, the presiding officer shall refuse to give him a ballot paper.

(3) Any person who knowingly makes a false answer to any such question is guilty of an offence and liable, on summary conviction before the Magistrate, to a fine of five hundred dollars or to imprisonment for six months.

41. (1) Subject to this Law as to proof of qualifications as a voter, and as to the administration of oaths, if a person representing himself to be a particular voter applies for a ballot paper after another person has voted as such person, he shall be entitled to receive a ballot paper and to vote after taking the oath of identity in Form 18 and otherwise establishing his identity to the satisfaction of the presiding officer.

Mode of taking ballot in special cases

(2) In such case, the presiding officer shall put on the ballot paper his initials together with a number corresponding to the number allotted to the voter on the official list of voters and entered in the poll book opposite the name of such voter, and the poll clerk shall enter in the poll book-

- (a) the name of such voter;
- (b) a note of his having voted on a second ballot paper issued under the same name; and
- (c) any objections made on behalf of any, and of which, of the candidates.

(3) The presiding officer, on the application of any voter who is incapacitated from physical or other disability from voting without assistance in the manner prescribed by this Law, shall require the voter making such application to make oath in Form 19 of his incapacity to vote without assistance, and shall thereafter deal with such votes in the manner specified in subsection (4).

(4) If any such voter as is referred to in subsection (3) requests the assistance of the presiding officer in marking his ballot, the presiding officer shall thereafter assist such voter by marking his ballot paper in the manner directed by such voter in the presence of the poll clerk and, if so requested by the voter, the presence of a friend.

(5) Where a voter requires the presence of a friend in accordance with subsection (4) that person shall not be allowed to be present unless he first takes the oath in Form 20.

(6) Whenever any voter has had his ballot paper marked as provided in subsection (4) the poll clerk shall enter in the poll book opposite the voter's name, in addition to any other requisite entry, the reason why such ballot paper was so marked.

Arrangement for postal voting

42. (1) Subject to this section, where-

- (a) a voter is unable or likely to be unable to go in person to the polling station for one of the following reasons-
  - (i) the general nature of the occupation, service or employment of the person in question;
  - (ii) that person's service as a member of any of Her Majesty's Forces;
  - (iii) the particular circumstances of that person's employment on the date of the poll either as a constable or for a purpose connected with the election by the Supervisor;
  - (iv) at a general election, the candidature in some other electoral district of that person or that person's wife or husband;
  - (v) at a general election, the fact that that person is acting as returning officer for some other electoral district; or
  - (vi) at a general election, the particular circumstances of that person's employment on the date of the poll by a returning officer for some other electoral district for a purpose connected with the election in that electoral district;
- (b) a voter is unable or likely to be unable by reason either of blindness or any other physical incapacity to go in person to the polling station or, if able to go, to vote unaided;
- (c) a voter is unable or likely to be unable to go in person to the polling station due to his absence for whatever reason outside the Islands;
- (d) a voter is unable or likely to be unable to go in person from his qualifying address to the polling station without making a journey by air or sea; or
- (e) a voter is no longer residing at his qualifying address,

that voter may vote by post if, in the prescribed manner and within the prescribed time, he applies to be treated as an absent voter and furnishes an address in the Islands or overseas to which the ballot paper is to be sent for the purpose and if his application is allowed by the registering officer under section 43.

(2) At an election for which a person's application to be treated as an absent voter is allowed he shall not be entitled to vote in person under section 39.

(3) Nothing in this section shall be taken as conferring a right to vote on a person not having the right apart from this section.

Determination of right to be treated as an absent voter

43. (1) An application to be treated as an absent voter shall be made to the registering officer and shall be allowed by him if he is satisfied that the applicant is, or will, if registered, be entitled under section 42 to vote as an absent voter.

(2) The application shall be for a particular election only, unless it is based on-

- (a) the general nature of the applicant's occupation, service or employment;
- (b) the applicant's physical incapacity;
- (c) the necessity of a journey by sea or air to go from the applicant's qualifying address to his polling station; or
- (d) the ground that the applicant no longer resides at his qualifying address.

(3) An application based on one of the grounds in subsection (2) shall be for an indefinite period, but where such an application is allowed the applicant shall cease to be entitled to be treated as an absent voter in pursuance thereof if-

- (a) he applies to the registering officer to be no longer so treated;
- (b) he ceases to be registered at the same qualifying address; or
- (c) the registering officer gives notice that he has reason to believe there has been a material change of circumstances and the prescribed period elapses after the giving of the notice.

(4) The registering officer shall keep a record of absent voters and of the addresses furnished by them as the addresses to which their ballot papers are to be sent.

44. An absent voter who has inadvertently so dealt with his ballot paper that it cannot conveniently be used may restore it or cause it to be restored by hand to the returning officer, who shall cancel it by writing the word "spoiled" across the face of it and forthwith placing it in a sealed packet. The returning officer shall then, unless such ballot paper is restored to him too late for another ballot paper to be delivered or sent to the absent voter before the close of the poll, deliver or send another ballot paper to him.

Spoilt postal ballot paper

45. (1) Where there is contained in the official list of voters a name, address and occupation which correspond so closely with the name, address and occupation of a person by whom a ballot paper is demanded as to suggest that the entry in such list of voters was intended to refer to him, such person shall, upon taking the oath in Form 21 and complying in all other respects with this Law, be entitled to receive a ballot paper and to vote. In any such case the name, address and occupation shall be correctly entered in the poll book and the fact that the oath has been taken shall be entered in the proper column of the poll book.

Who may vote

(2) A voter, if required by the presiding officer, the poll clerk, one of the candidates or an agent of a candidate, or by a voter present shall, before receiving his ballot paper, take an oath in Form 22 and, if he refuses to take such oath,

erasing lines shall be drawn through his name on the official list of voters and in the poll book, if such name has been entered in the said book, and the words "Refused to be sworn" shall be written thereafter.

Who may be present

46. (1) In addition to the presiding officer, the poll clerk, the Supervisor, the Deputy Supervisor of Elections, the returning officer of the electoral district, the candidates, one agent for each candidate in each polling station and the constables on duty, no others shall be permitted to remain in the polling station during the time the poll remains open:

Provided that no candidate and his agent shall be in the same polling station at the same time for more than ten consecutive minutes.

(2) Agents of candidates may, with the permission of the presiding officer, absent themselves from and return to the polling station at any time before one hour prior to the close of the poll.

Proceedings at the close of the poll

47. (1) Forthwith upon the close of the poll, the presiding officer shall, in the following order-

- (a) seal the ballot boxes;
- (b) count the number of voters whose names appear in the poll book as having voted and make an entry thereof on the line immediately below the name of the voter who voted last thus, "The number of voters who voted in this election in this polling station is       " (stating the number) and sign his name thereto;
- (c) count the spoiled ballot papers, if any, place them in the special envelope supplied for that purpose and indicate thereon the number of such spoiled ballot papers and seal it up;
- (d) count the counterfoils of all used ballot papers and place them in the special envelope supplied for that purpose and indicate thereon the number of counterfoils and seal it up;
- (e) count the unused ballot papers, place them with all the stubs of all used ballot papers in the special envelope supplied for that purpose and indicate thereon the number of such unused ballot papers and seal the special envelope; and
- (f) check the number of ballot papers supplied by the returning officer against the number of spoiled ballot papers, if any, the number of voters whose names appear in the poll book as having voted and the number of unused ballot papers, if any, in order to ascertain that all ballot papers are accounted for.

(2) The ballot boxes, poll book, envelopes containing the spoiled and unused ballot papers, official list of voters and other documents used at the poll

shall be delivered to the place notified for the counting of the votes or delivered to the returning officer. The returning officer may specially appoint one or more persons for the purpose of collecting the ballot boxes and papers aforesaid from a given number of polling stations, and such person or persons shall, on delivering the ballot boxes and papers to the returning officer, take the oath in Form 24 and when so collecting and delivering be accompanied by two police officers.

(3) The presiding officer shall, with the ballot boxes and papers aforesaid and accompanied by two police officers deliver personally to the returning officer, sealed in the envelope provided for that purpose, the keys of such ballot boxes.

(4) Upon the request of any candidate a polling agent of such candidate may also accompany the persons appointed under subsection (2).

48. (1) Each returning officer, upon receipt by him of each of the ballot boxes shall take every precaution for its safekeeping and for preventing any person other than himself from having access thereto, and sealing it under his own seal so that it cannot be opened without the seal being broken, but without effacing or covering any other seals thereto affixed. The count

(2) After the ballot boxes have been received by the returning officer for the count he shall, in the presence of such of the candidates and their agents as are present, or, if no candidates are present or represented, two voters-

- (a) open the boxes;
- (b) record and count the number of votes given to each candidate (allowing the candidates or their agents or, in the absence of the candidates and their agents, the two voters present, full opportunity to see such votes but not the official number on the back of the ballot paper) and a poll clerk and not less than two witnesses shall be supplied with tally sheets upon which they may keep their own scores as each vote is called out by the returning officer; and
- (c) reject all ballot papers-
  - (i) which have not been marked for any candidate;
  - (ii) on which votes have been given for more candidates than there are seats to be filled; or
  - (iii) upon which there is any writing or mark by which the voter could be identified, but no ballot paper shall be rejected on account of any writing, number or mark placed thereon by any presiding officer.

(3) In addition to the people who are permitted or required by subsection (2) to be present when the ballot boxes are opened and the votes are counted no

other persons, except the Supervisor and the Deputy Supervisor of Elections, shall be allowed to enter or remain in the place where the boxes are opened and the votes are counted during the time when the boxes are being opened or the votes are being counted.

(4) Nothing in subsection (2) or (3) shall be taken as prohibiting a person referred to in those subsections from entering or leaving at any time a place where votes are being counted.

(5) Persons shall not assemble or congregate within one hundred yards of a place where votes are being counted, and any person who so assembles or congregates is guilty of an offence and liable on conviction to a fine of five hundred dollars or to imprisonment for six months.

(6) If, in the course of counting the votes, any ballot paper is found with the counterfoil still attached thereto, the returning officer shall (carefully concealing the numbers thereon from all persons present and without examining them himself) remove such counterfoil. He shall not reject the ballot paper merely by reason of the failure of the presiding officer to remove the counterfoil.

