

**No. of 2025**

**VIRGIN ISLANDS**  
**ELECTIONS (AMENDMENT) BILL, 2025**  
**ARRANGEMENT OF SECTIONS**

**SECTION**

1. Short title and commencement
2. Section 2 amended
3. Section 2A amended
4. Sections 2B, 2C and 2D inserted
5. Part II heading amended
6. Sections 4A to 4J inserted
7. Heading inserted
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9. Section 6A inserted
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11. Section 10 amended
12. Section 12 amended
13. Section 13 amended
14. Section 13A inserted
15. Section 14 amended
16. Section 17 amended
17. Section 19 amended
18. Section 21 amended
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33. Section 46 amended
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37. Section 50 repealed
38. Section 50A repealed
39. Section 51 repealed
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41. Section 51B amended
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44. Section 78A inserted
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46. Section 79A replaced
47. Sections 79B, 79C and 79D inserted
48. Schedule 2 amended
49. Schedule 3 amended



I ASSENT

Governor.  
, 2025

**VIRGIN ISLANDS**

No. of 2025

A BILL FOR

AN ACT TO AMEND THE ELECTIONS ACT, REVISED LAWS OF THE VIRGIN ISLANDS 2013, AND TO PROVIDE FOR CONNECTED MATTERS.

[Gazetted , 2025 ]

ENACTED by the Legislature of the Virgin Islands as follows:

**Short title and commencement**

1. (1) This Act may be cited as the Elections (Amendment) Act, 2025.

(2) This Act shall come into force on such date as the Governor may, by Proclamation published in the *Gazette*, appoint, and different dates may be appointed for different provisions of this Act.

**Section 2 amended**

2. The Elections Act, Revised Laws of the Virgin Islands 2013 (referred to in this Act as “the principal Act”) is amended in section 2(1),

- (a) in the definition of “competent witness”, by deleting the words “for the purpose of section 6”;
- (b) in the definition of “electronic tabulating system” replace the word “system” with the word “equipment”;
- (c) in the definition of “rejected ballot paper (electronic voting system)” by replacing the word “tabulating” with the word “voting”, wherever it appears;
- (d) in the definition of “poll book” by deleting the words “in Form No. 23”;
- (e) by inserting the following definitions in the proper alphabetical order:



““absentee voting” means to cast a ballot in an election other than in person;

“absentee voter” means a voter who casts a ballot in an election other than in person, either because the voter is absent from the Territory on the day of the election or is unable to attend their official polling station in person for the reasons specified in sections 45I and 45J;

“assistive voting technology” means a touch-activated screen, buttons, keypad, sip-and-puff input device, keyboard, earphones, or any other device used with an electronic ballot marker that assists voters in using an audio or electronic ballot display to cast votes;

“audio ballot reader” means an audio representation of a ballot that can be used with other assistive voting technology to facilitate a voter to mark votes on a non-electronic ballot;

“ballot” or “ballot paper” means a printed paper in Form No. 22 used to record the choice made by a voter and includes an electronic version of a ballot paper, marked by an electronic marking device or its equivalent;

“damaged or defective ballot” means a ballot that the electronic tabulating equipment cannot accurately tally without enhancement or duplication;

“Department” means the Department of Elections established under section 4A;

“donation” includes

- (a) money, gifts, goods, and services paid or rendered for the benefit of the political party or candidate;
- (b) discounts given on goods or services;
- (c) monies paid in excess of market value for services provided by a political party or a candidate;
- (d) credit offered at terms more favourable than normal commercial terms and conditions prevailing at the time;
- (e) sponsorship provided in relation to the party or a candidate; and
- (f) any other property (or its value) donated to a political party or a candidate;

but does not include

- (i) a membership fee of the political party or any fee imposed by the party on its members;
- (ii) free airtime for political broadcasts;
- (iii) any other facilities provided in pursuance of any right conferred on candidates or a political party at an election by any law;



- (iv) the services rendered personally by a volunteer;
- “duplicate ballot” means a blank ballot on which original votes are copied exactly for counting purposes;
- “electronic voting system” means a system in which the voter records votes by marking a ballot, allowing votes may be counted by an automatic electronic tabulating equipment either at the polling station where the ballot is cast, or at a counting station, and includes electronic tabulating equipment, non-electronic (paper) ballot markers, electronic ballot markers (including electronic ballot display, audio ballot reader and devices by which the voter registers their voting intent), software used to program electronic tabulators and layout ballots, computer programs used to accumulate polling division results, system documentation, logic and accuracy testing results;
- “electronic ballot display” means a graphic representation of a ballot on a computer monitor or screen on which a voter may make vote choices for candidates or questions to mark a non-electronic ballot;
- “electronic ballot marker” means equipment that is part of an electronic voting system that uses an electronic ballot display, braille or audio ballot reader to mark a non-electronic ballot with votes selected by a voter;
- “gift” includes bequest;
- “independent candidate” or “candidate” means an individual who intends to contest elections to the House of Assembly, not being a candidate for a political party;
- “manual marking device” means any approved device for marking a ballot by hand with ink that will enable the ballot to be tabulated manually or using an electronic tabulating equipment;
- “non-electronic ballot” means a blank paper ballot which is not pre-formatted with the candidates for the local and Territorial electoral contest or a referendum;
- “political party” or “party” means a body of persons, whether incorporated or unincorporated, whose object, or one of whose objects, is the promotion of the election to the House of Assembly of a candidate or candidates endorsed by it and are registered under section 56A;
- “prescribed” means prescribed by regulations made under this Act;
- “Sponsorship” in relation to a political party or candidate means
- (a) money, property, goods, services, facilities or other support given to the party or candidate to help cover or reduce defined expenses; or
  - (b) support that, based on all circumstances, can reasonably be assumed to help offset or avoid any such expenses;”.



### **Section 2A amended**

3. Section 2A of the principal Act is amended by replacing the words “electronic tabulating system” wherever they occur with the words “electronic voting system”.

