Note:

Elections Law
(2004 Revision)

Attention of website users is drawn to the fact that the following Revision referenced above is a replacement for the incorrect version which has hitherto inadvertently appeared on the website. If any use has been made of the incorrect version which appeared up to the 25th day of January 2005 then such use should be revisited using the newly inserted correct and authorized Revision, and appropriate action taken if required.

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ELECTIONS LAW

(2004 Revision)

Law 36 of 1983 consolidated with Laws 2 of 1987, 15 of 1988, 20 of 1990 (part), 10 of 1992, 12 of 1996, 19 of 1996, 14 of 1999, 17 of 1999 and 18 of 2004, 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 (1999 Revision).

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Consolidated and revised this 14th day of September, 2004.

Note (not forming part of the Law): This revision replaces the 2000 Revision which should now be discarded.

ELECTIONS LAW

(2004 Revision)

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ELECTIONS LAW

(2004 Revision)

PART I-Introductory

Short title

1. This Law may be cited as the Elections Law (2004 Revision).

Definitions and interpretation

2. (1) In this Law -

"agent" means a person appointed by a candidate to act on behalf of the candidate for the purposes of an election and includes -

(a) a person appointed as a polling agent or counting agent under section 40(1)(a) or (b); and

(b) a person appointed as an election agent under section 62(1);

"Assembly" means the Legislative Assembly;

"by-election" means an election other than a general election;

"candidate" means a person who has been nominated as a candidate to contest an election;

"counting station" means any room secured by the returning officer for the counting of the votes on polling day;

"current register" means the Register of Electors in force when the revised list is being prepared;

"Deputy Supervisor" means a person appointed as Deputy Supervisor of Elections under section 4;

"election" means an election of a member or members to the Assembly;

"election agent" means a person appointed by a candidate under section 62;

"election documents" mean the documents which the returning officer is required by section 59(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;

"elector" means any person who votes or is entitled to vote at an election;

"electoral district" means an electoral district as constituted under section 5;

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

"Form" means the form set out as such in the Second Schedule;

"Governor" means the person for the time being holding the office of Governor of the Islands, and includes any person for the time being lawfully performing the functions of that office under section 1 of Schedule 2 to the Cayman Islands (Constitution) Orders 1972 to 2004, and, to the extent to which a Deputy appointed under section 4 of Schedule 2 to the Cayman Islands (Constitution) Orders 1972 to 2004 is authorised to act, that Deputy;

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

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

"poll book" means the book in Form 1 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 under section 6;

"polling station" means any room secured by the returning officer for the taking of the votes on polling day;

"quarter" means the period of three months including and immediately following the first day of January, April, July and October in each year;

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

"registration date" means the first day of January, April, July or October, as the case may be, next occurring after the coming into force of the last previous Register of Electors or such other date as the Governor may, by Notice published in the Gazette, appoint;

"rejected ballot paper" means a ballot paper which has been handed by the presiding officer to an elector 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;

"revised list" means the list of electors prepared under section 12(1).

"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 an elector to cast his vote, and-

(a) has been spoiled in marking by the elector; 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; 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 –

(i) posting the same in a conspicuous place on any court house, church, chapel, post office, school-house or such other building in the Islands as in the opinion of the Supervisor is suitable for the purpose, except that in places where there is no such building as aforesaid, such instrument may be posted in a conspicuous place;

(ii) transmitting the same by electronic means on a website authorised by the Supervisor; and

(iii) publishing the same in a newspaper published and circulating in the Islands; and

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

PART II-Electoral Districts and Registration of Electors

Appointment, powers and duties of Supervisor

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

(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.

Appointment, powers and duties of Deputy Supervisors

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

(2) Subject to the general direction and supervision of the Supervisor and to such conditions, exceptions and qualifications as he may direct, each Deputy Supervisor shall have and may exercise such of the functions, powers and duties conferred or imposed upon the Supervisor by this Law as the Supervisor may in

writing delegate to him, unless by this or any other Law expressly prohibited from so doing.

Electoral districts and representatives

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-

(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 (l), 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 an elector 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 electors 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 2 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 as many deputy returning officers as he deems necessary 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 3 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.

Taking of oaths

9. (1) Every election officer and every person who is required by Part II or IV 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 IV to be made or taken by any election officer or other person.

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

Remuneration of officers

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.

Application to register as elector

11. (1) Every person who is qualified to be registered as an elector for an electoral district and who wishes to have his name placed on the Register of Electors shall, unless registered in the current register for that electoral district, on or before the registration date, apply in Form 4 to the registering officer for that electoral district to have his name entered in the register for the following quarter.

(2) Whoever knowingly makes a statement in Form 4 which is false in any material particular or who knowingly submits any document in support of the application which is false in any material particular or which has been altered without lawful authority is guilty of an offence and liable on summary conviction to a fine of five hundred dollars and to imprisonment for three months.

(3) The registration date specified in section 2 shall, for the purposes of section 25 of Schedule 2 to the Cayman Islands Constitution Orders 1972-1993, be deemed to be the date of registration.

Compiling quarterly register of electors

12. (1) In each quarter, a list of electors (hereinafter in this Law referred to as "the revised 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.

(2) If, for any reason, the registering officer fails to compile the revised list for his electoral district so that by reason thereof the Register of Electors (as described in section 18(3)) for that electoral district cannot be brought into force, the Register of Electors in force when the new Register of Electors should have come into force shall continue in operation and be deemed to be the Register of Electors for such electoral district.

Preparation of quarterly register

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

(2) Every registering officer shall, at least ten days before the registration date in each quarter, affix on two public buildings in his electoral district or, if there are no public buildings in the electoral district, on two other buildings with the prior permission of the occupants, a copy of the Registration Notice in Form 5, shall cause on or within ten days before the aforesaid date a copy of such Registration Notice to be published in two issues of a newspaper circulating in the Islands and shall arrange for the information contained in the Registration Notice to be brought to the attention of persons qualified to be registered in such other manner, including by radio or television, as he, in his discretion, may determine.

(3) Every registering officer shall also, within the period specified in section 14(1), proceed to list the name, street address and occupation of every person qualified to vote for the election of the Assembly in the electoral district for which he has been appointed, and shall prepare such list from the current register from the applications in Form 4 that have been received, duly completed and signed and from the information obtained from the returns submitted to him under section 19 or 21.

Provided that he may, on his own motion, place on such list any person whom he has reasonable grounds for believing is qualified to be registered and who he is satisfied is unable to complete Form 4 by reason either of blindness, illiteracy or any physical incapacity.

(4) The names, street addresses and occupations of all electors who are included in the revised list shall be written down by the registering officer in the manner and form specified in section 14(1) with the names of the electors grouped according to the initial letters of their surnames, and with the surname, given names and occupation of each being fully stated.