(7) If, in the course of counting the votes, the returning officer discovers that the presiding officer has omitted to affix his initials to any ballot paper as provided by section 39(1), he shall, in the presence of the poll clerk and such of the candidates or their counting agents as are present, affix his initials to such ballot paper and shall count such ballot paper as if it had been initialled by the presiding officer in the first place, provided that he is satisfied that the ballot paper is one that has been supplied by the presiding officer, and also that every ballot paper supplied to such presiding officer has been accounted for as provided by paragraph (f) of section 47(1).

- (8) Where a vote is marked-
- (a) otherwise than in the proper place;
  - (b) otherwise than by way of an **X**; or
  - (c) by more than one mark,

the vote is valid if it clearly appears that it was intended for a particular candidate, and that candidate shall be awarded the vote accordingly.

(9) The returning officer shall keep a record, on the special form printed in the poll book, of every objection made by any candidate or his counting agent or any voter present, to any ballot paper found in a ballot box, and shall decide every question arising out of the objection. The decision of the returning officer shall be



final, subject to reversal on petition under section 62 questioning the election or return; and every such objection shall be numbered and a corresponding number placed on the back of the ballot paper and initialled by the returning officer.

(10) All the ballot papers not rejected by the returning officer shall be counted and a list shall be kept of the number of votes given to each candidate and of the number of rejected ballot papers. The rejected ballot papers must be put into one packet and the remaining used ballot papers into another, both of which must be sealed by the returning officer and may be sealed or signed by such agents or witnesses present as desire to seal or sign the packets.

(11) Any of the candidates, if not satisfied with the accuracy of the count, may, on completion thereof, immediately demand a recount which shall thereupon be carried out in the same manner as the original count:

Provided that no candidate may demand such a recount more than once at any election.

(12) When the election is for one seat the candidate who on the completion of the count is found to have the largest number of votes shall then be declared by the returning officer to be elected as the member for the electoral district, and when the election is for two, three or four seats the returning officer shall likewise declare the two, three or four candidates (as the case may be) who are found on completion of the count to have the largest numbers of votes to be elected as the members for the electoral district.

(13) Whenever there is an equality of votes between two or more candidates and the addition of a vote would entitle one of such candidates to be declared elected, then the returning officer shall declare that there has been an equality of votes between such candidates and that none of the candidates having such equality of vote has been elected and shall, as soon as possible thereafter, hold a special by election in that electoral district and at such special by-election this Law shall apply *mutatis mutandis* except that only the persons having received such equality of votes shall be eligible to be candidates and such candidates shall not be required to be nominated in accordance with section 19 nor to pay any further deposit.

49. (1) Subject to subsection (2), during the hours when the poll is open upon polling day, no persons shall assemble or congregate within one hundred yards of any building in which is situate any polling station.

Maintenance of order at  
polling station

(2) This section shall not apply-

- (a) to any voters who are waiting to poll their votes at such polling station and who obey any instructions which may be given by the presiding officer, a poll clerk or any constable for the purpose of forming a queue with other voters also waiting; or
- (b) to any persons who may under this Law lawfully enter or remain in such polling station.

(3) Every person who contravenes this section is guilty of an offence and liable on summary conviction before the Magistrate to a fine of five hundred dollars and to imprisonment for six months.

Influencing voters to vote for any candidate

50. (1) During the hours that the poll is open upon polling day, no person shall, upon any public road or in any public place within one hundred yards of any building in which a polling station is situate, seek to influence any voter to vote for any candidate or to ascertain for what candidate any voter intends to vote or has voted.

(2) Every person who contravenes subsection (1) is guilty of an offence and liable on summary conviction before the Magistrate to a fine of five hundred dollars and to imprisonment for six months.

Election return

51. (1) The returning officer within the time specified for the return of any writ shall forward to the Supervisor -

- (a) the writ with his return in the form set out as Form 25 endorsed thereon showing the candidate or candidates declared to be elected in accordance with section 48;
- (b) a report of his proceedings showing the number of votes cast for each candidate at each polling station, and making such observation as the returning officer may think proper as to the state of the election papers as received from the presiding officer;
- (c) the number of persons to whom, it appears from the counterfoils, ballot papers have been supplied in the electoral district;
- (d) the reserve supply of undistributed blank ballot papers;
- (e) the poll book used at each polling station, a packet containing the counterfoils and unused ballot papers, a packet containing the used ballot papers (other than the rejected ballot papers), a packet containing the spoiled ballot papers, a packet containing the rejected ballot papers and a packet containing the official list of voters used at the polling stations, and the written appointments of the candidates' agents; and
- (f) all other documents used for the election.

(2) The Supervisor shall, on receiving the return of any member or members elected to serve in the Assembly, cause it to be entered, in the order in which such return is received by him, in a book to be kept by him for such purpose and thereupon immediately cause a notice to be published in the Gazette and at least one newspaper circulating in the Islands of the name or names of the candidate or candidates so elected and in the order in which it was received.

(3) The Supervisor shall, on receiving the return of any member or members elected to serve in the Assembly, transmit the writ with the return endorsed thereon to the Governor within the time specified in such writ. The Governor shall within seven days of the receipt of the said writ return the same to the Supervisor for safe custody in accordance with section 52.

(4) The Supervisor shall, immediately after each general election, cause to be printed and published a report in the Gazette giving, by polling division, the number of votes polled for each candidate, the number of rejected ballot papers, the number of names on the official list of voters together with any other information that he may deem fit to include; and shall also, at the end of each year, cause to be printed and published a similar report on the by-elections held during the year.

(5) If any returning officer wilfully delays, neglects or refuses duly to return any person who ought to be returned to serve in the Assembly for any electoral district, and if it has been determined on the hearing of an election petition respecting the election for such electoral district that such person was entitled to have been returned, the returning officer who has so wilfully delayed, neglected or refused to make such return of his election shall forfeit to the person aggrieved the sum of two thousand dollars and costs in addition to all damages sustained.

52. (1) The Supervisor shall keep the election documents referred to in section 51(1) in safe custody and shall allow no person to have access to them:

Custody of election documents

Provided that, 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:

Provided also that after the expiration of twelve months from the day of any election it shall be lawful for the Supervisor to cause the said documents used at such election to be burnt.

(2) No such election documents in the custody of the Supervisor shall be inspected or produced except on the order of a Judge of the Grand Court; and an order under this subsection may be made by the Judge upon his being satisfied by evidence on oath that the inspection or production of such election documents is required for the purpose of instituting or maintaining a prosecution for an offence in relation to an election or for the purpose of a petition which has been filed questioning an election or return.

(3) Any such order for the inspection or production of election documents may be made subject to such conditions as to persons, time place and mode of inspection or production as the Judge deems expedient.

Custody of ballot boxes

53. Forthwith upon making the return to the writ in accordance with section 51, the returning officer shall cause the ballot boxes used at such election, with their locks and keys and the screens and other appliances used in the polling station, to be transmitted or delivered to the Supervisor.

**PART IV-Election Expenses**

54. (1) No payment, advance or deposit shall be made at any time in respect of a candidate's election expenses otherwise than by or through that candidate. Payment of expenses

(2) Every payment made by a candidate in respect of any election expenses shall, except where it is less than twenty-five dollars, be vouched for by a bill stating the particulars and by a receipt.

(3) All money provided by any person other than the candidate for any election expenses, whether as gift, loan, advance or deposit, shall be paid to the candidate and not otherwise.

(4) A person shall not provide, either directly or indirectly, to a candidate for his election expenses by way of gift, loan, advance or deposit, an amount in respect of each election greater than two thousand dollars.

(5) Subsections (1) to (4) shall not be deemed to apply to any sum less than five dollars disbursed by any person other than the candidate out of his own money for any small expense legally incurred by that person if the sum is not repaid to that person.

(6) A person who issues any payment, advance or deposit in contravention of subsection (1) or who pays in contravention of subsection (3) or (4) any money so provided as mentioned above, is guilty of an offence and liable on summary conviction to a fine of five thousand dollars.

(7) A candidate shall not accept in respect of a single election either directly or indirectly through a nominee, committee or other organisation, by way of gift, loan, advance or deposit, monetary contributions to his election expenses which exceed in total the limit of his election expenses permitted under section 57, and any candidate acting in contravention of this section is guilty of an offence and liable on summary conviction to a fine of five thousand dollars.

55. (1) Any person may, if so authorised in writing by the candidate, pay any necessary expenses for stationery, postage and other petty expenses, to a total not exceeding that provided in the authorisation. Petty expenses

(2) A statement of the particulars of payments made by any person so authorised shall be sent to the candidate within twenty-one days after the day on which the result of the election is declared and shall be accounted for by a bill containing that person's receipt.

Prohibition of expenses  
not authorised by  
candidate

56. (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; or
- (ii) apply to any expenses not exceeding in the aggregate ten dollars which may be incurred by an individual and are not incurred in pursuance of a plan suggested by or concerted with others.

(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 unincorporate, 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.

57. No sum shall be paid and no expense shall be incurred by a candidate at an election, less than one hundred and ten days before, or during or after an election, on account or in respect of the conduct or management of the election, which shall exceed in aggregate ten thousand dollars, and a candidate knowingly acting in contravention of this section is guilty of an offence and liable on summary conviction to a fine of five thousand dollars.

Limitation on election expenses

58. (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.

Time for sending in and paying claims

(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 offence and liable on summary conviction to a fine of five thousand dollars.

59. (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.

Return as to election expenses

(2) The return shall be accompanied by a declaration by the candidate that to the best of his knowledge and belief all election expenses shown in the return were paid by him, that he has not incurred any election expenses not mentioned in

the return, and that he has not received, either directly or indirectly, any contribution to his election expenses not mentioned in the return.

(3) Whoever knowingly makes a false or incorrect return is guilty of an offence and liable on summary conviction to a fine of five thousand dollars.

Penalty for sitting or voting where no return and declarations transmitted

60. (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.