### **Sections 2B, 2C and 2D inserted**

4. The principal Act is amended by inserting immediately after section 2A the following new sections:

#### **“Meaning of domicile**

**2B.** (1) For the purposes of registration under this Act, a person to whom section 68(1)(b) of the Constitution applies shall be eligible to be registered as a voter if that person

- (a) has lived in the Virgin Islands; and
- (b) regards the Virgin Islands as his or her permanent home; and
- (c) intends to return and remain, notwithstanding that he or she currently resides or works in the United States Virgin Islands.

(2) A person who qualifies under subsection (1) may apply to be registered in the electoral district or polling division where he or she was ordinarily resident immediately before leaving the Virgin Islands.

(3) A person registered under this section shall be eligible to vote only in the electoral district or polling division in which he or she was registered immediately before leaving the Virgin Islands to reside in the United States Virgin Islands.

#### **Meaning of resident and ordinarily resident**

**2C.** (1) For the purpose of this Act, the place where a person is ordinarily resident shall be taken to be the place where he or she is resident, unless the person satisfies the Supervisor of Elections that he or she is ordinarily resident elsewhere.

(2) Subject to this section, the place where a person is resident shall be taken to be the home where the person normally sleeps and lives, and has lived continuously for at least six months prior to the date of registration, and to which, when away, he or she intends to return.

(3) A person who does not have a fixed or permanent address, or any private dwelling as a place of abode, may be deemed resident in an electoral district or polling division if he or she

- (a) habitually resides or sleeps in a specific location within that district or division, including a public place, shelter, or other identifiable place not constituting a private residence; and



(b) provides a description of that location with sufficient detail to enable the Supervisor of Elections to determine the relevant polling division.

(4) Where it appears, having regard to all the circumstances, that a person has more than one place of residence, that person shall elect the place in respect of which he or she desires to be registered.

(5) Notwithstanding subsections (1) to (3), the Supervisor of Elections may cause an investigation to be carried out and may, where he or she considers necessary, visit any location within an electoral district or polling division to ascertain whether a person resides in that electoral district or polling division.

(6) Subject to subsection (3), no person shall, for the purpose of this Act, be deemed to be resident

(a) in lodgings, a hostel, or a similar institution conducted for charitable or benevolent purposes; or

(b) in a hospital, a home for the aged, or other institution for the treatment of any chronic illness or disability,

unless that person has been in continuous residence therein for at least ten days immediately preceding the qualifying date and intends to live there indefinitely.

(7) A person shall not be deemed to have changed his or her place of residence solely by reason of being temporarily absent from the Virgin Islands for a period of not more than six months, if he or she intends to continue residing in the Virgin Islands.

### **Proof of residence**

**2D.** (1) For the purposes of this Act, where proof of residence is required, the applicant shall submit the following supporting documents:

(a) any two consecutive months of one of the following showing his or her address:

(i) an electricity bill; or

(ii) a water and sewerage bill; or

(iii) an internet, landline or cellular telephone bill; or

(iv) a cable bill from a local provider; or

(b) rent receipts for the two months immediately preceding the date of the application for registration; or

(c) a home insurance certificate for the applicant's residence, valid within the twelve months immediately preceding the date of registration.

(2) Where the applicant is unable to provide the documents referred to in subsection (1), and is residing in premises owned or leased by another person, the applicant may submit



- (a) a notarised letter from the owner or lessee confirming that the applicant resides at the stated address; or
  - (b) Form No. 8 duly completed by the applicant and signed by the owner or principal occupier of the premises.
- (3) A person who knowingly submits false documents with his or her application to establish proof of residence under this section commits an offence and is liable on summary conviction to a fine not exceeding \$500.”.

### **Amendment of Part II Heading**

5. The principal Act is amended by replacing the heading of Part II with the following:

“PART II  
ADMINISTRATION”.

### **Sections 4A to 4J inserted**

6. The principal Act is amended by inserting the following new sections immediately after section 4:

#### **“Establishment of the Department of Elections**

**4A.**(1) There is established a Department of Elections which shall be under the administration of the Supervisor of Elections.

(2) The functions of the Department of Elections shall include

- (a) the continuous registration of eligible voters;
- (b) the regular revision of the voters’ roll;
- (c) providing technical and administrative support to the Electoral District Boundaries Commission in the delimitation of electoral districts in accordance with the Constitution and this Act;
- (d) regulating the process by which parties nominate candidates for elections;
- (e) the settlement of electoral disputes, including disputes relating to or arising from nominations, but excluding election petitions and disputes subsequent to the declaration of election results;
- (f) the registration of candidates for election;
- (g) voter education;
- (h) facilitating the conduct, observation, monitoring and evaluation of elections;
- (i) making recommendations on amendments to the code of conduct for candidates and parties contesting elections;
- (j) monitoring compliance with this Act in relation to the nomination of candidates by parties;



- (k) the use of appropriate technology and approaches in the performance of its functions;
- (l) promoting reforms to improve voter access and participation and promote transparency, accountability, and integrity of electoral processes; and
- (m) such other functions as may be provided by the Constitution or any other written law.

### **Establishment of Elections Advisory Committee**

**4B.** (1) There is established a committee to be known as the Elections Advisory Committee, (referred to in this Act as the “Advisory Committee”).

(2) The Advisory Committee shall comprise

- (a) a Chairperson;
- (b) not fewer than four and not more than six other members; and
- (c) the Supervisor of Elections, ex-officio.

(3) The members of the Advisory Committee shall be appointed by the Governor, by instrument in writing, subject to section 4C.

(4) The Governor shall designate a Secretary for the Advisory Committee.

(5) The Secretary shall keep the minutes, issue correspondence as directed by the Committee, and perform such other duties as may be assigned by the Chairperson.

### **Appointment of committee members**

**4C.** (1) A person shall be appointed to the Advisory Committee pursuant to section 4B(2)(b), following the public advertisement of the qualifications and criteria for eligibility to the Advisory Committee.

(2) The advertisement referred to in subsection (1) shall invite applications by way of a letter of interest and curriculum vitae and shall be published in at least two newspapers widely circulated in the Territory.