(5) Every registering officer shall exercise the utmost care in preparing the revised 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, street address and occupation of every qualified elector in the said electoral district and that it does not contain the name of any person who is not qualified.

(6) Every registering officer who has received an application for registration as an elector in Form 4 and who has not so registered that applicant shall forthwith give notice of refusal of the application in Form 6 by causing it to be delivered to the residence of the applicant.

(7) Any registering officer who wilfully or without reasonable excuse-

(a) refuses to prepare the revised list as provided in subsection (1);

(b) omits from the revised list the name of any person who has applied in Form 4 and who is entitled to have his name entered thereon;
(c) fails to give notice of refusal under subsection (6); or
(d) enters on the revised 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 to imprisonment for three months.

(8) Where a person whose name does not appear on the current register and who is qualified to be registered as an elector in an electoral district is of opinion that he is likely to be temporarily absent from that electoral district when the revised list is being prepared, that person may appoint in writing in the prescribed form and in the prescribed manner another person to act as his registration agent for the purpose of ensuring his registration as an elector in that electoral district.

(9) A registration agent appointed by any person under subsection (8)-

(a) may, on or before the registration date, apply on behalf of that person for that person's name to be entered on the register for the following quarter;
(b) may give, on behalf of that person, notice under section 15 that that person's name has been wrongly omitted from or wrongly stated in the revised list and Form 7 may be adapted for the purpose;
(c) may represent that person at any proceedings before the revising officer under sections 16 and 17;
(d) 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 revised list and in the Register of Electors; and
(e) shall be obliged to accept, on behalf of such person, any notice of objection to the inclusion of such person's name in the revised list under section 15(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.

Revised list

14. (1) Every registering officer shall, within the space of twenty days from the registration date, record in alphabetical order of their surnames on the revised list in Form 8, the names of all persons entitled to be registered as electors 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.

(2) A revised list -

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

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

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

Procedure as to omissions and objections

15. (1) Every person-

(a) whose name appears on the current register; or

(b) who has, within the time specified, submitted a signed and completed form of application to be registered as an elector,

whose name has been omitted from or wrongly stated in the revised 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 in Form 7 to the registering officer of the electoral district in which he was ordinarily resident on the registration day.

(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 9 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 respective names, street addresses and occupations 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 Elections Office in George Town.

Revising officer and settling of revised lists

16. (1) A magistrate, who shall be appointed by the Chief Justice in writing for this purpose, shall be the revising officer for the purpose of settling the revised 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 settling the revised 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 10 of the settling of such lists and of the place at which such revision will take place shall be published.

Procedure on settling of revised lists

17. (1) The registering officer shall produce to the revising officer on the day fixed under section 16(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 revised 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 revised 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.

(2) If the objector appears neither in person, nor by attorney-at-law, nor by some elector 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 revised list for the electoral district or polling district, as the case may be.

(3) The revising officer sitting to settle the revised 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 a 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 revised list or inserted therein and against any mistake or omission corrected, and shall sign his name to every page of each revised 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.

Revised lists to be certified and deemed Register of Electors

18. (l) On completion of the settling of the revised 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.

(2) The revising officer shall certify such bound lists and shall thereupon transmit one copy thereof to the returning officer and the registering 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 Electors for that electoral district and shall come into force on the first day of the quarter immediately following and shall remain in force until the last day of such quarter.

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

Duty of certain public officers to supply information

1996 Revision

19. (1) The Registrar-General shall, between the first and tenth day of each month, transmit to the Supervisor a list of persons aged eighteen years or over whose deaths have, during the preceding month, been registered under the Births and Deaths Registration Law (1996 Revision). The list submitted shall contain the full first and surnames, the usual street address, date of birth, sex and occupation of each person listed.

(2) The Clerk of the Court shall, between the first and tenth day of each quarter, transmit to the Supervisor a list of all persons who, at the date of the transmission of the list, are under sentence of death, serving a sentence of imprisonment exceeding twelve months or under a sentence of imprisonment exceeding twelve months the execution of which has been suspended.

(3) The Chief Medical Officer shall transmit to the Supervisor the name, street address, date of birth and occupation of any person who has been certified to be insane or otherwise to be judged to be of unsound mind under the Mental Health Law (1997 Revision) or any other law in force in the Islands. Such transmission shall be made not later than ten days after the person concerned has been so certified or adjudged.

1997 Revision

(4) The Supervisor shall, within seven days of the receipt by him of information under subsection (1), (2) or (3), forward to the registering officer for each electoral district information received by him concerning persons whom he believes to be registered or qualified to be registered in such electoral district.

Electors registration cards

20. (1) Every person whose name appears on the Register of Electors and who follows the procedures set out in the Fourth Schedule shall be issued by the Supervisor with an electors registration card in Form 11.

(2) The procedure for the issue of electors registration cards shall be as set out in the Fourth Schedule.

(3) The electors registration card shall be supplied within thirty days of the transmission to the Supervisor of the lists under section 18(3).

(4) Whoever, without lawful authority, destroys, mutilates, defaces, removes or makes any alteration in a electors registration card or any duplicate of the same is guilty of an offence and liable on summary conviction to a fine of five hundred dollars and to imprisonment for three months.

(5) When the electors registration card of any person has been lost, mutilated, defaced or destroyed such person shall, upon making application in Form 12 to the Supervisor, and provided that he has complied with the procedures set out in the Fourth Schedule, be entitled to receive a duplicate card. The Supervisor, when issuing such duplicate card, shall endorse such card with the word "Duplicate" prominently displayed thereon and shall, at the same time, transmit to the registering officer for the electoral district in respect of which the card applies, notification that such duplicate has been issued.

(6) Whoever makes an application under subsection (5) which is false in any material particular is guilty of an offence and liable on summary conviction to a fine of five hundred dollars and to imprisonment for three months.

Change of elector's name, occupation or street address

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

(a) within a reasonable period but no later than three months after such change, give to the registering officer for the electoral district in respect of which he is registered as an elector, notice in writing in Form 13 together with such supporting documents as the registering officer may require;

(b) where the change of street address is from one electoral district to another, at the same time send a copy of such notice to the registering officer for the electoral district within which the new street address is located; and

(c) where the change is from one electoral district to another or from one polling division to another within the same electoral district, return his elector registration card to the Supervisor for it to be altered accordingly and replaced.

PART III-Registration of Political Parties

Eligible political party

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

Political Party Register

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

Application for registration

24. (1) An application for registration by an eligible political party shall be made in Form 14 to the Supervisor by the president, chairman or secretary of the political party.

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

Grounds for refusal

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

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

Registration procedure

26. (1) Where the Supervisor is satisfied that the application is in order he shall forthwith register the political party concerned, and issue a certificate of registration in Form 15 duly signed by him and bearing the seal of the Elections Office, and shall cause a notice of the registration to be printed in the Gazette.

(2) If the Supervisor is not satisfied that an application is in order, the Supervisor may request alterations to the application to meet the prescribed requirements.

