

CAYMAN ISLANDS



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**A BILL FOR A LAW TO AMEND THE ELECTIONS LAW (2009
REVISION) TO MAKE THE LAW CONSISTENT WITH THE CAYMAN
ISLANDS CONSTITUTION ORDER 2009; AND FOR INCIDENTAL
AND CONNECTED PURPOSES**

THE ELECTIONS (AMENDMENT) BILL, 2013

MEMORANDUM OF OBJECTS AND REASONS

This Bill amends the Elections Law (2009 Revision) to ensure that the Law is consistent with the Cayman Islands Constitution Order 2009, S.I. 2009 No. 1379.

Clause 1 seeks to provide for the short title and commencement.

Clause 2 amends section 2 of the principal Law in the definition of the term “Governor” to make references in the principal Law consistent with the Cayman Islands Constitution Order 2009.

Clause 3 amends section 11 of the principal Law to make correct the references in the principal Law to provisions in the Constitution.

Clause 4 amends section 29(1) of the principal Law to correct the reference to “Form 15” to “Form 17”.

Clause 5 amends Forms 24 and 31 in the Second Schedule to the principal Law. The amendment increases the number of candidates for whom electors in Bodden Town and Georgetown may vote to four and six, respectively. The clause also amends Form 31 to make the provision consistent with the Constitution.

Clause 6 amends rules 3 and 25 in the Third Schedule to the principal Law. The amendments to rule 3 make a correction to the principal Law by making reference to Form C in the provisions relating to absent electors. Form C addresses the absent elector voting by mobile station. Additionally the clause makes a correction to the principal Law by changing the reference from “Form 23” to “Form 26”. Rule 25 provides for the ballot paper in a by-election and Form 26 similarly provides for the ballot paper.

THE ELECTIONS (AMENDMENT) BILL, 2013
ARRANGEMENT OF CLAUSES

1. Short title and commencement
2. Amendment of section 2 of the Elections Law (2009 Revision) - definitions and interpretation
3. Amendment of section 11 - application to register as elector
4. Amendment of section 29 - nominations
5. Amendment of the Second Schedule - forms
6. Amendment of the Third Schedule - elections rules

CAYMAN ISLANDS

A BILL FOR A LAW TO AMEND THE ELECTIONS LAW (2009 REVISION) TO MAKE THE LAW CONSISTENT WITH THE CAYMAN ISLANDS CONSTITUTION ORDER 2009; AND FOR INCIDENTAL AND CONNECTED PURPOSES

ENACTED by the Legislature of the Cayman Islands.

1. (1) This Law may be cited as the Elections (Amendment) Law, 2013.

Short title and commencement

(2) This Law shall come into force upon the next dissolution of the Legislative Assembly.

2. The Elections Law (2009 Revision), in this Law referred to as the “principal Law”, is amended in section 2 by deleting the definition of the word “Governor” and substituting the following definition -

Amendment of section 2 of the Elections Law (2009 Revision) - definitions and interpretation

“ “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 31 of Schedule 2 to the Cayman Islands Constitution Order 2009, and, to the extent to which a Deputy appointed under section 34 of Schedule 2 to the Cayman Islands Constitution Order 2009 is authorised to act, that Deputy;”.

Amendment of section 11 - application to register as elector

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

- (a) in subsection (2), by deleting the words “section 25(c) of Schedule 2 to the Cayman Islands (Constitution) Orders 1972 to 2008” and substituting the words “section 90(1)(c) of Schedule 2 to the Cayman Islands Constitution Order 2009”; and
- (b) in subsection (4), by deleting the words “section 25 of Schedule 2 to the Cayman Islands Constitution Orders 1972 - 1993” and substituting the words “section 90 of Schedule 2 to the Cayman Islands Constitution Order 2009”.

Amendment of section 29 - nominations

4. The principal Law is amended in section 29(1) by deleting the words “in Form 15” and substituting the words “in Form 17”.

Amendment of the Second Schedule - forms

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

- (a) in Form 24 by deleting all paragraphs numbered “2” and substituting the following paragraph -

“2. An elector may vote for the number of candidates as specified below -

In the case of the West Bay and Bodden Town Electoral Districts: 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 Georgetown Electoral District: An elector may vote for 1, 2, 3, 4, 5 or 6 candidates. If the elector votes for more than 6 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: 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 North Side and East End Electoral Districts: 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; or

In the case of a by-election: 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.”; and

- (b) by deleting Form 31 and substituting the following form -

“Form 31

Section 55(2)

OATH OF QUALIFICATION AS AN ELECTOR

You swear -

1. That -
 - (a) on the 5th day of November 2009, being the date immediately preceding the date of the coming into force of the Cayman Islands Constitution Order 2009, you were entitled to be registered as an elector; or
 - (b) you -
 - (i) are a Caymanian;
 - (ii) have attained the age of eighteen years;
 - (iii) were resident in the Cayman Islands at the date of registration; and
 - (iv) have been resident in the Cayman Islands for a period or periods amounting to not less than two years out of the four years immediately preceding the date of registration; or
 - (c) on the day of the issue of a writ ordering an election, you were otherwise qualified under paragraph (b) but have not attained the age of eighteen years but you will attain that age on or before the polling day at the election.
2. That you are not within any of the classes of persons who lack qualification or are disqualified by reason of crime or mental incapacity.
3. That you are not disqualified under the Elections Law (2009 Revision).

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

SO HELP YOU GOD.”.

Amendment of the Third
Schedule - elections
rules

6. The principal Law is amended in the Third Schedule as follows -
- (a) in the proviso to rule 3(1) by inserting after the words “sign the portion of Form B” the words “or C”;
 - (b) by deleting rule 3(5); and
 - (c) in rule 25 by deleting the words “Form 23” and substituting the words “Form 26”.

Passed by the Legislative Assembly the day of , 2013.

Speaker.

Clerk of the Legislative Assembly.