(3) An Applicant shall

- (a) hold a degree from a recognised university or have at least five years of experience in any of the following areas:
  - (i) electoral matters;
  - (ii) management;
  - (iii) finance;
  - (iv) governance;
  - (v) public administration;
  - (vi) law; and



- (b) qualify as a registered voter under section 68 of the Constitution.

(4) The Governor, in consultation with the Premier, the Leader of the Opposition, and the Attorney General, shall review the applications and recommend the appointments by majority decision.

(5) If no qualified applicants apply, the Premier and Leader of Opposition shall nominate persons meeting the criteria for consideration under subsection (3).

### **Functions of the Committee**

**4D.** The functions of the Advisory Committee are

- (a) to advise the Supervisor of Elections on matters related to the Supervisor's functions and the operations of the Department of Elections, including statutory compliance, operational efficiency, public policy and election operations, and initiatives; and
- (b) to perform such other functions as may be specified for the Supervisor of Elections in this Act or any other enactment.

### **Disqualification for membership**

**4E.** A person shall not be appointed to the Advisory Committee if that person

- (a) is not qualified to be registered as a voter pursuant to section 68(1) and (2) of the Constitution;
- (b) is disqualified from election to the House of Assembly under section 66 of the Constitution;
- (c) is a member of the House of Assembly or the Cabinet;
- (d) has served as a member of the House of Assembly in the session immediately preceding the election or during the session in which the election is held;
- (e) is or was, during the session preceding or during the election, a member of a political party's governing body;
- (f) is currently a public officer;
- (g) is a sitting Judge of the Supreme Court or the Court of Appeal;
- (h) is a sitting Master, Registrar or Deputy Registrar of the Supreme Court, or a Senior Magistrate, or Magistrate;
- (i) has been convicted of an offence under this Act within the last seven years;
- (j) has ever been convicted of an offence involving dishonesty; or
- (k) is a candidate or a candidate's representative in an upcoming election.



## **Tenure of office**

**4F.** (1) A member of the Advisory Committee, other than the ex-officio member, shall serve for a term not exceeding five years, but is eligible for re-appointment.

(2) In appointing the members of the Advisory Committee, the Governor shall specify the periods of appointment in such a way that the appointment of the members expires on different dates.

(3) A member, other than an ex-officio member, may resign at any time by notice in writing addressed to the Governor, and such resignation becomes effective upon receipt by the Governor unless a later date is specified.

(4) The Governor may, by notice in writing, revoke an appointment of a member, other than an ex-officio member, if satisfied that the member

- (a) is unable to perform his or her duties;
- (b) has, without the consent of the Chairperson, been absent from three consecutive meetings of the Committee;
- (c) is, or becomes disqualified from being appointed as a member under section 4E; or
- (d) commits misconduct.

(5) If a member dies, resigns, is removed from or otherwise vacates his or her office before the expiry of the term for which he or she is appointed, a new member shall be appointed to fill the vacancy for the unexpired period of the term or for a new term, subject to section 4C.

## **Meetings of the Advisory Committee**

**4G.** (1) The Advisory Committee shall meet at least once per quarter.

(2) The Chairperson shall preside at each meeting of the Advisory Committee and, in the Chairperson's absence, the members present and constituting a quorum shall elect one member to act as Chairperson at that meeting.

(3) The quorum shall be five members.

(4) At any meeting for the conduct of its business, the Advisory Committee shall make its decision by a majority vote of the members present and, in the event of a tie, the Chairperson shall have a casting vote.

(5) The Supervisor of Elections shall not vote at any meeting of the Advisory Committee.

(6) The Chairperson shall convene a special meeting of the Advisory Committee upon receipt of a written request signed by any two members, and such meeting shall be held not later than seven days after receipt of the request.

(7) The Secretary shall prepare the minutes, which shall be approved as soon as practicable.



### **Declaration of interest**

**4H.** Upon acceptance of the appointment, a member of the Advisory Committee shall declare his or her interests to the Registrar of Interests appointed pursuant to the Register of Interests Act, 2006, No. 5 of 2006.

### **Remuneration of members**

**4I.** A member of the Advisory Committee who is not a public officer shall be paid such remuneration as the Governor, in consultation with the Cabinet, may determine, and the payments shall be made out of the consolidated fund.

### **Reports of the Advisory Committee**

**4J. (1)** The Advisory Committee shall, on or before the 30<sup>th</sup> June in each year, prepare and submit to the Governor an annual report detailing its activities during the previous year, including copies of minutes of its meetings.

**(2)** Within three months of receipt, the Governor shall present the report to Cabinet, and the Cabinet shall cause it to be laid before the House of Assembly.”.

### **Heading inserted**

**7.** The principal Act is amended by inserting before section 5 the following new heading:

“PART IIA

ELECTORAL DISTRICTS AND REGISTRATION OF VOTERS”.

### **Section 6 amended**

**8.** Section 6 of the principal Act is amended

(a) in subsection (1), by

- (i) replacing the words “Form No. 1” with the words “Form No. 3”;
- (ii) replacing the words “section 68(1)” with the words “section 68(1) and (2)”;
- (iii) inserting the following new subsection immediately after subsection (1):

“(1A) An application under subsection (1) shall be accompanied by the following supporting documents:

- (a) his or her valid Virgin Islands passport with an embossed seal; or
- (b) his or her Belonger Card or Belonger Certificate; where applicable; or
- (c) a letter from the Civil Registry and Passport Office or the Chief Immigration Officer on



official letterhead, addressed to the Supervisor of Elections, confirming that the applicant is deemed to belong to the Virgin Islands; and

(d) proof of residence.”.

(b) in subsection (3), by replacing the words “his or her own signature” with the words “his or her full name and signature”;

(c) by inserting after subsection (3), the following new subsections:

“(3A) Where an applicant does not have a fixed or permanent address, or a private dwelling as a place of abode, the application may be made in accordance with subsection (1), and the Supervisor of Elections shall consider the application valid if it is accompanied by information sufficient to determine the relevant electoral district or polling division.