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

(4) The Political Party Register shall state -

(a) the name of each political party registered under this Part;
(b) if an abbreviation of the name was given in the application, that abbreviation;

(c) the name and address of the person who made the application for the registration of the political party; and

(d) the name and address of the political party leader, chairperson or president, and secretary.

Appeals

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

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

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

PART IV- Arrangements for Elections

Issue of writs for holding elections

28. (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 16 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

29. (1) On receipt of a writ under section 28(1) a returning officer shall publish a notice in Form 15 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 18.

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

(5) 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 electors 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.

(6) 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.

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

(8) 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 19, 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.

(9) 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 16, and thereupon this Part shall apply, except that for the period of not less than six weeks specified in section 28(2) there shall be substituted a period of more than three months.

Offences in respect of nomination papers

30. (1) A person-

(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 elector 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

31. (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 electors of the withdrawal or death,

and, in either case, shall, when delivering a ballot paper to each elector, inform the elector 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 19, 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.

Deposits

32. (1) A candidate for election, or someone on his behalf, shall deposit with the returning officer on 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.

(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 chief officer in the Portfolio of Internal and External Affairs 2003Revision (as defined in section 3 of the Public Management and Finance Law (2003 Revision)), for transmission to the Financial Secretary.

(4) If, after the deposit is made, the candidature is withdrawn in accordance with section 31(1), the deposit shall be returned by the chief officer in the Portfolio of Internal and External Affairs (as defined in section 3 of the Public Management and Finance Law (2003 Revision)), 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.

When deposit forfeited or returned

33. (1) If a candidate-

(a) is not elected; and

(b) received less than one-tenth of the total of votes polled,

the money deposited with the returning officer in accordance with section 32(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.

Contested elections, publication of date and place, etc.

34. (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 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 20 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.

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

Polling stations

35. (1) On the day named in the notice published under section 34(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 electors 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

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

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

(3) Forthwith upon his appointment every presiding officer shall take and subscribe an oath in Form 21 and shall transmit such oath to the Supervisor.

Field officers, logistics officers and poll clerks

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

(a) such field officers and logistics officers, as may be necessary for the conduct of the elections; and

(b) a poll clerk or poll clerks for every polling station in an electoral district.

(2) Forthwith upon his appointment -

(a) every field officer and logistics officer shall take and subscribe an oath in Form 22 and shall transmit such oath to the Supervisor; and

(b) every poll clerk or person appointed to act as poll clerk shall take and subscribe an oath in Form 23 and shall transmit such oath to the Supervisor.

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

Ballot boxes

38. (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.

(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.

Supplies of election material

39. (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.

(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 electors 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 Electors (hereinafter called the "official list of electors") relating to the electoral district to which he is appointed;
(e) at least three copies of the directions for the guidance of electors in Form 24;
(f) blank poll books;
(g) a copy of this Law;
(h) security seals 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

40. (1) A candidate may, at any time after being nominated but at least ten 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 at each counting station,

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 street address of the person appointed and the electoral district in which he is registered as an elector, and shall be duly signed by the candidate and given to the returning officer.

(4) The agent of each candidate, on being admitted to the polling station, shall take an oath in Form 25 to keep secret the name of the candidate for whom any of the electors has marked his ballot paper in his presence.

Taking of poll and the ballot

41. (1) The poll shall be taken in each electoral district by secret ballot in accordance with sections 47, 48 and 49.

(2) The ballot of each elector shall be a printed paper in Form 26 (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.

Inspection of polling station

42. 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.

Where elector shall vote

43. (1) No person shall be entitled to vote in any polling division unless his name appears on the official list of electors for the electoral district in which that polling division is situated.

(2) Every person whose name appears on the official list of electors 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) Whoever contravenes this section is guilty of an offence and liable on summary conviction before a magistrate to a fine of one thousand dollars or to imprisonment for six months.

Restriction on voting

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

Proceedings at poll

45. (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 electors 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 electors to vote.

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

(4) Every elector, upon entering the polling station, shall declare his name, street address and occupation and shall present to the poll clerk his electors registration card. The poll clerk shall then ascertain if the name of the elector appears on the official list of electors used at the polling station. When it has been ascertained that the applicant elector is qualified to vote at the polling station, his name, street address and occupation shall be entered in the poll book to be kept by the poll clerk in Form 1, a number corresponding to the consecutive number allotted to the elector on the official list of electors being inserted against the elector's name in the appropriate column of the poll book, and the elector 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:

Provided that, notwithstanding that the elector has not presented to the polling clerk his electors registration card, such elector shall be entitled to vote if he satisfies the polling clerk that he is the person whose name appears in the register and is entitled to vote.

(5) The poll clerk shall-

(a) make such entries in the poll book opposite the name of each elector as the presiding officer under this Law directs;
(b) enter in the poll book opposite the name of each elector as soon as the elector'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 elector 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 elector 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.

Who are to be admitted within polling stations

46. (1) The presiding officer shall keep order at his polling station and shall regulate the number of electors to be admitted at a time, and shall exclude all other persons except the persons permitted to remain in the polling station by section 54(1).

(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 an elector and hear his name as given by him, but so that they cannot see how any elector 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.

General mode of taking ballot

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

(a) the ballot paper shall be stamped with an official mark, either embossed or perforated;
(b) the number, name and description of the elector as stated in the copy of the register of electors 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 electors and entered in the poll book;
(d) a mark shall be placed on the register of electors against the number of the elector 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 26.

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

(3) The elector, 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 elector and, if the same, he shall in full view of the elector and of all present remove the counterfoil and return the ballot to the elector who shall deposit the ballot in the ballot box; except that where the elector is unable from physical or other disability to deposit the ballot in the ballot box, the presiding officer shall, on the elector's behalf, deposit the ballot in the ballot box.

(4) An elector 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 elector and shall offer assistance to an elector who has spoiled three ballot papers.

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

(6) If, at the closing of the poll, there are any electors 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 elector

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

(a) "Are you the same person whose name appears as A. B. on the official list of electors 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) Whoever knowingly makes a false answer to any such question is guilty of an offence and liable, on summary conviction before a magistrate, to a fine of five hundred dollars or to imprisonment for six months.

Mode of taking ballot in special cases

49. (1) Subject to this Law as to proof of qualifications as an elector, and as to the administration of oaths, if a person representing himself to be a particular elector 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 27 and otherwise establishing his identity to the satisfaction of the presiding officer.

(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 elector on the official list of electors and entered in the poll book opposite the name of such elector, and the poll clerk shall enter in the poll book-

(a) the name of such elector;
(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 elector who is incapacitated from physical or other disability from voting without assistance in the manner prescribed by this Law, shall require the elector making such application to make oath in Form 28 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 elector 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 elector by marking his ballot paper in the manner directed by such elector in the presence of the poll clerk and, if so requested by the elector, the presence of a friend.