Definitions in this Part

61. In this Part-

“candidate” means a person who is elected to serve on the Legislative Assembly at an election or a person who is nominated as a candidate at an election, or is declared by himself or by others to be a candidate on or after the day of the issue of the writ for the election, or after the dissolution or vacancy in consequence of which the writ is issued; and

“election expenses” means expenses incurred whether before, during or after the election, on account of, or in respect of the conduct or management of, the election.

#### **PART V-Election Petitions**

Petitions against elections

62. A petition complaining of the undue election or undue return of a member of the Assembly (in this Law called an election petition) may be presented to the Grand Court by anyone or more of the following persons, that is to say-

- (a) a person who voted or had a right to vote at the election to which the petition relates;
- (b) a person claiming to have had a right to be returned at such election; or
- (c) a person alleging himself to have been a candidate at such election.



63. The following provisions shall apply with respect to the presentation of an election petition-

Presentation of election petition and security for costs

- (a) the petition shall be presented within twenty-one days after the return made by the returning officer of the member to whose election the petition relates, unless it questions the return or election upon an allegation of corrupt practices and specifically alleges a payment of money or other reward to have been made by any member, or on his account or with his privity, since the time of such return, in pursuance or in furtherance of such corrupt practices, in which case the petition may be presented at any time within twenty-eight days after the date of such payment;
- (b) at the time of the presentation of the petition, or within three days afterwards, security for the payment of all costs, charges and expenses that may become payable by the petitioner -
  - (i) to any person summoned as a witness on his behalf;
  - (ii) to the member whose election or return is complained of; or
  - (iii) to any other person named as a respondent in the petition, shall be given on behalf of the petitioner; and
- (c) the security shall be to an amount of three thousand dollars and shall be given by deposit of money in the Grand Court.

64. If a candidate who has been elected is certified by the Judge who tried the election petition questioning the return or election of such candidate to have been personally guilty or guilty by his agents of any corrupt or illegal practice his election shall be void.

Avoidance of election of candidate certified guilty of corrupt or illegal practice

65. Where on an election petition it is shown that corrupt or illegal practices or illegal payments or employments committed in reference to the election for the purpose of promoting or procuring the election of any person thereat have so extensively prevailed that they may be reasonably supposed to have affected the result, the election of that person, if he has been elected, shall be void and he shall be incapable of being elected to fill the vacancy or any of the vacancies for which the election was held.

Avoidance of election for general corruption, etc.

66. (1) Every election petition shall be tried in the same manner as an action in the Grand Court by a Judge sitting alone.

Trial of election petitions

(2) At the conclusion of the trial the Judge shall determine whether the member of the Assembly whose return or election is complained of or any, and what, other person was duly returned and elected, or whether the election was void, and shall certify such determination to the Governor, and, upon his certificate being given, such determination shall be final; and the return shall be

confirmed or altered, or a writ for a new election issued, as the case may require, in accordance with such determination.

Powers of Judge

67. At the trial of an election petition a Judge shall, subject to this Law, have the same powers, jurisdiction and authority, and witnesses shall be subpoenaed and sworn in the same manner, as nearly as circumstances admit, as in the trial of a civil action in the Grand Court, and such witnesses shall be subject to the same penalties for perjury.

#### **PART VI-Election Offences**

Intoxicating liquor not to  
be sold or given  
1996 Revision

68. (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 (1996 Revision) applies, at any time between the opening of the poll and -

- (a) in the case of a hotel, one hour after the close of the poll; and
- (b) in any other case, the declaration of the results by the returning officer.

(2) Any person who contravenes this section is guilty of an offence and liable on summary conviction before the Magistrate to a fine of five hundred dollars or to imprisonment for six months.

Employers to allow  
employees time

69. (1) Every employer shall, on polling day allow to every voter in his employ a reasonable period for voting, and no employer shall make any deduction from the pay or other remuneration of any such voter or impose upon or extract from him any penalty by reason of his absence during such period.

(2) Any employer who, directly or indirectly, refuses, or by intimidation, undue influence or in any other way, interferes with the granting to any voter in his employ of such period for voting, as is in this section provided, is guilty of an offence and on summary conviction before the Magistrate liable to a fine of five hundred dollars or to imprisonment for six months.

Offences by election  
officers

70. Every election officer who-

- (a) makes, in any record, return or other document which he is required to keep or make under this Law, any entry which he knows or has reasonable cause to believe to be false, or does not believe to be true;
- (b) permits a person, whom he knows or has reasonable cause to believe not to be a person unable from physical or other disability

to vote without assistance, to vote in the manner provided by this Law for a person who is unable from physical or other disability to vote without assistance;

- (c) refuses to permit a person, whom he knows or has reasonable cause to believe is unable from physical or other disability to vote without assistance, to vote in the manner provided by this Law for such a person;
- (d) wilfully prevents any person from voting at the polling station at which he knows or has reasonable cause to believe such person is entitled to vote;
- (e) wilfully neglects or refuses to count any vote which he knows or has reasonable cause to believe is validly cast for any candidate in accordance with this Law; or
- (f) wilfully counts any vote as being cast for any candidate, which he knows or has reasonable cause to believe was not validly cast for such candidate,

is guilty of an offence, and on summary conviction before the Magistrate liable to a fine of five hundred dollars and to imprisonment for six months.

71. (1) No person shall furnish or supply any loudspeaker, bunting, ensign, banner, standard or set of colours or any other flag, to any person with intent that it shall be carried or used on motor cars, trucks or other vehicles as political propaganda on polling day, and no person shall, with any such intent, carry or use on motor cars, trucks or other vehicles, or in any place or manner, any loudspeaker, bunting, ensign, banner, standard or set of colours or any other flag on polling day.

Loudspeakers, ensigns, banners, advertisements, etc., prohibited on polling day

(2) No person shall furnish or supply any flag, ribbon, label or like favour to or for any person with intent that it be worn or used by any person within any electoral district on polling day as a badge to distinguish the wearer as the supporter of any candidate, or of the political or other opinions entertained or supposed to be entertained by such candidate, and no person shall use or wear any flag, ribbon, label or other favour, as such badge within any electoral district on polling day.

(3) No person shall issue or publish or cause to be issued or published on polling day in a newspaper, periodical or radio or television programme, or in any other printed or electronic form, any advertisement-

- (a) containing any matter inviting or inducing the public to vote, or not to vote, in favour of a particular candidate or group of candidates; or

- (b) setting out political or other opinions entertained or supposed to be entertained by a candidate or group of candidates.

(4) Nothing contained in subsection (1), (2) or (3) shall be deemed to extend to the furnishing or supplying of any banner bearing only the name of any candidate, or only such name preceded by the words "Vote for", or of any rosette, or to the use of any such banner on any vehicle, or of any such rosette.

(5) Whoever contravenes this section is guilty of an offence and liable on summary conviction before the Magistrate to a fine of five hundred dollars or to imprisonment for six months.

Definition of bribery

72. (1) The following persons shall be deemed guilty of bribery under this Law-

- (a) every person who, directly or indirectly, by himself or by any other person on his behalf, gives, lends, or agrees to give or lend, or offers, promises or promises to procure or to endeavour to procure any money or valuable consideration to or for any voter, or to or for any person on behalf of any voter, or to or for any other person in order to induce any voter to vote or refrain from voting, or corruptly does any such act as aforesaid on account of any voter having voted or refrained from voting at any election;
- (b) every person who, directly or indirectly, by himself or by any other person on his behalf, gives or procures, or agrees to give or to procure, or offers, promises, or promises to procure or to endeavour to procure, any office, place or employment, to or for any voter, or to or for any person on behalf of any voter, or to or for any other person in order to induce such voter to vote or refrain from voting, or corruptly does any such act as aforesaid on account of any voter having voted or refrained from voting at any election;
- (c) every person who, directly or indirectly, by himself or by any other person on his behalf, makes any such gift, loan, offer, promise, procurement or agreement as aforesaid to or for any person, in order to induce such person to procure or endeavour to procure, the return of any person as an elected member of the Assembly, or the vote of any voter at any election;
- (d) every person who, upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procures or engages, promises or endeavours to procure the return of any person as an elected member of the Assembly, or the vote of any voter at any election;

- (e) every person who advances, or pays or causes to be paid, any money or valuable consideration to or to the use of any other person with the intent that such money or valuable consideration, or any part thereof, shall be expended in bribery at any election, or who knowingly pays or causes to be paid any money or money's worth to any person in discharge or repayment of any money wholly or in part expended in bribery at any such election;
- (f) every voter who, before or during any election, directly or indirectly, by himself, or by any other person on his behalf, receives, agrees or contracts for any money, gift, loan or valuable consideration, office, place or employment for himself or for any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at any election; and
- (g) every person who, after any election, directly or indirectly, by himself, or by any other person on his behalf, receives any money or valuable consideration on account of any person having voted or refrained from voting, or having induced any other person to vote or refrain from voting at any such election.

(2) Subsection (1) shall not extend or be construed to extend to any money paid or agreed to be paid for or on account of any lawful expenses incurred in good faith at or concerning an election.

(3) For the purpose of this section, "lawful expenses" include-

- (a) payment of the agents, clerks, canvassers and messengers of candidates;
- (b) payments made for the purpose of hiring vehicles for the conveyance of voters to or from a polling station;
- (c) payments made for the use of any premises for a public meeting in furtherance of the candidature of any person or for the use of any committee room or office for the purpose of promoting or procuring the election of a candidate; and
- (d) payments made in respect of postage, stationery, printing, advertising, the distribution of advertising material and the use of any public address system.

73. The following persons shall be deemed guilty of treating under this Law-

Definition of treating

- (a) every person who corruptly, by himself or by any other person, either before, during or after an election, directly or indirectly, gives, or provides or pays, wholly or in part, the expenses of giving or providing any food, drink, entertainment or provision to or for any persons for the purpose of corruptly influencing that person, or any other person, to vote or to refrain from voting at

such election, or on account of such person or any other person having voted or refrained from voting at such election; and

- (b) every voter who corruptly accepts or takes any such food, drink, entertainment or provision.