(3B) For the purposes of section 2C(3) and subsection (3A), the Supervisor of Elections may issue written directions, procedures, or guidelines for the verification of the residency of persons without a fixed or permanent address, including acceptable forms of evidence, means of confirmation, or directions for the completion of any required form.”.

(d) in subsection (4), by replacing the words “section 68(1)” with the words “section 68(1) and (2)”;

(e) by inserting after subsection (7), the following new subsection:

“(8) The Supervisor of Elections may cause a member of staff to visit an applicant at his or her known address to verify the applicant’s inclusion within an electoral district or polling division on the preliminary list.

(9) For the purposes of this section, a person who, with intent to deceive, knowingly submits false documents to enable him or her to establish proof of residence commits an offence and is liable on summary conviction to a fine not exceeding \$500.”.

## **Section 6A inserted**

**9.** The principal Act is amended by inserting immediately after section 6 the following new section:

### **“Continuous Registration**

**6A.** (1) Subject to section 6(5), the continuous registration of all persons qualified to be registered voters for an electoral district or polling division shall be done at any time after the person becomes qualified to be a registered voter under this Act.

(2) Notwithstanding subsection (1), in each calendar year, a person may apply to be registered by the date specified by the Supervisor, being a date not later than the 30<sup>th</sup> day of September, in order to facilitate the publication of the preliminary list of all local electoral districts.



(3) Compliance with subsection (2) shall not be required in any year where the preliminary list is required to be published under section 18(1)(a) and (b).”.

**Sections 7, 8 and 9 repealed**

10. The principal Act is amended by repealing sections 7, 8 and 9.

**Section 10 amended**

11. Section 10(2) of the principal Act is amended by deleting the words “within ten days after the provisional list is opened for inspection”.

**Section 12 amended**

12. Section 12 of the principal Act is amended by replacing the words “Part II” with the words “Part IIA”.

**Section 13 amended**

13. Section 13 of the principal Act is amended by repealing subsection (4).

**Section 13A inserted**

14. The principal Act is amended by inserting immediately after section 13 the following new section:

**“Duty of certain public officers to supply information**

**13A.** (1) The following public officers shall provide to the Supervisor of Elections the prescribed information to compile and maintain the voter’s list:

- (a) the Registrar-General shall provide to the Supervisor of Elections
  - (i) by the fifth day of each month, a hard copy of the list of persons aged eighteen years and over whose deaths were registered during the preceding month under the Registration of Births and Death Act, 2021, No. 18 of 2021;
  - (ii) by 31<sup>st</sup> August each calendar year in a non-election year, and by the 29<sup>th</sup> of each month in a year in which an election is constitutionally due, a hard copy of the list of persons who are deemed to belong to the Virgin Islands in accordance with the Constitution the British Nationality Act, 1981 and the Immigration and Passport Act, Revised Laws of the Virgin Islands 2013;
  - (iii) the list referred to in subparagraph (i) shall contain the full name, any known alias, address, date of birth, gender, occupation, and the date of death of the persons listed;



- (b) notwithstanding subparagraph (a)(i), the Registrar-General may provide access to an electronic database containing the same information;
- (c) the list referred to in subparagraph (a)(ii) shall contain the full name, address, date of birth, gender, occupation, the date the person qualified for belonger status, and, where applicable, the type and number of identification issued.

(2) The Court Manager (Magistracy) shall, between the first and tenth day of each quarter, transmit to the Supervisor of Elections a list of all persons who, at the date of transmission, are serving a sentence of imprisonment exceeding twelve months.

(3) The Registrar of the Supreme Court shall, between the first and tenth day of each quarter, transmit to the Supervisor of Elections a list of all persons who, at the date of transmission, are serving a sentence of imprisonment exceeding twelve months.

(4) The Superintendent of Prisons shall, by the fifth day of each month, transmit to the Supervisor of Elections a list of all persons who, at the date of transmission,

- (a) are serving a sentence of imprisonment exceeding twelve months;
- (b) are serving a sentence of imprisonment of less than twelve months; and
- (c) are on remand; and
- (d) the list shall, in respect of each person referred to in subparagraphs (a) to (c), contain the following information:
  - (i) the full first name;
  - (ii) middle name, (where applicable);
  - (iii) surname;
  - (iv) known aliases (if any);
  - (v) offence committed;
  - (vi) date of birth (written in the format: Month (in words), Day and Year);
  - (vii) gender;
  - (viii) earliest date of release; and
  - (ix) latest date of release.

(5) The Chief Executive Officer of the Health Services Authority shall, between the first and tenth day of each quarter, transmit to the Supervisor of Elections a list of all persons who, at the date of transmission, have been certified as having a mental impairment or severe mental illness under the Mental Health Act, 2014, (No. 11 of 2014) or any other law in force in the Virgin Islands, and the list shall contain, in respect of each person, the full first name, middle name (where applicable), surname, known aliases (if any), and occupation (where appropriate).



(6) The Chief Immigration Officer shall transmit to the Supervisor of Elections, a hard copy of the list of persons who are deemed to belong to the Virgin Islands in accordance with the Constitution and the Immigration and Passport Act, Revised Laws of the Virgin Islands 2013, at the following intervals:

- (a) by 31<sup>st</sup> August each calendar year in a non-election year; and
- (b) by the 29<sup>th</sup> of each month in the year that an election is constitutionally due,

and the list shall contain, in respect of each person, the full first name, middle name, (where applicable), surname, usual address, date of birth (written in the format: Month (in words), Day, Year); gender, occupation, the date the person qualified to belong to the Virgin Islands, and where applicable, the type and number of identification issued.

(7) The Commissioner of Police shall, between the first and tenth day of each quarter, transmit to the Supervisor of Elections a list of all persons who, as at the date of transmission,

- (a) are serving a sentence of imprisonment exceeding twelve months; or
- (b) whose convictions are spent,

and the list shall contain, in respect of each person, the full first name, middle name (where applicable), surname, usual address, date of birth (written in the format: Month (in words), Day, Year), gender, occupation, offence, date of sentence, and date the conviction is considered spent.