(5) Where an elector 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 29.

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

Arrangement for postal voting

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

(a) an elector 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) an elector 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) an elector 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) an elector 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) an elector is no longer residing at his qualifying address,

that elector may vote by post if, in the prescribed manner and within the prescribed time, he applies to be treated as an absent elector 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 51.

(2) At an election for which a person's application to be treated as an absent elector is allowed he shall not be entitled to vote in person under section 47.

(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 elector

51. (1) An application to be treated as an absent elector 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 50 to vote as an absent elector.

(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 elector 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 electors and of the addresses furnished by them as the addresses to which their ballot papers are to be sent.

Spoilt postal ballot paper

52. An absent elector 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 elector before the close of the poll, deliver or send another ballot paper to him.

Who may vote

53. (1) Where there is contained in the official list of electors 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 electors was intended to refer to him, such person shall, upon taking the oath in Form 30 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.

(2) An elector, if required by the presiding officer, the poll clerk, one of the candidates or an agent of a candidate, or by an elector present shall, before receiving his ballot paper, take an oath in Form 31 and, if he refuses to take such oath, erasing lines shall be drawn through his name on the official list of electors 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

54. (l) The following persons shall be permitted to remain in the polling station during the time the poll remains open -

(a) the presiding officer;
(b) the poll clerk;
(c) the Supervisor;
(d) the Deputy Supervisors of Elections;
(e) the returning officer of the electoral district;
(f) the candidates;
(g) one agent for each candidate in each polling station;
(h) the constables in uniform on duty ; and
(i) such field officers, logistics officers, emergency personnel and observers as may be authorised in writing by the Supervisor,

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

(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

55. (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 electors whose names appear in the poll book as having voted and make an entry thereof on the line immediately below the name of the elector who voted last thus, "The number of electors 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 electors 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 presiding officer, accompanied by the poll clerks, police officers, and candidate or agent who may be present, shall deliver the ballot boxes, the keys therefor, the poll book, the envelopes containing the spoiled or unused ballot papers, the official list of electors and the other documents used at the poll, to the returning officer or the deputy returning officer.

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

The count

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

(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 electors-

(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 electors 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 elector 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, the Deputy Supervisors of Elections and any person authorised in writing by the Supervisor, 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 47(1), he shall, in the presence of the poll clerk and such of the candidates or their counting agents are as 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 55(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 elector 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 83 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 of a particular ballot box, may, on completion of the count of that ballot box, immediately demand a recount which shall thereupon be carried out in the same manner as the original count; but no candidate may demand such a recount more than once in respect of a particular ballot box.

(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 29 nor to pay any further deposit.

Maintenance of order at polling station

57. (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.

(2) This section shall not apply-

(a) to any electors 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 electors also waiting; or

(b) to any persons who may under this Law lawfully enter or remain in such polling station.

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

Influencing electors to vote for any candidate

58. (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 elector to vote for any candidate or to ascertain for what candidate any elector intends to vote or has voted.

(2) Whoever contravenes subsection (l) is guilty of an offence and liable on summary conviction before a magistrate to a fine of five hundred dollars and to imprisonment for six months.

Election return

59. (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 32 endorsed thereon showing the candidate or candidates declared to be elected in accordance with section 56;
(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 electors 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 60.

(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 electors 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.

Custody of election documents

60. (1) Subject to subsections (2) and (3), the Supervisor shall ensure that -

(a) the election documents referred to in section 59(1) are kept in safe custody; and

(b) the keys to the ballot boxes containing the said documents in a vault or strong-room are held by the Governor.

(2) 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.

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

(4) 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.

(5) 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

61. Forthwith upon making the return to the writ in accordance with section 55, 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 V-Election Expenses

Appointment of election agents

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

(2) A candidate who does not appoint some other person as his election agent shall perform the functions, duties and responsibilities conferred on an election agent by the provisions of this Law (other than section 67(2)).

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

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

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

(a) that the act or omission took place with his consent or connivance; or

(b) that he failed to exercise all due diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

Candidate's expenses

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

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

(2) Whoever -

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

is guilty of an illegal practice.

Unauthorised expenditure

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

(2) No candidate shall be deemed to be guilty of an illegal practice by reason of any other person having incurred any expenditure in connection with the candidature of the candidate in contravention of this Part, unless it is proved that such expenditure was incurred with his knowledge or consent or that he did not take all reasonable steps to prevent the incurrence of such expenditure.

Limitation on election expenses

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

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

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

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

(a) any deposit made by the candidate on his nomination in compliance with the Law; or

(b) any expenditure incurred before the date of nomination of the candidate with respect to services rendered or material supplied before such notification.

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

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

Time for sending in and paying claims

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

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

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

Return as to election expenses

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

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

(a) that the return fully and accurately sets out all payments made by the candidate himself; and

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

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

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

Penalty for sitting or voting where no return and declarations transmitted

68. (1) If, in the case of any candidate, the return and declaration as to election expenses is not delivered before the expiry of the period limited for that purpose, that candidate shall not, after the expiry of that time, sit or vote in the Legislative Assembly until the return and declaration has been delivered and if he sits or votes in contravention of this subsection he shall forfeit five hundred dollars for every day on which he sits or votes.

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

Disclosure by candidates

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

(a) monetary or other forms of contribution received by the candidate or his election agent for the purposes of the election campaign; and

(b) the name and address of any person who contributed any money or other form of contribution which exceeds ten thousand dollars.

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

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

(4) Where any question arises as to any monetary or other form of contribution, the Supervisor may request that the account be submitted to him for inspection, along with the return required under section 67(1).

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

(6) The Supervisor shall keep a copy of the return at his office until the close of the poll for the second general election that takes place after the date on which the Supervisor received the return, and at the expiration of that period the Supervisor shall cause the copy of the return to be destroyed.

(7) Where a provision of this Part would be inconsistent with the Register of Interests Law, 1996, the Register of Interests Law 13 of 1996

Law, 1996 shall, to the extent of the inconsistency, prevail over that provision of this Part.

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

Prohibition of expenses not authorised by candidate

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

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

but paragraph (c) shall not-

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

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

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

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

(4) Whoever-

(a) incurs, aids, abets, counsels or procures any other person to incur any expenses in contravention of this section; or

(b) knowingly makes the declaration required by subsection (2) falsely,

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

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

(a) that the act or omission took place without his consent or connivance; and

(b) that he exercised all due diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

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

71. In this Part -

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

PART VI - Political Broadcasts

Regulation of political broadcasts

72. (1) No political broadcast or political announcement shall be made by any person except in accordance with this Part; but where the exercise of any power conferred by or under this Part would be inconsistent with the exercise of a power conferred by or under the Information and Communications Technology Authority Law (2004 Revision), the provisions of the Information and Communications Technology Authority Law (2004 Revision), shall to the extent of the inconsistency prevail over the provisions of this Part.