Definition of undue influence

74. Every person who, directly or indirectly, by himself or by any other person on his behalf, makes use of or threatens to make use of any force, violence or restraint, or inflicts or threatens to inflict, by himself or by any other person, any temporal or spiritual injury, damage, harm or loss upon or against any person, in order to induce or compel such person to vote or refrain from voting or on account of such person having voted or refrained from voting at any election, or who by abduction, duress or any fraudulent device or contrivance, impedes or prevents the free exercise of the franchise of any voter, or thereby compels, induces or prevails upon any voter, either to give or refrain from giving his vote at any election, shall be guilty of undue influence under this Law.

Definition of personation

75. Every person who at an election applies for a ballot paper in the name of another person, whether that name be the name of a person living or dead, or of a fictitious person, or who, having voted once at any election, applies at the same election for a ballot paper in his own name, shall be guilty of personation under this Law.

Penalties for bribery, treating, undue influence

76. Whoever is guilty of bribery, treating or undue influence under this Law, or of procuring, counselling, aiding or abetting any such offence is liable on summary conviction before the Magistrate to a fine of two thousand dollars or to imprisonment for twelve months.

Penalty for personation

77. Whoever is guilty of personation, or of aiding, abetting, counselling or procuring the commission of the offence of personation is liable on summary conviction before the Magistrate to a fine of two thousand dollars or to imprisonment for twelve months.

Incapacity to vote or to be elected following a conviction for bribery, treating, undue influence or personation

78. Whoever has been convicted of bribery, treating, undue influence or personation, or of aiding, abetting, counselling or procuring the commission of any of the said offences shall (in addition to any other punishment) be incapable during a period of five years from the date of conviction-

- (a) of being registered as a voter or voting at any election or by-election; or
- (b) of being elected a member of the Assembly or, if elected before his conviction, of retaining his seat as a member:

Provided that in the event of any appeal the incapacity shall continue until the appeal is determined and thereafter, unless the conviction is quashed, remain

in force for a period of five years from the determination of the appeal except the Court hearing the appeal directs that the period of five years shall run from the date of conviction.

79. (1) Subject to subsections (2) and (3), whoever -

Illegal practices and penalties

- (a) votes, or induces or procures any person to vote, at any election, knowing that he or such other person is prohibited by this Law, or by any law in force in the Islands, from voting at such election;
- (b) before or during an election knowingly publishes a false statement of the withdrawal of a candidate at such election for the purpose of promoting or procuring the election of another candidate;
- (c) between the date of the publication by the returning officer of a notice in accordance with section 19(1) and the day after polling at the election, whether in a general election or in a by-election, acts in a disorderly manner, with intent to prevent the transaction of the business of a public meeting called for the purpose of promoting the election of a candidate as a member to serve in the Assembly; or
- (d) himself or as a director of any body or association corporate, before or during an election for the purpose of affecting the return of a candidate at the election, makes or publishes any false statement of fact in relation to the personal character or conduct of the candidate,

is guilty of an illegal practice, and liable on summary conviction before the Magistrate to a fine of five hundred dollars or to imprisonment for six months, and in addition shall be incapable during a period of five years from the date of conviction of being registered as a voter or of voting at any election, or of being a candidate for election to the Assembly, or, if elected before his conviction, of retaining his seat as a member.

(2) A person charged under paragraph (d) of subsection (1) shall not be guilty of an illegal practice if he can show that he had reasonable grounds for believing, and did in fact believe, the statement he made to be true.

(3) A candidate shall not be liable nor shall his election be avoided for any illegal practice under paragraph (d) of subsection (1) committed by his agent unless-

- (a) it can be shown that the candidate has authorised or consented to the committing of the illegal practice, or has paid for the circulation of the false statement constituting the illegal practice; or

- (b) the Grand Court dealing with an election petition under section 66 finds and reports that the election of the candidate was procured or materially assisted in consequence of the making or publishing of such false statement.

(4) Whoever, between the date of the publication by the returning officer of a notice in accordance with section 19(1) and the day after polling at the election, whether in a general election or in a by-election, incites, combines or conspires with others to act in a disorderly manner with intent to prevent the transaction of the business of a public meeting called for the purpose of promoting the election of a candidate as a member to serve in the Assembly, is guilty of an illegal practice and liable on summary conviction before the Magistrate to a fine of five hundred dollars and to imprisonment for six months and, in addition, shall be incapable during a period of five years from the date of conviction of being registered as a voter or of voting at any election, or of being a candidate for election to the Assembly, or if elected before his conviction, of retaining his seat as a member.

(5) In the event of any appeal by any person convicted under subsection (1), (2) or (4), the incapacity shall continue until the appeal is determined and thereafter, unless the conviction is quashed, remain in force for a period of five years from the determination of the appeal except the Court hearing the appeal shall direct that the period of five years shall run from the date of conviction.

(6) Any person making or publishing any false statement of fact as provided in paragraph (d) of subsection (1) may be restrained by interim or perpetual injunction by the Grand Court from any repetition of that false statement or of a false statement of a similar character in relation to the candidate and for the purpose of granting an interim injunction *prima facie* proof of the falsity of the statement shall be sufficient.

Offences in respect of  
ballot papers

80. (1) Whoever -
- (a) forges or counterfeits, or fraudulently defaces or destroys, any ballot paper;
  - (b) without due authority supplies a ballot paper to any person;
  - (c) fraudulently puts into any ballot box any paper other than the ballot paper which he is authorised by law to put in;
  - (d) fraudulently takes out of the polling station any ballot paper;
  - (e) without due authority destroys, takes, opens or otherwise interferes with any ballot box or packet of ballot papers then in use for the purposes of any election; or
  - (f) not being duly registered as a voter, votes at any election,



is guilty of an offence and liable on summary conviction before the Magistrate to a fine of one thousand dollars or to imprisonment for six months.

(2) In any information or prosecution for an offence in relation to the ballot boxes, ballot papers and other things in use at an election, the property in such ballot boxes, ballot papers or things may be stated to be in the returning officer at such election.

81 . (1) Every election officer and every agent appointed under section 30 in attendance at a polling station shall maintain and aid in maintaining the secrecy of the voting in such station, and no person shall interfere with or attempt to interfere with a voter when marking his vote, or otherwise attempt to obtain in the polling station any information as to the candidate for whom any voter in such station is about to vote or has voted.

Secrecy of voting

(2) Every election officer and every such agent in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting and shall not attempt to communicate any information obtained at such counting as to the candidate for whom any vote is given in any particular ballot paper.

(3) No person shall, directly, or indirectly, induce any voter to display his ballot paper after he has marked it so as to make known to any person the name of the candidate for whom or against whose name he has marked his vote.

(4) Whoever contravenes this section is guilty of an offence and liable, on summary conviction before the Magistrate, to a fine of five hundred dollars or to imprisonment for six months.

**PART VI- Miscellaneous Provisions**

82. No voter who has voted at any election shall, in any legal proceedings to question the election or return, be required to state for whom he voted.

No obligation on voter to disclose vote

83. At any election a person shall not be entitled to vote unless his name is on the Register of Voters for the time being in force, and every person whose name is on such Register shall, subject to this Law, be entitled to demand and receive a ballot paper and to vote:

Conclusiveness of Register of Voters

Provided that nothing in this section shall entitle any person to vote who is prohibited from voting by any law in force in the Islands, or relieve such person from any penalties to which he may be liable for voting.

- Expenses of elections 84. All expenses properly incurred by, and all remuneration and travelling allowances payable to, officers under this Law shall be defrayed out of the general revenue of the Islands.
- Computation of time 85. (1) In reckoning time for the purposes of this Law, Sunday shall be included but Christmas Day, Good Friday and any public holiday shall be excluded.
- (2) Where anything required by this Law to be done on any day falls to be done on a Sunday or on any day excluded by subsection (1), that thing may be done on the next day, not being one of such excluded days.
- Power to make rules 86. (1) The Governor in Council may make rules-
- (a) prescribing anything to be prescribed under this Law;
  - (b) with respect to the form of the Register of Voters and any special lists, records or forms required by this Law in connection with the Register or with any election;
  - (c) with respect to the procedure to be followed in the preparation of the Register and any such special lists or records as aforesaid and with respect to the time, place and manner of their publication; and
  - (d) generally with respect to any matters incidental to this Law so far as those provisions relate to the registration of voters or to voting by post and, without prejudice to the generality of the foregoing, such rules may include provisions relating to-
    - (i) the evidence which shall or may be required or be deemed sufficient or conclusive evidence in connection with a person's application to be treated as an absent voter, or of his being subject to any physical incapacity, or of the fact that he is acting as returning officer at any election;
    - (ii) the marking of any register so as to distinguish persons having special rights as to the place or manner of voting at any election; and
    - (iii) the procedure in connection with the issue and receipt of ballot papers for voting by post (including provisions as to the persons who are to be entitled or may be allowed to attend and the rights and obligations of persons attending) and as to the steps to be taken to ensure the secrecy of the voting and the safe custody (before and after the count) of the ballot papers returned and other documents.
- (2) Rules made under this section may provide in respect of any breach thereof that the offender shall be liable on summary conviction before the

Magistrate to such fine not exceeding five hundred dollars or to such term of imprisonment not exceeding six months as may be prescribed therein.

(3) Until varied or revoked by rules made under this section the rules set out in the Third Schedule shall have effect.

**FIRST SCHEDULE**

Section 5 (1)

**ELECTORAL DISTRICTS**

Electoral District	Extent
<b>West Bay</b>	All that area of Grand Cayman Island which lies to the north of a line running from the shoreline, south of Galleon Beach, at grid reference 7 014 930 ft. N 1 508 670 ft. E to a point on the shoreline at Welch Point, at grid reference 7 017 080 ft. N 1 515 510 ft. E.
<b>George Town</b>	All that area of Grand Cayman Island which lies to the south of a line running from the shoreline, south of Galleon Beach, at grid reference 7 014 930 ft. N 1 508 670 ft. E to a point on the shoreline at Welch Point, at grid reference 7 017 080 ft. N 1 515 510 ft. E and west of a line running from the shoreline at Bats' Cave Beach, grid reference 6 990 820 ft. N 1 533 330 ft. E north to a point on the shoreline in North Sound, at grid reference 7 001 140 ft. N 1 633 330 ft. E.
<b>Cayman Brac And Little Cayman</b>	All that area comprising the islands of Cayman Brac and Little Cayman.
<b>Bodden Town</b>	All that area of Grand Cayman Island which lies to the east of a line running from the shoreline at Bats' Cave Beach, at grid reference 6 990 820 ft. N 1 533 330 ft. E due north to a point on the shoreline in North Sound at grid reference 7 001 140 ft. N 1 533 330 ft. E and to the south and west of a line running from the shoreline at a point south of the junction of the Bodden Town Road and the road to North Side, at grid reference 7 001 110 ft. N 1 577 310 ft. E to a point in the North Sound, at grid

reference 7 021 000 ft. N 1 538 710 ft. E.