(8) The Permanent Secretary, Ministry of Health and Social Development shall, between the first and tenth day of each quarter, transmit to the Supervisor of Elections a list of all persons who, at the date of transmission, approval has been granted for internment within the Territory, and the list shall contain, in respect of each person, the full first name, middle name (where applicable), and surname, date of birth (written in the format: Month (in words), Day, Year), gender, place of birth, and date of death.”.

#### **Section 14 amended**

15. Section 14 of the principal Act is amended in subsection (1)(a) by replacing the words “Form No. 7” with the words “Form No. 3”.

#### **Section 17 amended**

16. Section 17 of the principal Act is amended

- (a) in subsection (1), by replacing the words “Form No. 9” with the words “Form No. 3”;
- (b) in subsection (2), by replacing the words “a Commissioner for Oaths, a Notary Public or Justice of the Peace” with the words “a competent witness”; and
- (c) inserting immediately after subsection (6) the following new subsections:



“(7) A person who knowingly submits false documents with his or her application to establish proof of residence for the purposes of this section commits an offence and is liable on summary conviction to a fine not exceeding \$500.

(8) A homeowner or principal occupier of premises who, for the purposes of this section, sign Form No. 8 with intent to deceive, and thereby knowingly assists a voter who submits false documents for the purpose of establishing proof of residence, commits an offence and is liable on summary conviction to a fine not exceeding \$500.”.

### **Section 19 amended**

17. Section 19(1) of the principal Act is amended by deleting the words “within ten days after the publication of such list”.

### **Section 21 amended**

18. Section 21 of the principal Act is amended by redesignating the section as subsection (1) and by inserting the following new subsection immediately after the subsection so redesignated:

“(2) Where the Supervisor of Elections intends to make alterations to the preliminary list by deleting the name of a person pursuant to subsection (1)(d), the Supervisor shall cause to be published, in the *Gazette* and the Government’s website, a notice of intention to consider the deletion of the name.

(3) The notice referred to in subsection (2) shall

- (a) request information as to why a name listed in the notice should not be deleted; and
- (b) request that such information be submitted to the Supervisor by the date specified in the notice.

(4) The date specified in the notice referred to in subsection (3) shall be no less than four weeks from the date of publication of the first notice.

(5) Where the date for submission of information under subsection (3) has expired, the Supervisor of Elections may, in the absence of evidence justifying the retention of any name listed in the notice, delete that name from the register.

(6) Where the Supervisor of Elections deletes the name of a person pursuant to subsection (5), the Supervisor shall forthwith publish the names so deleted in the *Gazette* and on the Government’s website.”.

### **Section 22 amended**

19. Section 22 of the principal Act is amended by redesignating the section as subsection (1) and by inserting the following new subsection immediately after the subsection so redesignated:

“(2) The notice referred to in subsection (1) shall be in Form No. 10A.”.



### **Section 23A inserted**

**20.** The principal Act is amended by inserting the following new section immediately after section 23:

#### **“Reporting the deaths occurring outside of the Territory**

**23A.** (1) Where a registered voter dies outside of the Territory, one of the persons specified in subsection (2) shall complete and deliver to the Supervisor of Elections a notification in Form No. 10B.

(2) The persons referred to in subsection (1) are:

- (a) the spouse;
- (b) a parent;
- (c) a child;
- (d) a grandparent;
- (e) a great-grandparent;
- (f) a grandchild;
- (g) a great-grandchild;
- (h) a sibling;
- (i) a legal guardian; or
- (j) a legal personal representative.

(3) The notice submitted pursuant to this section shall be accompanied by

- (a) the official death certificate;
- (b) an affidavit or statutory declaration confirming the relationship to the deceased voter; and
- (c) a copy of a valid government-issued identification, such as,
  - (i) a copy of the Passport biography page;
  - (ii) a Belonger Card; or
  - (iii) a driver’s license.

(4) A person who intentionally makes a false statement on the notification form commits an offence and is liable on summary conviction to a fine not exceeding \$2,000 or to a term of imprisonment not exceeding 2 years.”.

### **Section 26 amended**

**21.** Section 26 of the principal Act is amended by inserting after subsection (5) the following new subsections:

“(5A) For the purposes of subsection (5), a voter shall not nominate or attest to the nomination of more than one candidate during the same nomination period.



(5B) A candidate, his or her nominees, and a witness may be present at the nomination if they choose to attend.”.

### **Section 30 amended**

22. Section 30 of the principal Act is amended by inserting immediately after subsection (1) the following new subsection:

“(1A) For the purposes of subsection(1), the Supervisor of Elections may designate the public hospital, the prison, an aged care facility or a private home as a polling station.”.

### **Section 34 amended**

23. Section 34 of the principal Act is amended by replacing the words “electronic tabulating system” wherever they occur with the words “electronic voting system”.

### **Section 36 amended**

24. Section 36 of the principal Act is amended by replacing subsection (2) with the following:

“(2) Where either a manual voting system or an electronic voting system is used, the ballot for each voter shall be printed in Form No. 22, in which the names, addresses, occupations, and symbols of the candidates shall be arranged alphabetically by surnames and printed exactly as set out in the official list of voters, and the counterfoil, instead of the face of the ballot, shall have a number printed on it.”.

### **Section 36A amended**

25. Section 36A of the principal Act is amended

- (a) in the head note by replacing the words “Testing of electronic tabulating system” with the words “Testing of electronic voting system”; and
- (b) by replacing the words “electronic tabulating system” wherever they occur with the words “electronic voting system”.