2004 Revision

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

Political broadcasts and political announcements

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

(a) any matter in contravention of the Laws of the Islands;
(b) any abusive comment upon any race or religion;
(c) any blasphemous, obscene, indecent or profane matter;
(d) any scandalous or defamatory matter;
(e) any scenes of nudity, eroticism, crime or violence;
(f) any scenes or sounds of private grief or human suffering; or
(g) any harrowing sights or sounds.

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

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

Restriction on broadcasting

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

Advertising of political broadcasts or events

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

Saving of powers of Ministers to broadcast

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

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

Broadcasting offences

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

Definitions in this Part

78. In this Part -

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

"election period" means, in relation to -

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

and ending with the respective close of poll;

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

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

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

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

"text" includes any script, whether written or recorded.

PART VII - Publication of Statistical Information

Regulation of statistical information

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

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

Publication of statistical information

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

Falsification of statistical information

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

Definition of "publish" for the purposes of this Part

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

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

PART VIII-Election Petitions

Petitions against elections

83. 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.

Presentation of election petition and security for costs

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

(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.

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

85. 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 for general corruption, etc.

86. 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.

Trial of election petitions

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

(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

88. 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 IX-Election Offences

Intoxicating liquor not to be sold or given

2000 Revision

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

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

Employers to allow employees time

90. (1) Every employer shall, on polling day allow to every elector in his employ a reasonable period for voting, and no employer shall make any deduction from the pay or other remuneration of any such elector 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 elector in his employ of such period for voting, as is in this section provided, is guilty of an offence and on summary conviction before a magistrate liable to a fine of five hundred dollars or to imprisonment for six months.

Offences by election officers

91. 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 a magistrate, liable to a fine of five hundred dollars and to imprisonment for six months.

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

92. (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.

(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 a magistrate to a fine of five hundred dollars or to imprisonment for six months.

Definition of bribery

93. (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 elector, or to or for any person on behalf of any elector, or to or for any other person in order to induce any elector to vote or refrain from voting, or corruptly does any such act as aforesaid on account of any elector 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 elector, or to or for any person on behalf of any elector, or to or for any other person in order to induce such elector to vote or refrain from voting, or corruptly does any such act as aforesaid

on account of any elector 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 elector 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 elector 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 elector 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 electors 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.

Definition of treating

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

(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 elector who corruptly accepts or takes any such food, drink, entertainment or provision.

Definition of undue influence

95. 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 elector, or thereby compels, induces or prevails upon any elector, either to give or refrain from giving his vote at any election, shall be guilty of undue influence under this Law.

Definition of personation

96. 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

97. 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 a magistrate to a fine of two thousand dollars or to imprisonment for twelve months.

Penalty for personation

98. 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 a 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

99. 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 an elector 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.

Illegal practices and penalties

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

(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 29(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.

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

(3) 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.

(4) 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 87 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.

(5) Whoever, between the date of the publication by the returning officer of a notice in accordance with section 29(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 a 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 an elector 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.

(6) In the event of any appeal by any person convicted of an illegal practice under any provision of this Law, 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.

(7) 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

101. (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 an elector, votes at any election,

is guilty of an offence and liable on summary conviction before a 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.

Secrecy of voting

102. (1) Every election officer and every agent appointed under section 40(1)(a) or (b), or section (62)(1) 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 an elector when marking his vote, or otherwise attempt to obtain in the polling station any information as to the candidate for whom any elector in such station is about to vote or has voted.

(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 elector 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 a magistrate, to a fine of five hundred dollars or to imprisonment for six months.

PART X- Miscellaneous Provisions

No obligation on elector to disclose vote

103. No elector 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.

Conclusiveness of Register of Electors

104. At any election a person shall not be entitled to vote unless his name is on the Register of Electors 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:

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

105. 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

106. (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

107. (1) The Governor in Cabinet may make rules-

(a) prescribing anything to be prescribed under this Law;
(b) with respect to the form of the Register of Electors 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 electors 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 elector, 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 a 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
West Bay	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.
George Town	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.
Cayman Brac And Little Cayman	All that area comprising the islands of Cayman Brac and Little Cayman.
Bodden Town	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

sections 2 and 45(4)

POLL BOOK

Consecutive number given each elector as he applies for ballot	Particulars of Electors					Particulars of persons applying for ballot papers after another has voted as such person						Remarks
	Name of Elector	Occupation	Postal Address	Consecutive No. of electors on list of electors	Form of oaths, if any, elector is required to swear	*(a)* Record that oath sworn or refused	*(b)* Record that elector has voted	Name	Consecu-tive No. of elector on list of electors	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 2

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 (2004 Revision) without partiality, fear, favour or affection, to the best of my ability.

SO HELP ME GOD.

_____
Registering Officer

Sworn before me_____
Date_____, 20_____.

FORM 3

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 (2004 Revision) to the best of my ability.
SO HELP ME GOD.

Signature of returning officer/deputy returning officer_____
Sworn before me_____
Date_____, 20_____.
(To be amended as appropriate)

NO.

FORM 4

CAYMAN ISLANDS

ELECTIONS LAW

(2004 Revision)

section 11

APPLICATION FOR REGISTRATION AS AN ELECTOR

To the registering officer for the electoral district of _____.
I,_____,
(full given and family names in block capitals)
of _____,
(full street address)

whose occupation is_____, being of the male/female sex do hereby apply to be registered as an elector for the *(delete as appropriate)*
Electoral District of _____, and do declare that the following particulars are, to the best of my knowledge and belief, true and correct in all respects.

1. My date of birth is_____and I enclose a
(day/month/year)
copy of my birth certificate.
2. My place of birth is_____.
(place and country)
3. *One of my parents or grandparents was born in the Cayman Islands namely _____a parent/grandparent (and I enclose
(full name) *(delete one)*
a copy of his/her birth certificate).
(delete as appropriate)

**To be completed if applicant's place of birth is not in the Cayman Islands*

4. I possess Caymanian status (and enclose a copy of my letter/certificate of status). *(delete if not applicable)*
5. I am a British Overseas Territiories citizen by virtue of a connection with the Islands and acquired such citizenship by birth/descent/naturalisation/registration *(delete as appropriate)*
(and I enclose a copy of my naturalisation/registration certificate). *(delete as appropriate)*
6. I have been ordinarily resident in the Islands since the _____day of_____19__ /20_____, and during the three years immediately preceding this application I have been absent from the Islands for a total of three hundred days or less.

7. Street address: _____
8. Postal address:_____
9. Home telephone:_____
10. Work telephone: _____
11. I am/am not physically incapacitated.
(delete as appropriate)

Date:_____

Signature of Applicant

(signature must be totally within box)

For Office use only	Applicant is qualified for registration and his/her name has been placed on list; or Applicant is not qualified for registration because_____ _____ Signature of Registering Officer

For note as to qualifications to be registered as an elector see reverse side of this form.