**North Side**

All that area of Grand Cayman Island which lies to the north and east of a line running from the shoreline at a point south of the junction of the Bodden Town Road and the road to North Side, at grid reference 7 001 110 ft. N 1 577 310 ft. E to a point in North Sound at grid reference 7 021 000 ft. N 1 538 710 ft. E and to the north and west of a line running from the shoreline at a point south of the road junction of Bodden Town Road with the road to North Side at grid reference 7 001 110 ft. N 1 577 310 ft. E to a point on the shoreline at Old Robin Point, at grid reference 7 020 160 ft. N 1 587 810 ft. E.

**East End**

All that area of Grand Cayman Island which lies to the east of a line running from the shoreline to the south of the junction of the Bodden Town Road with the road to North Side, at grid reference 7 001 110 ft. N 1 577 310 ft. E to a point on the shoreline at Old Robin Point, at grid reference 7 020 160 ft. N, 1 587 810 ft. E.

**SECOND SCHEDULE**

**FORMS**

**FORM 1**

**REGISTRATION NOTICE**

Section 12(2)(b)

**TAKE NOTICE that-**

(a) The enumeration of all persons qualified as voters in (the polling division of) the electoral district will begin on the \_\_\_\_\_ day of 19 .

and will be completed on the \_\_\_\_\_ day of 19 .

(b) The registering officer for the (polling division in the said) electoral division is \_\_\_\_\_ .

(c) Every person not disqualified on any of the grounds set out in the next paragraph of this notice is qualified to be registered as a voter in the said electoral district if he or she-

*(List here qualifications)*

(d) *(List here disqualifications)*

(e) The preliminary list of qualified persons for the above electoral district will be posted up in the said district for a period of twenty-one days beginning on the day of \_\_\_\_\_ , 19 .

\_\_\_\_\_  
Registering Officer

Date \_\_\_\_\_

**FORM 2**

Section 13 (1)

**PRELIMINARY LIST OF VOTERS  
ELECTORAL DISTRICT**

Consecutive No.	Location of Residence	Name of Voter /Family Name First	Occupation	Remarks

**FORM 3**

Section 12 (5), 14 (1)

**NOTICE OF CLAIM**

To the registering officer of the \_\_\_\_\_ electoral district  
 TAKE NOTICE that I, \_\_\_\_\_,  
 of \_\_\_\_\_  
 location of residence

\_\_\_\_\_ occupation  
 am qualified for inclusion in the preliminary list of voters for the \_\_\_\_\_  
 electoral district and that my name and location of residence have been (omitted  
 from) (wrongly stated in) such list and that I claim that such list be amended (by  
 the insertion of my name and location of residence) (by the correction of the  
 particulars of my name and location of residence) as shown on the attached form.

*(strike out bracketed words not applicable)*

Signature of claimant \_\_\_\_\_  
 Date: \_\_\_\_\_.

**FORM 4**

Section 14 (2)

**NOTICE OF OBJECTION**

To the registering officer of the \_\_\_\_\_ electoral district

**TAKE NOTICE** that

I \_\_\_\_\_,  
Name  
of \_\_\_\_\_  
location of residence  
\_\_\_\_\_  
occupation

am qualified for inclusion in the preliminary list of voters for the \_\_\_\_\_  
electoral district and am so included.

And that I object to the inclusion in that list of  
\_\_\_\_\_  
on the ground that he/she is disqualified for inclusion in the list because

\_\_\_\_\_  
\_\_\_\_\_

Signature \_\_\_\_\_  
Date \_\_\_\_\_

**FORM 5**

Section 15 (3)

**REVISION NOTICE**

TAKE NOTICE that the preliminary lists of voters for the \_\_\_\_\_  
electoral district will be revised by me the undersigned on the \_\_\_\_\_ day  
of \_\_\_\_\_ 19 \_\_, at \_\_\_\_\_ at \_\_\_\_\_ o'clock.  
Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 .

\_\_\_\_\_  
Revising Officer

**FORM 6**

Section 18 (2)

**WRIT OF ELECTION**

Elizabeth the Second, by the Grace of God of the United Kingdom of Great  
Britain and Northern Ireland and of Her other Realms and Territories, Queen,  
Head of the Commonwealth, Defender of the Faith.

To \_\_\_\_\_ the Returning Officer  
of \_\_\_\_\_ electoral district.



WHEREAS by section 18 (1) of the Elections Law (1998 Revision) it is provided that for the purpose of every general election of members of the Legislative Assembly. and for the purpose of the election of members to supply vacancies caused by death, resignation or otherwise, the Governor shall issue writs of election under the Public Seal of the Cayman Islands, addressed to the returning officers of the respective electoral districts for which members are to be returned.

\*AND WHEREAS I deem it expedient that writs should be issued for the election of members to serve in the Legislative Assembly.

#AND WHEREAS the seat of the elected member for the electoral district has become vacant in consequence of

NOW, THEREFORE, I \_\_\_\_\_ Governor of the Cayman Islands do hereby require that you proceed to the nomination of candidates on \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, at \_\_\_\_\_ and thereafter, if necessary, you do on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, between the hours of \_\_\_\_\_ o' clock in the forenoon and \_\_\_\_\_ o'clock in the afternoon, cause election to be made according to law of a member/members to serve in the Legislative Assembly of the Cayman Islands for the said electoral district and that you do cause the name of such member when so elected to be certified to me not later than the day \_\_\_\_\_ of \_\_\_\_\_ 19\_\_\_\_. GIVEN under my hand and the Public Seal of the Cayman Islands this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, and in the Islands this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and in the year of Her Majesty's reign.

\_\_\_\_\_  
Governor

*\*To be included in a writ for a general election.  
#To be included in a writ for a by-election.*

**FORM 7**

Section 19 (1)

**NOTICE OF NOMINATION**

The Governor having issued his Writ of Election for the election of a member of the Legislative Assembly for \_\_\_\_\_ electoral district, the returning officer for the said electoral district will on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, now next ensuing between eight o'clock in the forenoon and three o'clock in the afternoon at \_\_\_\_\_ proceed to the nomination of a member for the electoral district.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_ .

\_\_\_\_\_  
Returning Officer for the Electoral District

**FORM 8**  
**NOMINATION PAPER**

Section 19(3)

Name of electoral district \_\_\_\_\_  
Surname of candidate \_\_\_\_\_  
Other names of candidate \_\_\_\_\_  
Location of residence of  
candidate \_\_\_\_\_

We, the undersigned voters for the above named electoral district do hereby-

- (a) nominate the above-named person as a proper person to serve as a member for the electoral district, and
- (b) declare that to the best of our belief the above named person is qualified for election as a member of the Legislative Assembly.

Signatures of first person nominating \_\_\_\_\_  
Full name \_\_\_\_\_  
Signature of second person nominating \_\_\_\_\_  
Full name \_\_\_\_\_

I, the above-named person, nominated as above for election as a member of the Legislative Assembly-

- (a) hereby consent to the nomination for the above-named electoral district; and
- (b) declare that to the best of my belief I am qualified for election as a member of the Legislative Assembly.

Signature of candidate \_\_\_\_\_

Signature of witness \_\_\_\_\_

Full name of witness \_\_\_\_\_

Date \_\_\_\_\_

**FORM 9**

Section 19 (7)

**RETURN OF UNCONTESTED ELECTION**

I hereby certify that the member(s) elected for the electoral district in pursuance of the within writ is/are

*(Insert name, and location of residence of the member or of each member elected as stated in the nomination paper)*

No other candidates having been nominated.

Other candidates having been nominated but withdrawing his/her nomination/dying before the date of the poll.

*(To be amended as appropriate)*

\_\_\_\_\_  
Returning Officer

Date \_\_\_\_\_, 19 \_\_\_\_\_.

**FORM 10**

Section 24 (2)

**NOTIFICATION OF ELECTION**

TAKE NOTICE that a poll will be taken for the election of a member/members for the \_\_\_\_\_ electoral district to serve in the Legislative Assembly.

The poll will be opened on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_ at the hour of \_\_\_\_\_ in the forenoon and kept open till the hour of \_\_\_\_\_ in the afternoon in the following polling stations established in the said electoral district, that is to say-

Location of polling stations:

The Candidates in the above electoral district are as follows:

Candidates:

The number of votes to the several candidates will be counted on the \_\_\_\_\_ day

of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon at \_\_\_\_\_ of which all persons are hereby required to take notice and govern themselves accordingly.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

\_\_\_\_\_  
Returning Officer for the Electoral District

**FORM 11**

Section 7(6)

**OATH OF REGISTERING OFFICER**

I \_\_\_\_\_ do swear that I will faithfully perform all the duties of registering officer of the \_\_\_\_\_ electoral district in accordance with the Elections Law (1998 Revision) without partiality, fear, favour or affection, to the best of my ability.  
SO HELP ME GOD.

\_\_\_\_\_  
Registering Officer

Sworn before me \_\_\_\_\_

Date \_\_\_\_\_

**FORM 12**

Section 8 (3)

**OATH OF RETURNING OFFICER OR DEPUTY RETURNING OFFICER**

I, \_\_\_\_\_ having been appointed returning officer/deputy returning officer for the \_\_\_\_\_ electoral district do swear that I will faithfully perform all the duties of such returning officer/deputy returning officer in accordance with the Elections Law (1998 Revision) to the best of my ability.  
SO HELP ME GOD.