### **Section 40 repealed**

26. Section 40 of the principal Act is repealed.

### **Section 40A amended**

27. Section 40A of the principal Act is amended

- (a) by replacing the words “electronic tabulating system” wherever they occur with the words “electronic voting system”;
  - (b) in subsection (1),
    - (i) by replacing the words “electronic tabulating system” with the words “manual voting system or the electronic voting system”;
- and



(ii) by replacing paragraph (a), with the following:

“(a) the presiding officer shall, in the presence of such of the candidates, their agents and voters as are present, unlock the equipment or, in the case of the manual voting system, open the ballot box, and ascertain that there are no ballot papers or other papers are contained therein, after which the equipment or box shall be securely locked. The equipment shall remain in full view of all present and shall be maintained in that position until the close of the poll; and”.

(c) by replacing subsection (2), with the following:

“(2) Immediately after complying with subsection (1), the presiding officer shall call on voters to vote.”.

(d) by inserting immediately after subsection (4) the following:

“(4A) In the case of the manual voting system, where the voter is qualified to vote at the polling station, his or her name shall be entered in the poll book, to be kept by the poll clerk in such manner as the Supervisor of Elections may specify, and the entry shall include a record of whether an oath or affirmation was administered.”; and

(e) in subsection (5), by inserting after the word after the words “electronic poll book” wherever it occurs, the words “or poll book,”.

#### **Section 41 amended**

28. Section 41 of the principal Act is amended by inserting after the words “prescribed in this Act” the words “and regulations made under this Act”.

#### **Section 43 repealed**

29. Section 43 of the principal Act is repealed.

#### **Section 43A repealed**

30. Section 43A of the principal Act is repealed.

#### **Section 45 amended**

31. Section 45(3) of the principal Act is amended by replacing the words “electronic tabulating system” with the words “electronic voting system”.

#### **Sections 45A to 45AH inserted**

32. The principal Act is amended by inserting after section 45 the following new sections:

##### **“Curbside voting**

**45A.** (1) A voter who, due to physical disability or age, is unable to enter the polling room or stand in line to vote within the polling division where he or she is registered may cast his or her vote from within their vehicle,



parked in the closest available area outside the polling room within the polling division.

(2) No advance registration or application is required for curbside voting.

(3) Upon notification that a voter described in subsection (1) is unable to enter the polling room or stand in line, the presiding officer shall arrange for the voter's identification to be presented to a poll clerk, who shall verify the voter's identity and eligibility to vote.

(4) Once the voter's eligibility is confirmed, the poll clerk shall announce the voter's name, print the check-in slip, and hand it to the presiding officer.

(5) The presiding officer shall retain the check-in slip and carry the voter's ballot to his or her vehicle.

(6) A presiding officer shall inform any agent present and, if the agent so wishes, allow the agent to accompany the presiding officer to observe the proceedings.

(7) In polling stations using an electronic voting system, the presiding officer shall provide the necessary ballots and instructions for using the voting machine as would be done for paper ballots.

(8) No person other than the voter shall remain in the vehicle while the ballot is being cast, unless that person is also entitled to vote by curbside voting.

(9) After voting, the voter shall place the ballot in the secrecy sleeve and hand it to the presiding officer, who will be waiting outside the vehicle.

(10) The presiding officer shall then carry the ballot to the ballot box and deposit it in view of the voter, ensuring the voter can see from the vehicle that the ballot has been securely placed in the ballot box.

### **Mobile voting**

**45B.** (1) Subject to this section, a voter may have his or her vote taken at a mobile polling station if he or she applies using Form No. 27A to be treated as an absentee voter, and the Supervisor of Elections approves the application.

(2) This section applies to a voter who is unable to go in person to the polling station because

- (a) he or she is or will be, in a hospital, aged care facility, or similar institution, or it is impractical for the person to leave his or her home due to illness, physical incapacity, or because he or she is a geriatric at home, as determined by a medical practitioner;
- (b) he or she is providing care to a parent, spouse, or child who requires constant care due to illness or physical incapacity, as determined by a medical practitioner; or



- (c) he or she is on remand or serving a term of imprisonment of less than twelve months.
- (3) An application under subsection (1) shall be accompanied by a copy of a valid government-issued identification and
- (a) in the case of a person qualifying under subsections (2)(a) and (2)(b), a letter on official letterhead from a medical practitioner or the Chief Social Development Officer, stating
    - (i) the name of the applicant;
    - (ii) the applicant's residential address in the country where he or she is receiving medical treatment or providing care;
    - (iii) the reason why the applicant should be treated as an absentee voter for the purposes of this section; and
    - (iv) the full name, signature, and title of the authority confirming the applicant's eligibility; or
  - (b) in the case of a person qualifying under subsection (2)(c), a letter on official letterhead from the Superintendent of Prisons, stating
    - (i) the name of the applicant;
    - (ii) the applicant's voter registration residential address;
    - (iii) the reason the applicant should be treated as an absentee voter;
    - (iv) the full name, signature, and title of the authority confirming the applicant's eligibility.
- (4) The Supervisor of Elections shall notify the applicant in writing of the status of his or her application, and where an application is denied, the notice shall include the reasons for the denial and shall be transmitted by mail, email or facsimile, where available.
- (5) The following persons are authorised to be present at a mobile polling station:
- (a) the mobile polling team comprising,
    - (i) the returning officer;
    - (ii) the presiding officers;
    - (iii) the poll clerk; and
    - (iv) a technician;
  - (b) the voter;
  - (c) a relative or friend chosen by the voter, provided that person is registered to vote within the same electoral district;
  - (d) a police officer;



- (e) an agent from each political party and an independent candidate's agent;
- (f) the Supervisor of Elections;
- (g) the Deputy Supervisor of Elections;
- (h) any person required by the hospital, nursing home, or prison on medical or other legitimate grounds;
- (i) any other person authorised by the Supervisor of Elections.

(6) A candidate shall not act as agents at a mobile polling station, and all agents shall present their letter of appointment before the opening of the mobile polling station.

(7) Unless the writ otherwise directs, mobile polling stations shall operate between 9:00 a.m. and 2:00 p.m., and the Supervisor of Elections may extend the operating hours by publishing a notice in the *Gazette*.