(Reverse side of form)

Note of qualifications to be registered as an elector

(As set out in sections 25 and 26 of Schedule 2 to the Cayman Islands (Constitution) Orders 1972 to 1993).

A person is entitled to be registered as an elector if-

(a) on the 31st day of August, 1984-
  (i) he was a British subject of the age of eighteen years or over; and
  (ii) he either had been ordinarily resident in the Islands for a period or periods amounting to at least five years out of the seven years immediately preceding the date of registration and was resident therein at that date, or was domiciled and resident therein at that date; or

(b) on the 31st day of January, 1988-
  (i) he was a citizen of a Commonwealth country of the age of eighteen years or over; and
  (ii) he was domiciled and resident in the Islands at the date of registration; and either
  (iii) he or one of his parents was born in the Islands; or
  (iv) he had been ordinarily resident in the Islands for a period or periods amounting to seven years out of the nine years immediately preceding the date of registration; or

(c) (i) he possesses Caymanian status; and
  (ii) he has attained the age of eighteen years; and
  (iii) he is a British Overseas Territories citizen by virtue of a connection with the Islands; and
  (iv) he is domiciled and resident in the Islands at the date of registration; and either

(v) he or one of his parents or grandparents was born in the Islands and he has been ordinarily resident in the Islands for a period or periods amounting to two years out of the three years immediately preceding the date of registration; or

(vi) he has been ordinarily resident in the Islands for a period or periods amounting to seven years out of the nine immediately preceding the date of registration, and in the three years immediately preceding the date of registration the number of days on which he was absent from the Islands does not exceed three hundred:

Provided that such person is not-

(a) under sentence of death imposed on him by a court in any part of the Commonwealth, or serving a sentence of imprisonment (by whatever name called) exceeding twelve months imposed on him by such a court, or under such a sentence of imprisonment the execution of which has been suspended;

(b) a person certified to be insane or otherwise adjudged to be of unsound mind under any law in force in the Islands; or

(c) disqualified for registration as an elector by any law in force in the Islands relating to offences connected with elections;

and for the purposes of paragraph (a) of this proviso-

(i) where a person is serving two or more sentences of imprisonment that are required to be served consecutively he shall, throughout the whole time during which he so serves be regarded as serving a sentence exceeding twelve months if (but not unless) any one of those sentences exceeds that term; and

(ii) no account shall be taken of a sentence of imprisonment imposed as an alternative to or in default of the payment of a fine; and

(iii) no account shall be taken of a sentence of imprisonment imposed by a court outside the Islands other than a sentence on conviction for an offence constituted by conduct which, if it occurred within the Islands, would constitute an offence punishable under the law of the Islands by imprisonment of twelve months, or any greater punishment.

FORM 5

REGISTRATION NOTICE

section 13(2)

TAKE NOTICE that-

(a) Every person who is entitled to be registered as an elector in the _____ electoral district and who wishes to have his name placed on the Register of Electors for the three month period commencing on the first day of January/April/July/October,
(delete as appropriate)
20_____ shall, unless already registered in the current Register of Electors, apply in writing in Form 4 for registration as an elector, which duly completed form must be received by the registering officer for the said electoral district on or before the registration date, namely the ___ day of _____ 20____. *(complete as appropriate)*

(b) Every person not disqualified on any of the grounds set out in the next paragraph of this notice is qualified to be registered as an elector in the said electoral district if he or she-
(list here qualifications)

(c) *(list here disqualifications)*

(d) A revised list containing the names, street address and occupation of all persons qualified to vote in the said district -
(i) whose names appear in the current Register of Electors; or
(ii) who have submitted to the registration officer a duly completed and signed application for registration in Form 4
will be posted up in the said electoral district for a period of twenty-one days beginning on the _____ day of _____, 20_____. *(complete as appropriate)*

(e) Copies of Form 4 may be obtained at the following places -
(i) any post office or sub-post office;
(ii) the registering office for any electoral district; or
(iii) the Elections Office,
Tower Building,
North Church Street,
George Town,
Grand Cayman.

(f) The registering officer for the electoral district is _____.

_____ _____

Date Registering Officer.

FORM 6

CAYMAN ISLANDS

ELECTIONS LAW

section 13(6)

(2004 Revision)

NOTICE OF REFUSAL OF APPLICATION FOR REGISTRATION AS AN ELECTOR

Electoral District of_____
Take notice that the application of _____
of_____
(full street address)
to be registered as an elector for the above electoral district has this day been refused by me on the grounds that-

_____
_____
_____

Dated this _____day of _____, 20_____.

_____
Registering Officer

FORM 7

sections 13(9) & 15(1)

NOTICE OF CLAIM

To the registering officer of the_____electoral district
TAKE NOTICE that I,_____,
of _____
street address
_____
occupation
am qualified for inclusion in the revised list of electors for the_____ electoral district and that my name and street address 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 street address) (by the correction of the particulars of my name and street address) as shown on the attached form.

(strike out bracketed words not applicable)

Signature of claimant_____
Date:_____.

FORM 8

section 14(1)

REVISED LIST OF ELECTORS
ELECTORAL DISTRICT

Consecutive No.	Street Address	Name of Elector /Family Name First	Occupation	Remarks

FORM 9

section 15(2)

NOTICE OF OBJECTION

To the registering officer of the_____electoral district

TAKE NOTICE that
I_____,
Name
of_____
street address
_____
occupation

am qualified for inclusion in the revised list of electors 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 10

section 16(3)

REVISION NOTICE

TAKE NOTICE that the revised lists of electors for the_____ electoral district for the quarter commencing on the first day of January/April/July/October, 20_____ will be settled by me the undersigned on the_____day of_____, 20____ at_____at_____o'clock.
Dated this _____day of_____20____.

_____
Revising Officer

FORM 11

section 20(1)

ELECTORS REGISTRATION CARD

ELECTORS REGISTRATION CARD
CAYMAN ISLANDS

Electoral district:_____
Polling division:_____
Name:_____
Date of birth:_____
Sex:_____
Registration No.:_____
Signature of elector:_____
Signature of Supervisor of Elections:_____

Photograph of Elector

IF FOUND DELIVER TO NEAREST POST OFFICE

FORM 12

APPLICATION FOR A DUPLICATE ELECTORS REGISTRATION CARD

CAYMAN ISLANDS

ELECTIONS LAW

section 20(5)

(2004 Revision)

To the Supervisor of Elections
Elections Office
Tower Building
North Church Street
George Town
Grand Cayman

I,_____ whose postal address is _____
(give full first and surnames in block capitals) *(street address)*
_____ of_____,
solemnly and sincerely declare that -

(a) I am qualified as an elector under section 25(1) of the Cayman Islands Constitution contained in the Second Schedule to the Cayman Islands (Constitution) Orders 1972 to 1993;

(b) I am not disqualified from voting under section 26 of the said Order or under the Elections Law (2004 Revision);

(c) I was the holder of a electors registration card which was issued to me (on or around the _____day of _____, 20_____) *(insert date if known)*
and that the said card has been *lost/mutilated/destroyed/defaced *(*delete as applicable)* in the following circumstances-

(here set out in detail the circumstances)

_____
_____
_____
_____;

(d) I apply for a duplicate electors registration card;

(e) *I undertake that if the original card which was issued to me is found that I will return it forthwith to you

OR

*I enclose with this application my present mutilated or defaced card. *(*delete as applicable)*

Dated this_____day of _____, 20____.