Signature of returning officer/deputy returning officer \_\_\_\_\_

Sworn before me \_\_\_\_\_

Date \_\_\_\_\_

*(To be amended as appropriate)*

**FORM 13**

Section 26 (2)

**OATH OF PRESIDING OFFICER**

I, \_\_\_\_\_ the undersigned, appointed presiding officer for the polling station at \_\_\_\_\_ in the \_\_\_\_\_ electoral district swear that I will act faithfully in my said capacity of presiding officer, according to law, without partiality, fear, favour or affection, and that I will keep secret the names of the candidates for whom any of the voters in the abovementioned polling station marks his ballot paper in my presence at this election.

SO HELP ME GOD.

\_\_\_\_\_  
Presiding Officer

Sworn before me at \_\_\_\_\_ this day \_\_\_\_\_ of \_\_\_\_\_, 19 \_\_\_\_.

**FORM 14**

Section 27 (2)

**OATH OF POLL CLERK**

I, \_\_\_\_\_ the undersigned, appointed as poll clerk for the polling station at \_\_\_\_\_ in the \_\_\_\_\_ electoral district swear that I will act faithfully in my capacity as poll clerk and also in that of presiding officer if required to act as such, according to law, without partiality, fear, favour or affection and that I will keep secret the names of the candidates for whom any of the voters in the abovementioned polling station marks his ballot paper in my presence at this election.

SO HELP ME GOD

\_\_\_\_\_  
Poll Clerk

Sworn before me at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

**FORM 15**

Section 29 (2)

**DIRECTION FOR THE GUIDANCE OF VOTERS**

1. A voter must not vote at more than one polling station.
2. A voter may vote for 1, 2, 3, or 4 candidates. If the voter votes for more than 4 candidates the ballot paper is void and none of the votes will be counted. **(In the case of the West Bay and George Town Electoral Districts)**
2. A voter may vote for 1, 2, or 3 candidates. If the voter votes for more than 3 candidates the ballot paper is void and none of the votes will be counted. **(In the case of Bodden Town Electoral District)**
2. A voter may vote for 1 or 2 candidates. If the voter votes for more than 2 candidates the ballot paper is void and none of the votes will be counted. **(In the case of the Cayman Brac and Little Cayman Electoral District)**
2. A voter may vote for 1 candidate only. If the voter votes for more than 1 candidate the ballot paper is void and none of the votes will be counted. **(In the case of the North Side and East End Electoral Districts)**
2. A voter may vote for up to *(insert number of vacancies)* candidate(s). If the voter votes for more than that number the ballot paper is void and none of the votes will be counted. **(In the case of a by-election)**
3. If a voter attempts to give a candidate more than 1 vote the candidate will be awarded 1 vote only.
4. A voter votes for a candidate by placing an **X** to the right of the candidate's name. thus

<b>1. JAMES, JOHN PETER</b>	<b>X</b>
<b>2. ROBINSON, PETER FREDERICK</b>	

5. If a voter marks the ballot paper in any way that will identify the voter the ballot paper will be rejected.
6. After voting, a voter must fold the ballot paper along the line shown on the ballot paper and hand the folded ballot paper to the presiding officer.
7. The presiding officer will, in the full view of those present including the voter, remove the counterfoil from the ballot paper and place the ballot paper in the ballot box.
8. If a voter inadvertently spoils a ballot paper he or she can obtain another one by returning the spoilt one to the presiding officer.

9. A person given a ballot paper must not take it from the polling station.

10. After voting a voter must leave the polling station.

*(The appropriate clause 2 is to be inserted)*

**FORM 16**

Sections 2 and 37(4)

**POLL BOOK**

**POLL BOOK**

Consecutive number given each voter as he applies for ballot	Particulars of Voters					Particulars of persons applying for ballot papers after another has voted as such person						Remarks
	Name of Voter	Occupation	Postal Address	Consecutive No. of voters on list of voters	Form of oaths, if any, voter is required to swear	(a) Record that oath sworn or refused	(b) Record that voter has voted	Name	Consecutive No. of voter on list of voters	Record that oath sworn	Objections, if any, made on behalf of any candidate	

(a) if sworn insert "Sworn" and number of the oath; if refused insert "Refused to be sworn".

(b) When ballot put into ballot box insert "Voted".

**FORM 17**

Sections 31(2) and 39

**BALLOT PAPER**

NO. \_\_\_\_\_

GENERAL ELECTION \_\_\_\_\_ electoral  
district  
Consecutive number given voter in poll book \_\_\_\_\_

(Counterfoil)

**BALLOT PAPER**

Polling day \_\_\_\_\_

NO. \_\_\_\_\_ Initial of presiding officer

- |                                     |
|-------------------------------------|
| <b>1. JAMES, JOHN PETER</b>         |
| <b>2. ROBINSON, PETER FREDERICK</b> |

**FORM 18**

Section 41(1)

**OATH OF IDENTITY OF A VOTER RECEIVING A BALLOT PAPER  
AFTER ANOTHER VOTER HAS VOTED IN HIS NAME**

You swear that you are \_\_\_\_\_  
(Name as on official list of voters)

of \_\_\_\_\_  
(Location of residence as on official list of voters)

whose name is entered on the official list of voters now shown you.

SO HELP YOU GOD.

**FORM 19**

Section 41(3)

**OATH OF PERSON UNABLE TO VOTE UNASSISTED**

You, \_\_\_\_\_, of \_\_\_\_\_ swear  
that you are incapable of voting without assistance by reason of a physical or other  
disability:



SO HELP YOU GOD.

**FORM 20**

Section 41(5)

**OATH OF FRIEND**

You swear that you will keep secret the name of the candidate for whom (name of voter) voted.

SO HELP YOU GOD.

**FORM 21**

Section 45 (1)

**OATH THAT THE VOTER IS THE PERSON INTENDED TO BE  
REFERRED TO IN THE OFFICIAL LIST OF VOTERS**

You swear that you are qualified to vote at this election of a member/members to serve in the Legislative Assembly and are not disqualified from voting thereat and that you verily believe that you are the person intended to be referred to by the entry in the official List of Voters used at the polling station, of the name \_\_\_\_\_ whose occupation is given as \_\_\_\_\_ and whose location of residence is given as \_\_\_\_\_

SO HELP YOU GOD.

**FORM 22**

Section 45(2)

**OATH OF QUALIFICATION**

You swear-

- 1 That on the 31st day of January, 1988, being the date immediately preceding the date of the coming into force of section 4 of the Cayman Islands (Constitution) (Amendment) Order 1987 you were entitled to be registered as a voter; or
2. That you possess Caymanian Status, have attained the age of eighteen years, are a British Dependent Territories Citizen by virtue of a connection with the Cayman Islands, were domiciled and resident in the Cayman Islands at the date of your registration as a voter and either-
  - (a) were born in the Cayman Islands, or of parents or grandparents one of whom was born in the Cayman Islands, and were ordinarily resident in the Cayman Islands for a period or periods amounting to two years out of the three years immediately preceding the date of such registration; or
  - (b) were ordinarily resident in the Cayman Islands for a period or periods amounting to seven years out of the nine years immediately preceding the date of such registration, and that in the three years immediately preceding the date of such registration the number of days on which you were absent from the Cayman Islands did not exceed three hundred.
3. That you are not within any of the classes of persons who lack qualification or are disqualified by reason of crime or mental incapacity.
4. That you are not disqualified under the Elections Law (1998 Revision).
5. That you are not the returning officer for this electoral district,

SO HELP YOU GOD.

**FORM 23**

Section 30(4)

**OATH OF AGENT OF A CANDIDATE**

I \_\_\_\_\_ the undersigned, agent for one of the candidates at the election of a member of the Legislative Assembly held on this day in the \_\_\_\_\_ electoral district do swear that I will keep secret the names of the candidates for whom any voter at this polling station marks his ballot paper in my presence at this election.

SO HELP ME GOD.

\_\_\_\_\_  
Signature

Sworn before me at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 19 .

**FORM 24**

Section 47(2)

**OATH OF MESSENGER SENT TO COLLECT BALLOT BOXES**

I \_\_\_\_\_ messenger appointed by \_\_\_\_\_, returning officer for the \_\_\_\_\_ electoral district do swear that the several boxes to the number of \_\_\_\_\_ which were used at the polling station at \_\_\_\_\_ of this electoral district on polling day now delivered by me to \_\_\_\_\_ were handed to me by \_\_\_\_\_, that they have not been opened by me or by any other person and that they are in the same state as they were in when they came into my possession.

SO HELP ME GOD

\_\_\_\_\_  
Signature

Sworn before me at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 19 .

**FORM 25**

Section 51(1)(a)

**RETURN AFTER POLL HAS BEEN TAKEN**

I hereby certify that the member(s) selected for the \_\_\_\_\_ electoral  
district in pursuance of the within writ as having received\* (the majority of votes  
lawfully given) (the largest number(s) of votes lawfully given)  
is/are \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*(Name and location of residence of each member as stated on his or her  
nomination paper).*

\_\_\_\_\_  
Returning Officer

*\*Delete as applicable*

**THIRD SCHEDULE**

**ELECTIONS RULES**

**(1998 Revision)**

**ARRANGEMENT OF RULES**

**PART I-Introductory**

1. Citation
2. Appointment of agent by person likely to be absent when preliminary list is prepared

**PART II-Absent Voters**

3. Application to be treated as absent voter
4. List of absent voters
5. Definitions

**PART III-Issue and Receipt of Postal Ballot Papers**

6. Issue of postal ballot papers
  7. Form of postal ballot paper
  8. Form of declaration of identity
  9. Persons entitled to be present at the issue and receipt of postal ballot papers
  10. Declaration of secrecy
  11. Notice of issue of postal ballot papers
  12. Marking of postal ballot papers
  13. Refusal to issue postal ballot paper
  14. Ballot paper envelope
  15. Delivery of postal ballot papers to post office
  16. Provision of postal voters ballot boxes
  17. Sealing up of absent voters lists and counterfoils
  18. Receipt of covering envelopes
  19. Opening of postal voters ballot box
  20. Opening of covering envelope
  21. Sealing up rejected votes and declarations
  22. Opening of ballot paper envelopes
  23. Count of postal ballots
  24. Forwarding of documents and handling of late ballots
  25. Ballot paper for by-election
- Appendix: Forms

**ELECTIONS RULES**

**(1998 Revision)**

(Section 86(3))

**PART I-Introductory**

Citation

1. These rules may be cited as the Election Rules (1998 Revision).

Appointment of agent by person likely to be absent when preliminary list is prepared

2. (1) The appointment of an agent for registration under section 12(4) shall be made in Form A in the Appendix, or a form to the like effect.