### **Notices for visits by mobile polling teams**

**45C.** (1) The Supervisor of Elections shall publish a notice in the *Gazette* specifying the locations, dates and times for visits by a mobile polling team, and where private homes are to be visited, only the name of the community and the time for the visit shall be listed in the notice.

(2) Mobile polling stations may operate for multiple days but shall close no later than four days before Polling Day.

(3) The notice referred to in subsection (1) may be adjusted in the following circumstances:

- (a) where there are unforeseen issues at the institution or private home designated as a mobile polling station;
- (b) where there is a vehicle malfunction; or
- (c) where additional time is needed to accommodate eligible absentee voters.

(4) In any of the circumstances referred to in subsection (3), the presiding officer shall:

- (a) inform the returning officer of changes to the notice;
- (b) inform by telephone, the institutions and private homes concerned;
- (c) inform any agents present; and
- (d) record all changes to the notice in the mobile team log.

### **Sections 40A, 43, 44 and 45 to apply for mobile voting**

**45D.** (1) Sections 40A, 43, 44 and 45 shall apply, where applicable, to a voter at a mobile polling station.

(2) The opening and closing proceedings for polls shall apply to mobile polling stations, except that the closing proceedings shall occur after the final authorised voter has cast his or her ballot.



### **Supply of Materials for Mobile Polling Stations**

**45E.** The returning officer shall provide each mobile polling station with the following materials:

- (a) a statement listing the number of ballot papers provided, including their serial numbers;
- (b) the necessary materials
  - (i) to enable voters to mark the ballot papers; and
  - (ii) for placing the official mark on the ballot papers.
- (c) at least two certified copies of the Register of Voters for the local electoral district where the mobile polling station will operate;
- (d) at least two copies of the list of absentee voters approved to vote at a mobile polling station;
- (e) at least three copies of the directions for the guidance of voters in Form No. 21;
- (f) a blank poll book, or where the electronic voting system is used, an electronic poll book;
- (g) the various forms of oaths to be administered to voters or other persons;
- (h) electronic tabulating equipment and ballot boxes; and
- (i) any other materials needed to conduct the election in accordance with this Act.

### **Conduct of Advance Poll at Mobile Polling Station - Electronic System**

**45F.** (1) At an advance poll for a mobile polling station using the electronic voting system, a single ballot box may be used for each district, and the electronic tabulating equipment shall tabulate the votes for each polling station.

(2) The officer conducting the poll shall complete Form No. 31 in accordance with section 50(1)(g).

(3) Before commencing an advance poll, the Supervisor of Elections or his or her designated staff shall provide the returning officer or the presiding officer with the form on which the seal numbers and the protective counter numbers for each machine are recorded, and the presiding officer shall

- (a) conduct the setup procedures for the electronic tabulating equipment; and
- (b) verify that the numbers registered on the protective counters and the numbers on the machine seals correspond with those recorded on the form.



(4) Upon completing the process under subsection (3), the presiding officer, in the presence of the agents and other officials observing, shall

- (a) run the paper tape to verify that all counters are registered at zero (000);
- (b) print a zero totals report;
- (c) verify that the date, time, election, and polling station name are accurate;
- (d) sign the paper tape for the certificate, place it in the designated pouch, and proceed to the voting mode; and
- (e) announce that the poll is open.

### **Mobile Station Ballot Box Security**

**45G.** (1) All sealed mobile polling station ballot boxes and other election materials shall be returned to the Supervisor of Elections for safekeeping.

(2) On Polling Day, the sealed mobile polling station ballot boxes, together with the advance polling materials, shall be transported to the central counting station for processing.

### **Postal Voting**

**45H.** (1) Subject to this section, a registered voter who meets the criteria set out in subsection (2), and who is unable to attend their designated polling station in person, may apply to the Supervisor of Elections to be treated as an absentee voter.

(2) For the purposes of subsection (1), a registered voter may qualify as an absentee voter if he or she is

- (a) engaged in educational pursuits and resides outside the Territory;
- (b) an officer or employee of the Government, or any of its statutory boards, and is assigned to official duties outside of the Territory;
- (c) employed by a private firm registered in the Territory and is assigned to official duties outside of the Territory;
- (d) unable to appear personally at his or her designated polling station within his or her electoral district due to being a patient in a hospital, an aged care facility, or is otherwise unable to leave home due to illness, physical incapacity, or being a geriatric at home, as certified by a medical practitioner;
- (e) providing care to his or her parent, spouse or child living at home who requires constant care due to illness or physical incapacity, as certified by a medical practitioner;



- (f) employed to provide care to a non-relative, either in that person's home or in an aged care facility, and the chief social development officer verifies the occupation; or
- (g) receiving medical treatment overseas for at least one month before the House of Assembly's dissolution or when a by-election has been announced.

### **Application for Absentee Voting - Postal Voting**

**45I.** (1) A registered voter who is eligible may apply to the Supervisor of Elections using Form No. 27A to request to be treated as an absentee voter.

(2) The application may be submitted to the Supervisor of Elections either in person or electronically by nomination day.

(3) An application under this section shall be accompanied by a copy of a valid government-issued identification and

- (a) in the case of a person qualifying under section 45H(2)(a), a letter from the educational institution on its official letterhead or a letter bearing the institution's embossed seal, confirming
  - (i) the enrolment status (e.g. full-time or part-time);
  - (ii) the current period of enrolment; or
- (b) in the case of a person qualifying under section 45H(2)(b), a letter on official letterhead from the Director of Human Resources, Managing Director, or similarly titled authority, specifying
  - (i) the name of the applicant;
  - (ii) the applicant's work and residential address overseas
  - (iii) the applicant's job title;
  - (iv) the reason for requesting absentee status; and
  - (v) the full name, signature, and title of the authority confirming the applicant's eligibility.
- (c) in the case of a person qualifying under section 45H(2)(c), a letter on official letterhead from the managing director or similarly titled authority of the entity, specifying
  - (i) the name of the applicant;
  - (ii) the applicant's work and residential address overseas;
  - (iii) the applicant's job title;
  - (iv) the reason for requesting absentee status;
  - (v) the full name, signature, and title of the authority confirming the applicant's eligibility;
- (d) in the case of a person qualifying under section 45H(2)(d), a letter on official letterhead from a certified medical