Signature of applicant:_____
Signature of witness:_____
Name of witness:_____
(in block capitals)

FORM 13

NOTICE OF CHANGE OF NAME, OCCUPATION OR STREET ADDRESS

CAYMAN ISLANDS

ELECTIONS LAW

section 21

(2004 Revision)

To the Registering Officer for the _____Electoral District.

I, _____
(insert full first and surnames in block capitals)
whose postal address is _____,
solemnly and sincerely declare that -

*delete as applicable

*(a) on or about the _____day of_____, 20_____,
I changed my name from _____
(insert full previous names)
to _____
(insert new full first and surnames)
and that change of name occurred by reason of -
marriage/divorce/a deed poll/*(other reason);*
(delete as applicable)
namely _____
(complete as appropriate)

OR

*(b) on or about the _____day of_____, 20_____,
I changed my occupation from _____
(insert previous occupation)
to _____
(insert new occupation)

OR

*(c) on or about the ____day of_____, 20_____,
I ceased to reside at _____
(insert full street address of previous residence)

in the said electoral district and now reside at _____
(insert full street address of new residence)

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

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

Dated this _____day of_____, 20_____.

Signature of applicant:_____
Signature of witness:_____
Name of witness:_____
(in block capitals)

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

FORM 14

APPLICATION FOR THE REGISTRATION OF A POLITICAL PARTY

CAYMAN ISLANDS

ELECTIONS LAW

section 24

(2004 Revision)

To the Supervisor of Elections
Elections Office
Tower Building
North Church Street
George Town
Grand Cayman

I,_____
(*Give full first name and surname in block letters*)

of
_____,
(*Give postal address including street address*)

Under section 24 of the Elections Law (2004 Revision) set out the following particulars -

_____

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

_____

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

_____

(*Name of person registering political party*)

_____

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

_____

(*Signature of applicant*)

……..

Date of application

FORM 15

CERTIFICATE OF REGISTRATION OF A POLITICAL PARTY

CAYMAN ISLANDS

ELECTIONS LAW

(2004 Revision)

section 26

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

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

section 26 of the Elections Law (2004 Revision) and has been entered in the register of political parties.

……

(*Signature of Supervisor of Elections*)

_____

(Seal of Elections Office)

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

FORM 16

section 28(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 28(1) of the Elections Law (2004 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 , 20__, at and thereafter, if necessary, you do on the day of , 20__, 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 , 20__.

GIVEN under my hand and the Public Seal of the Cayman Islands this day of 20__ 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 17

section 29(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 , 20__, 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 , 20__.

_____
Returning Officer for the Electoral District

FORM 18

section 29(3)

NOMINATION PAPER

Name of electoral district_____
Surname of candidate _____
Other names of candidate_____
Street address of
candidate_____
_____

We, the undersigned electors 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_____, 20__.

FORM 19

section 29(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 street address 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_____, 20_____.

FORM 20

section 34 (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 , 20__ 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 , 20__, 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_____20____.

_____
Returning Officer for the Electoral District

FORM 21

section 36(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 electors 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 , 20____.

FORM 22

section 37(2)

OATH OF FIELD OFFICER/LOGISTICS OFFICER

I, the undersigned, appointed field officer/logistics officer for the polling station at in the

electoral district swear that I will act faithfully in my said capacity of field officer/logistics officer, according to law, without partiality, fear, favour or affection.

SO HELP ME GOD.

_____
Field Officer/Logistics Officer

Sworn before me at this day of , 20____.

FORM 23

section 37(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 electors 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 , 20__.

FORM 24

section 39(2)(e)

DIRECTION FOR THE GUIDANCE OF ELECTORS

1. An elector must not vote at more than one polling station.

2. An elector may vote for 1, 2, 3, or 4 candidates. If the elector 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. An elector may vote for 1, 2, or 3 candidates. If the elector 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. An elector may vote for 1 or 2 candidates. If the elector 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. An elector may vote for 1 candidate only. If the elector 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. An elector may vote for up to (*insert number of vacancies*) candidate(s). If the elector 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 an elector attempts to give a candidate more than 1 vote the candidate will be awarded 1 vote only.

4. An elector votes for a candidate by placing an **X** to the right of the candidate's name. thus

1. JAMES, JOHN PETER	**X**
2. ROBINSON, PETER FREDERICK	

5. If an elector marks the ballot paper in any way that will identify the elector the ballot paper will be rejected.

6. After voting, an elector 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 elector, remove the counterfoil from the ballot paper and return the ballot paper to the elector who will deposit the ballot paper in the ballot box; except that where the elector is unable from physical or other disability to deposit the ballot paper in the ballot box, the presiding officer will, on the elector's behalf, deposit the ballot paper in the ballot box

8. If an elector 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 an elector must leave the polling station.

(The appropriate clause 2 is to be inserted)

FORM 25

section 40(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 elector 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 20__.

FORM 26

sections 41(2) and 47(1)(e)

BALLOT PAPER

NO. _____
GENERAL ELECTION_____ _____ electoral district
Consecutive number given elector in poll book_____

(Counterfoil)

BALLOT PAPER

Polling day_____

No._____ _____Initial of presiding officer

1.	**JAMES, JOHN PETER**
2.	**ROBINSON, PETER FREDERICK**

FORM 27

section 49(1)

OATH OF IDENTITY OF AN ELECTOR RECEIVING A BALLOT PAPER AFTER ANOTHER ELECTOR HAS VOTED IN HIS NAME

You swear that you are_____
(Name as on official list of electors)

of_____
(Street address as on official list of electors)
whose name is entered on the official list of electors now shown you.

SO HELP YOU GOD.

FORM 28

section 49(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 29

section 49(5)

OATH OF FRIEND

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

SO HELP YOU GOD.

FORM 30

section 53(1)

OATH THAT THE ELECTOR IS THE PERSON INTENDED TO BE REFERRED TO IN THE OFFICIAL LIST OF ELECTORS

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 Electors used at the polling station, of the name_____ whose occupation is given as_____and whose street address is given as_____

SO HELP YOU GOD.