(2) The form of appointment shall be prepared in duplicate. Both copies shall be retained by the agent so appointed until the registering officer undertakes the preparation of the preliminary list under section 12 whereupon one copy shall be delivered to the registering officer.

**PART II-Absent Voters**

Application to be treated as absent voter

3. (1) An application to be treated as an absent voter shall be made to the registering officer in Form B in the Appendix, or a form to the like effect. The form shall be completed by the applicant and signed by him in the presence of a witness, who must then also sign the form and write in his full name in the spaces provided:

Provided that if the applicant is not able, because of physical or other disability, to complete or sign the form without assistance it may be completed or signed, or both, in the presence of the applicant and in the applicant's name by some other person, not being a candidate for election or the agent of such a candidate. Where this is done the person completing or signing the form must also complete and sign the portion of Form B headed "Declaration of person who assists an applicant", in both cases in the presence of a witness who shall then also sign both parts of the form and write in his full name in the spaces provided.

(2) If the reason, or one of the reasons, for the application to be treated as an absent voter is that set out in paragraph (b) of section 42(1) (blindness or other physical incapacity), the application must be accompanied by a certificate from a registered health practitioner in the form set out in Form E;

(3) An application to be treated as an absent voter in relation to any election or an application to be no longer so treated shall be disregarded if it is received by the registering officer after the twelfth day before the day of the poll at the election:

Provided that an application to be treated as an absent voter on the ground of the applicant's employment on the day of the poll by the Supervisor or as a constable may be allowed after the said twelfth day.

(4) The registering officers on allowing or disallowing a person's application to be treated as an absent voter shall notify the applicant of his decision.

(5) When, pursuant to paragraph (c) of section 43(3), the registering officer gives notice to an absent voter that he has reason to believe there has been a material change of circumstances that person shall cease to be treated as an absent voter seven days after the date on which the registering officer sends such notice.

(6) Any candidate for election (whether standing in the district where the applicant will vote or in any other district) or an agent of any such candidate who-

- (a) completes any part of an application to be treated as an absent voter;
- (b) signs any such application on behalf of an applicant; or
- (c) acts as the witness to the signing of such an application, or of a declaration of a person who assists an applicant,

is guilty of an offence and liable on conviction to a fine of five hundred dollars or to imprisonment for six months and such application is also void.

(7) Whoever-

- (a) signs the declaration by the applicant or signs the declaration by a person who assists an applicant in Form B knowing or believing the declaration to be false; or
- (b) completes Form B on behalf of the applicant or signs Form B on behalf of the applicant, without also completing the declaration by a person who assists an applicant,

is guilty of an offence and liable on conviction to a fine of five hundred dollars or to imprisonment for six months.

4. (1) Subject to subrules (2) and (3), the record or list of absent voters shall be in such form as appears to the registering officer to be convenient.

List of absent voters

(2) The address to which a ballot paper is to be sent shall be placed opposite the name and number in the register of each absent voter in the absent voters' list for each electoral district.

(3) As soon as the absent voters' list for an electoral district has been prepared the registering officer shall publish it by making a copy thereof available for inspection at his office and shall thereupon transmit one copy to the returning officer for that electoral district and one copy to the Supervisor.

**PART III-Issue and Receipt of Postal Ballot Papers**

Definitions

5. In this Part -

“agent” includes the election agent and a person appointed to attend in the election agent’s place;

“issue” includes the original and any subsequent issue;

“postal ballot paper” means a ballot paper issued to a postal voter; and

“postal voter” means a person entitled to vote by post at an election as an absent voter.

Issue of postal ballot papers

6. Where an election is being held, the returning officer shall, as soon as practicable and in no event later than seven days after nomination day or seven days after the receipt of the application under rule 3(3), whichever date is the later in time, send to each person entitled to vote by post at the address furnished by that person for the purpose, a ballot paper and declaration of identity together with an envelope for their return addressed to the returning officer of the district where the postal voter is to cast his vote.

Form of postal ballot paper

7. The ballot paper to be sent to a postal voter shall be in the same form as, and indistinguishable from, the ballot paper delivered to any other voter.

Form of declaration of identity

8. (1) The declaration of identity sent with the ballot paper to postal voter shall be in Form C set out in the Appendix or a form to the like effect.

(2) The declaration of identity must not be witnessed by a candidate for election (whether standing in the district where the applicant will vote or any other district) or by an agent of any such candidate. Contravention of this provision renders the ballot paper to which it relates void.

(3) A candidate for election (whether standing in the district where the voter will vote or in any other district) or agent of any such candidate who acts as the witness to the signing of any declaration of identity, is guilty of an offence and



liable on conviction to a fine of five hundred dollars or to imprisonment for six months.

9. (1) No person other than-

- (a) the returning officer and his clerk;
- (b) a candidate;
- (c) an election agent or any person appointed by a candidate to attend in his election agent's place; or
- (d) any agent appointed under subrule (2),

Persons entitled to be present at the issue and receipt of postal ballot papers

may be present at the proceedings on the issue or receipt of postal ballot papers.

(2) Where postal ballot papers are to be issued, or the envelopes contained in the postal voters' ballot boxes are to be opened simultaneously in two or more batches, each candidate may appoint one or more agents up to the number he may be authorised by the returning officer to appoint not exceeding the number of such batches so, however, that the number authorised shall be the same in the case of each candidate.

(3) Subject to subrule (5), notice of the appointment of each agent stating the name and address of the person appointed shall be given by the candidate to the returning officer before the time fixed for the issue of postal ballot papers or the opening of the said postal voters' ballot boxes, as the case may be.

(4) Subject to subrule (5), if an agent dies or becomes incapable of acting, the candidate may appoint another agent in his place and shall forthwith give to the returning officer notice in writing of the name and address of the agent appointed.

(5) Agents may be appointed and notice of appointment given to the returning officer by the candidate's election agent instead of by the candidate.

(6) In this Part, references to agents shall be taken as references to agents whose appointments have been duly made and notified and, in the case of agents appointed under subrule (2), who are within the number authorised by the returning officer.

(7) A candidate may himself do any act or thing which any agent of his, if appointed, would have been authorised to do, or may assist his agent in doing any such act or thing.

(8) Where in this Part any act or thing is required or authorised to be done in the presence of the candidates or their agents, the non-attendance of any such candidate or agent at the time and place appointed for the purpose shall not, if the act or thing is otherwise duly done, invalidate the act or thing done.

Declaration of secrecy

10. (1) Every person attending the proceedings on the issue or receipt of postal ballot papers shall make a declaration of secrecy in the Form D as set out in the Appendix, or in a form as near thereto as circumstances admit, before the issue of postal ballot papers:

Provided that if any person only attends the proceedings on the receipt of postal ballot papers he need not make the declaration before the issue but shall make it before he is permitted to attend the proceedings on the receipt of postal ballot papers.

(2) The returning officer shall make the declaration in the presence of a Justice of the Peace, and any other person shall make the declaration in the presence either of a Justice of the Peace or of the returning officer.

(3) Any person before whom a declaration is authorised to be made under this rule may take the declaration. Any person who contravenes such declaration is guilty of an offence and liable on conviction by the Magistrate to a fine of five hundred dollars or to imprisonment for six months.

Notice of issue of postal ballot papers

11. (1) The returning officer shall give each candidate not less than two days notice in writing of the time and place at which he shall issue the postal ballot papers and of the number of agents such candidate may appoint under rule 9(2) to attend the said issue.

(2) Where any subsequent issue of postal ballot papers is made, the returning officer shall notify each candidate as soon as practicable of the time and place at which he will make such subsequent issue and of the number of agents such candidate may appoint under rule 9(2) to attend such issue.

Marking of postal ballot papers

12. (1) Before the issue of a postal ballot paper the name and number of the voter shall be called out and such number shall be marked on the counterfoil and a mark shall be placed in the absent voters' list against the number of the voter to denote that a ballot paper has been issued to the voter but without showing the particular ballot paper issued.

(2) The number of a postal ballot paper shall be marked on the declaration of identity sent with that paper.

13. Where a returning officer is satisfied that two or more entries in the absent voters' list relate to the same voter, he shall not issue more than one ballot paper in respect of the same voter. Refusal to issue postal ballot paper
14. A returning officer shall, in addition to the ballot paper, declaration of identity and envelope for their return (hereinafter referred to as a "covering envelope") which he is required by rule 6 to send a postal voter, send a smaller envelope marked "ballot paper envelope" bearing the number of the ballot paper. Ballot paper envelope
15. All envelopes addressed to postal voters shall be counted and forthwith delivered by the returning officer to the nearest head post office, or such other office as may be arranged with the Postmaster General, and the Postmaster General shall stamp with the post office date stamp a form of receipt to be presented by the returning officer stating the number of envelopes so delivered and shall immediately forward such envelopes for delivery to the persons to whom they are addressed. Delivery of postal ballot papers to post office
16. (1) The returning officer shall, at the proceedings on the original issue of postal ballot papers provide a ballot box or ballot boxes for the reception of the covering envelopes when returned by the postal voters. Provision of postal voters ballot boxes
- (2) Every such ballot box shall be shown open and empty to the agents present and shall then be locked by the returning officer and sealed with the seal of the returning officer and the seals of such of the agents as desire to affix their seal in such manner as to prevent its being opened without breaking the seals.
- (3) Every such ballot box shall be marked "Postal voters ballot box" and with the name of the electoral district for which the election is held.
- (4) The returning officer shall make provision for the safe custody of every ballot box.
17. (1) The returning officer as soon as practical after the completion of the issue of the postal ballot papers and in the presence of the agents, shall make up in separate packets-
- (a) a marked copy of the absent voters' list; and
  - (b) the counterfoils of those ballot papers which were issued,
- and shall seal such packets. Sealing up of absent voters' lists and counterfoils

(2) The sealed packets may be opened by the returning officer for the purpose of a subsequent issue and on completion of that issue shall be again made up and sealed in accordance with subrule (1).

Receipt of covering envelopes

18. The returning officer shall, immediately upon receipt (either by hand or by post) of a covering envelope before the close of the poll, place it unopened in a postal voters' box locked and sealed in accordance with rule 16.

Opening of postal voters ballot box

19. (1) Each postal voters' ballot box shall be opened by the returning officer in the presence of the agents at the close of the poll.

(2) When a postal voters' ballot box has been opened, the returning officer shall count and note the number of covering envelopes.

Opening of covering envelope

20. (1) Before proceeding to open the covering envelopes, the returning officer shall, for the purpose of receiving the accepted ballots of the postal voters, prepare a ballot box by showing it open and empty to the agents present and by locking it and by having affixed thereto the seal of the returning officer and the seals of such agents as desire to affix their seals in such manner as to prevent the box being opened without breaking the seals.

(2) The returning officer shall open each covering envelope separately.

(3) Where a covering envelope does not contain both a declaration of identity and a ballot paper envelope or, there being no ballot paper envelope, a ballot paper, he shall mark the covering envelope "Rejected", attach thereto the contents (if any) of the covering envelope and place it in a separate receptacle (hereinafter referred to as "the receptacle for votes rejected"). If the covering envelope does not contain the declaration separately, the returning officer shall open the ballot paper envelope to ascertain if the declaration is inside that envelope.

(4) On determining that an envelope contains both a declaration of identity and a ballot paper envelope or, if there is no such envelope, the ballot paper, the returning officer shall first satisfy himself that the declaration of identity has been duly signed and authenticated and, if he is not so satisfied, he shall mark the declaration "Declaration rejected", attach thereto the ballot paper envelope or, if there is no such envelope, the ballot paper, and place it in the receptacle for votes rejected:

Provided that before so doing he shall show the declaration to the agents and, if any objection is made by any agent to his decision, he shall add the words "Rejection objected".

(5) Where the number on the declaration of identity duly signed and authenticated agrees with the numbers on the ballot paper envelope, the returning officer shall place the declaration in a separate receptacle (hereinafter referred to as "the receptacle for valid declaration of identity") and the ballot paper envelope in another separate receptacle (hereinafter referred to as "the receptacle for valid ballot paper envelopes").

(6) Where there is no ballot paper envelope or the ballot paper envelope has been opened under subrule (3) the returning officer shall-

- (a) if the number of the declaration of identity duly signed and authenticated agrees with the number on the ballot paper, place the declaration in the receptacle for valid declarations of identity and the ballot paper in a ballot box referred to in subrule (1); and
- (b) if the number on the said declaration does not agree with the number on the ballot paper, mark the declaration "Vote rejected", attach thereto the ballot paper and place it in the receptacle for votes rejected.

(7) Where the number on the declaration of identity duly signed and authenticated does not agree with the number on the ballot paper envelope or that envelope has no number on it, he shall open the envelope and shall-

- (a) if the number on the declaration agrees with the number on the ballot paper, place the declaration in the receptacle for valid declarations of identity and the ballot paper in the ballot box referred to in subrule (1); and
- (b) if the number on the declaration does not agree with the number on the ballot paper or there is no ballot paper, mark the declaration "Vote rejected," attach thereto the ballot paper (if any) and place it in the receptacle for votes rejected.

(8) Except for the purposes of ascertaining under subrule (3) whether a ballot paper envelope contains a declaration of identity or under subrule (7) whether the number on the declaration agrees with the number on the ballot paper, the returning officer shall not open the ballot paper envelopes before they are opened under rule 22.

21. On the conclusion of the proceedings under rule 20, the returning officer shall put the contents of the receptacle for votes rejected and the contents of the

Sealing up rejected votes  
and declarations

receptacle for valid declarations of identity into two separate packets and shall seal up such packets.

Opening of ballot paper envelopes

22. (1) After sealing up the said packets the returning officer shall open separately each ballot paper envelope placed in the receptacle for valid ballot paper envelopes.

(2) Where a ballot paper envelope does not contain a ballot paper, he shall mark the envelope "Empty".

(3) Where the number on a ballot paper envelope agrees with the number on the ballot paper contained therein, he shall place the ballot paper in the ballot box referred to in rule 20(1).

(4) Where the number on the ballot paper envelope does not agree with the number on the ballot paper contained therein, he shall mark the ballot paper "rejected" and attach the ballot paper envelope thereto.

(5) He shall put into a separate packet the envelopes marked "Empty" and the ballot papers marked "rejected" under this rule and shall seal up such packet.

Count of postal ballots

23. The ballot box referred to in rule 20(1) and the ballot papers placed therein under rules 20 and 22 shall respectively be treated in all respects as a ballot box and ballot papers for the purposes of section 48.

Forwarding of documents and handling of late ballots

24. (1) The returning officer shall, at the same time as he forwards the documents mentioned in section 51, forward to the Supervisor -

- (a) any packet referred to in rule 17, 21 or 22 endorsing on each packet a description of its contents, the date of the election to which it relates and the name of the electoral district for which the election was held; and
- (b) a statement of the number of postal ballot papers issued in such form and giving such other particulars with respect to such papers as the Supervisor may require.

(2) Where any covering envelopes are received by the returning officer after the close of the poll or any envelopes addressed to postal voters are returned as undelivered too late to be re-addressed, he shall put them unopened into a separate packet, seal up such packet and forward it at a subsequent date in the manner described in subrule (1).

Ballot paper for by-election

25. For the purposes of by-elections the form of ballot paper shall be as prescribed in Form No.17 in the Law but that for the words "General Election" therein shall be prescribed in the word "By-Election".

**APPENDIX**

**FORM A**

**APPOINTMENT OF AGENT TO ENSURE REGISTRATION OF A  
VOTER**

(rule 2)

Particulars

Full name, sex and age of applicant

District in which to be registered

Present address of applicant

Name of father and mother of applicant, if alive

Address of father or mother, if alive

If married, name and address of wife or husband

If unmarried and parents deceased, name and address of next-of-kin

Name, sex and address of person to be appointed agent

**Declaration By Applicant**

I, \_\_\_\_\_ of \_\_\_\_\_ a person of  
Caymanian origin temporarily absent from these Islands solemnly and sincerely  
declare that I am not disqualified from voting under the Elections Law (1998  
Revision) and that-

I desire to appoint \_\_\_\_\_ of \_\_\_\_\_ to  
be my agent for the purpose of putting my name on the preliminary list of voters.

Signed \_\_\_\_\_

Witness \_\_\_\_\_

**Declaration by Agent**

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

Signed \_\_\_\_\_

Witness \_\_\_\_\_

**FORM B**

(rule 3(1))

**APPLICATION TO BE TREATED AS AN ABSENT VOTER**

Name in full \_\_\_\_\_

Mr./Mrs./Miss \_\_\_\_\_

Address \_\_\_\_\_

Electoral district for which registered as a voter \_\_\_\_\_

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 \_\_\_\_\_

**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 \_\_\_\_\_

**FORM C**

(rule 8)

**DECLARATION OF IDENTITY**

*Front of Form*

Ballot Paper No. \_\_\_\_\_

I hereby declare that I am the person to whom the ballot paper numbered as above and the envelope in which it was enclosed (both of which I now produce) were sent.

Voter's signature \_\_\_\_\_  
or name and mark

The abovementioned, who is personally known to me, has produced the ballot paper and the envelope above referred to and has signed the above declaration in my presence.

Signature of witness \_\_\_\_\_

Full name of witness \_\_\_\_\_

*(Please print)*

*(See instructions on the back of this Form)*

*Back of Form*

**Instructions to Voter**

1. Before marking the accompanying ballot paper you must produce-
  - (i) the ballot paper showing the number thereon;
  - (ii) this declaration; and
  - (iii) the envelope in which you received this declaration and the ballot paper,

to some person to whom you are known (not being a candidate at the election or the agent of a candidate), who will witness the declaration of identity.

*(See other side.)*

2. You must sign the declaration of identity in the presence of the witness.
3. You may vote for only \_\_\_\_\_ candidate/s.
4. You vote by marking the ballot paper on the right-hand side with a cross opposite the name of the candidate for whom you vote, thus **X**.

You should mark the ballot paper secretly; if you cannot vote without the assistance of some other person, that person must not disclose how you have voted.

5. Immediately after voting you must place the marked ballot paper in the enclosed small envelope "A" and fasten it up. You must then place the envelope marked "A" together with this declaration of identity, in the larger envelope marked "B" addressed to the returning officer and despatch it by post without delay. The ballot paper, in order to be counted, must be received by the returning officer not later than the close of the poll.
6. If you receive more than one ballot paper, remember that it is illegal to vote more than once at the same general election or by-election.
7. As an absent voter at this election you cannot vote at the polling station but only by post.

**FORM D**

(rule 10(1))

**DECLARATION OF SECRECY**

I, A.B. \_\_\_\_\_ of \_\_\_\_\_ being a person attending the proceedings on the issue or receipt of postal ballot papers do solemnly and sincerely declare that I will keep secret all matters coming to my knowledge in the course of such proceedings, and that I will not divulge them to any person in any manner whatever save as required by the due process of law, and I realise that any breach of secrecy under this declaration makes me liable to the penalties prescribed in rule 10(3) of the Elections Rules (1998 Revision).

Signed \_\_\_\_\_  
Witness \_\_\_\_\_  
Date \_\_\_\_\_

**FORM E**

(rule 3(2))

**CERTIFICATE OF REGISTERED HEALTH PRACTITIONER**

I \_\_\_\_\_, being a health practitioner registered under the Health Practitioners Law (1995 Revision) to practise in the health profession of medicine, hereby certify, that in my professional opinion, \_\_\_\_\_ being an applicant to be treated as an absent voter for the purposes of the Elections Law (1998 Revision), is -

\_\_\_\_\_ unable/likely to be unable\*  
by reason of - \_\_\_\_\_  
blindness/other physical incapacity (specify)\*  
to - \_\_\_\_\_  
go in person to the polling station/if able to go, vote unaided.\*

\_\_\_\_\_  
Signature of the health practitioner

Date \_\_\_\_\_  
*\*Delete as appropriate.*

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Carmena H. Parsons  
Clerk of Executive Council