FORM 31

section 53(2)

OATH OF QUALIFICATION AS AN ELECTOR

You swear-

l. 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 an elector; or

2. That you possess Caymanian Status, have attained the age of eighteen years, are a British Overseas 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 an elector 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 (2004 Revision).

5. That you are not the returning officer for this electoral district,

SO HELP YOU GOD.

FORM 32

section 59(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 street address of each member as stated on his or her nomination paper).

_____
Returning Officer

**Delete as applicable*

THIRD SCHEDULE

ELECTIONS RULES

(2004 Revision)

ARRANGEMENT OF RULES

PART I-Introductory

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

PART II-Absent Electors

3. Application to be treated as absent elector
4. List of absent electors
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 electors ballot boxes
17. Sealing up of absent electors lists and counterfoils
18. Receipt of covering envelopes
19. Opening of postal electors 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

(2004 Revision)

section 107(3)

PART I-Introductory

Citation

1. These rules may be cited as the Election Rules (2004 Revision).

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

2. (1) The appointment of a registration agent for registration under section 13(8) 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 registration agent so appointed until the registering officer undertakes the preparation of the revised list under section 13 whereupon one copy shall be delivered to the registering officer.

PART II-Absent Electors

Application to be treated as absent elector

3. (1) An application to be treated as an absent elector 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 elector is that set out in paragraph (b) of section 50(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 elector 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 elector 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 elector shall notify the applicant of his decision.

(5) When, pursuant to paragraph (c) of section 51(3), the registering officer gives notice to an absent elector that he has reason to believe there has been a material change of circumstances that person shall cease to be treated as an absent elector 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 elector;
(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.

List of absent electors

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

(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 elector in the absent electors' list for each electoral district.

(3) As soon as the absent electors' 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 elector; and

"postal elector" means a person entitled to vote by post at an election as an absent elector.

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 elector is to cast his vote.

Form of postal ballot paper

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

Form of declaration of identity

8. (1) The declaration of identity sent with the ballot paper to postal elector 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 elector 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.

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

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),

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 electors' 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 electors' 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 a 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 elector shall be called out and such number shall be marked on the counterfoil and a mark shall be placed in the absent electors' list against the number of the elector to denote that a ballot paper has been issued to the elector 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.

Refusal to issue postal ballot paper

13. Where a returning officer is satisfied that two or more entries in the absent electors' list relate to the same elector, he shall not issue more than one ballot paper in respect of the same elector.

Ballot paper envelope

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 elector, send a smaller envelope marked "ballot paper envelope" bearing the number of the ballot paper.

Delivery of postal ballot papers to post office

15. All envelopes addressed to postal electors 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.

Provision of postal electors ballot boxes

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 electors.

(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 electors 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.

Sealing up of absent electors' lists and counterfoils

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 electors' list; and
(b) the counterfoils of those ballot papers which were issued,

and shall seal such packets.

(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 electors' box locked and sealed in accordance with rule 16.

Opening of postal electors' ballot box

19. (1) Each postal electors' 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 electors' 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 electors, 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.

Sealing up rejected votes and declarations

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 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 56.

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 59, 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 electors 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 23 in the Law but that for the words "General Election" therein shall be prescribed in the word "By-Election".

APPENDIX

FORM A

APPOINTMENT OF REGISTRATION AGENT TO ENSURE REGISTRATION OF AN ELECTOR

(rule 2)

Particulars

Full name, sex and age of applicant

District in which to be registered

Present street address of applicant

Name of father and mother of applicant, if alive

Street address of father or mother, if alive

If married, name and street address of wife or husband

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

Name, sex and street address of person to be appointed registration agent

Declaration By Applicant

I, of , whose name appears on the Register of Electors, temporarily absent from these Islands solemnly and sincerely declare that I am not disqualified from voting under the Elections Law (2004 Revision) and that-
I desire to appoint of to be my registration agent for the purpose of putting my name on the revised list of electors.

Signed_____
Witness_____

Declaration By Registration 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 ELECTOR VOTING BY POST

Name in full
Mr./Mrs./Miss_____
Street
address_____
_____
Electoral district for which registered as an elector
_____
Reasons for application_____
_____
_____

Address to which postal ballot paper shall be sent_____
_____
_____

Declaration By Applicant

I, A.B. of
do solemnly and sincerely declare that the information contained in the above form is correct to the best of my knowledge and belief.
Signature of applicant_____
Signature of witness _____
Full name of witness _____
Date_____, 20_____.

Declaration By Person Who Assists An Applicant

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

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

Signature of person making declaration_____

Signature of witness_____

Full name of witness_____

Date_____, 20__.

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.

Elector'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 Elector

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 elector 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 (2004 Revision).

Signed_____
Witness _____
Date _____20_____.

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 elector for the purposes of the Elections Law (2004 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 _____20_____.

**Delete as appropriate.*

FOURTH SCHEDULE

section 20(2)

Procedure for the Issuing of Electors Registration Cards

1. The Supervisor of Elections shall, as soon as possible after a new Register of Electors comes into force, cause to be published in not less than four issues of a newspaper circulating in the Islands, and by such other methods as he shall deem necessary, a list of dates, times and locations within each electoral district at which electors who wish to be issued with electors registration cards shall attend.

2. When an elector attends at such specified location within his electoral district on the appointed date and time and satisfies the Supervisor of Elections that he is a registered elector in such electoral district, he shall have issued to him, by the Supervisor of Elections, an electors registration card.

3. The Supervisor of Elections shall cause a blank electors registration card to be completed by the insertion of all the information specified thereon, and to be signed by the elector and by himself.

4. The Supervisor of Elections shall cause a photograph of the elector to be taken and placed on the electors registration card, which shall be delivered to the elector. The fact that such a card has been issued shall be recorded on a list by the Supervisor of Elections who shall cause such list to be forwarded to the returning officer of the electoral district in which the elector is registered.

5. Notwithstanding that an elector has not attended at the location specified, the Supervisor of Elections, if he is satisfied that by reason of physical incapacity the elector has been unable to attend and if he has received an application for the issue of an electors registration card from such non-attending elector, shall cause arrangements to be made for the Supervisor of Elections to attend at such ordinary or temporary residence as the applicant elector has specified to enable a electors registration card to be issued to such elector.

6. If an elector has not attended at the location specified by the Supervisor of Elections but wishes to have an electors registration card issued to him, he shall so notify the Supervisor of Elections, and the Supervisor of Elections shall thereupon inform the elector of a date and time at which he may attend at the Elections Office in order that the procedures for the issue of such electors registration card may be carried out.

7. Each electors registration card shall be of a size no greater than 3 3/8" x 2 1/8" nor less than 2 7/8" x 1 7/8", shall be produced by means of a system approved by the Supervisor of Elections and shall be so produced that the information, photograph and signatures contained thereon shall be incapable of alteration.

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Carmena Watler
Clerk of Cabinet

(Price $20.80)