practitioner, or the Chief Social Development Officer, specifying

- (i) the name of the applicant;
  - (ii) the applicant's residential address in the country where he or she is receiving medical treatment;
  - (iii) the reason for requesting absentee status;
  - (iv) the full name, signature, and title of the authority confirming the applicant's eligibility; or
- (e) in the case of a person qualifying under section 45H(2)(e) and (f), a letter on official letterhead from a certified medical practitioner, or the Chief Social Development Officer specifying
- (i) the name of the applicant;
  - (ii) the applicant's residential address in the country where he or she is receiving medical treatment;
  - (iii) the reason for requesting absentee status;
  - (iv) the full name, signature, and title of the authority confirming the applicant's eligibility; or
- (f) in the case of a person qualifying under section 45H(2)(g), a letter on official letterhead from a certified medical practitioner specifying
- (i) the name of the applicant;
  - (ii) the applicant's residential address in the country where he or she is receiving medical treatment;
  - (iii) the reason for requesting absentee status;
  - (iv) the full name, signature, and title of the authority confirming the applicant's eligibility.

### **Special Circumstances - Emergency Absentee Ballot Applications**

**45J. (1)** A person may apply to be treated as an absentee voter in an emergency under the following circumstances:

- (a) he or she is currently resident within the Territory and has a medical emergency;
  - (b) he or she is required by his or her employer, under unforeseen circumstances, within five days before polling day, to be unavailable to vote at the polls;
  - (c) he or she is a caregiver of a person who requires emergency treatment by a medical practitioner within five days before polling day.
- (2) For the purposes of subsection (1)(a),
- (a) the application shall be accompanied by a medical report signed by the attending medical practitioner; and



- (b) a designated agent may deliver the application on behalf of the voter.

(3) For the purposes of subsection (1)(b), the voter shall deliver the application by hand to the Supervisor of Elections no later than one day before polling day, together with a letter on official letterhead from the managing director or a similarly titled authority of the voter's employer, specifying

- (a) the name of the applicant;
- (b) the applicant's work address;
- (c) the applicant's job title;
- (d) the reason for requesting absentee status; and
- (e) the full name, signature, and title of the authority confirming the applicant's eligibility.

(4) For the purposes of subsection (1)(c), the voter shall deliver the application by hand to the Supervisor of Elections no later than one day before polling day.

(5) An application to be treated as an emergency absentee voter shall be submitted in Form No. 27C to the Supervisor of Elections no later than noon on the day before polling day.

#### **Status of absentee voter application and absentee ballots**

**45K.** (1) The Supervisor of Elections shall notify the applicant in writing of the status of an application received under sections 45I and 45J and where an application is denied, the notice shall include the reason(s) for denial and shall be transmitted to the applicant by mail, email or facsimile, where available.

(2) Notwithstanding subsection (1), the Supervisor of Elections shall establish an internet-based free access system with a unique tracking number, which enables applicants

- (a) to check the status of their absentee ballot application;
- (b) to track when the application was received;
- (c) to track when the absentee ballot was transmitted;
- (d) to track when the Department of Elections received the voted ballot, and whether the ballot was counted.

#### **Designation of an agent**

**45L.** (1) Subject to subsection (2), a voter who applies to be treated as an absentee voter and who currently resides within the Territory may designate a person to collect, deliver, and return the mail-in ballot on his or her behalf for the election for which the application is made.

- (2) A person designated for the purposes of subsection (1),
  - (a) shall be at least 18 years;
  - (b) shall not be a named candidate;



- (c) shall be the applicant's spouse, parent, sibling, child, grandchild, father-in-law, mother-in-law, daughter-in-law, son-in-law, stepparent or stepchild; or
  - (d) where the voter is in an aged care facility, the designated agent may be the administrator or a staff member of that facility.
- (3) A person who has witnessed or assisted in completing an application to be treated as an absentee voter and who has been identified by the applicant to be his or her designated agent shall
- (a) provide a valid government-issued identification; and
  - (b) not be a designated agent for more than two absentee voters in any one election.
- (4) Where the applicant resides in the Territory, the applicant and the agent shall complete and submit Form No.27D, together with application.
- (5) The Supervisor of Elections shall ensure all applications received from persons applying to be treated as absentee voters are stamped with the date and time of receipt and recorded in Form No. 27D.
- (6) All applications from persons to be treated as absentee voters that are not received by nomination day shall not be approved.
- (7) Notwithstanding subsection (6), the Supervisor of Elections shall keep applications that were not approved on file and notify the applicant in writing of the reason why his or her application was not approved.

### **Publication of list of approved absentee voters**

**45M.** (1) Immediately after the last day of receiving applications for absentee ballots, the Supervisor of Elections shall prepare a list of absentee voters, which shall include

- (a) the name of the registered voter;
  - (b) the electoral district of the registered voter;
  - (c) the polling division of the registered voter.
- (2) The voter registration management database shall be updated to indicate that the person is to be treated as an absentee voter.
- (3) An absentee voter shall not be permitted to vote in person at a polling station during advance polling or polling day.

### **Arrangements for absentee voting**

**45N.** (1) Upon confirming a voter's eligibility for an absentee ballot, the Department of Elections shall, as soon as practicable, mail an absentee ballot package containing the following:

- (a) an absentee ballot listing the candidates for the voter's local electoral district and the territorial district;



- (b) instructions for completing and returning the absentee ballot marked “INSTRUCTIONS FOR COMPLETING AND RETURNING AN ABSENTEE BALLOT”;
- (c) envelopes with an alphanumeric symbol and barcode for use in accounting for the absentee ballot;
- (d) an envelope marked “BALLOT SECRECY ENVELOPE – Envelope D”;
- (e) an envelope marked “THE SIGNATURE ENVELOPE WITH SELF-ADMINISTERED OATH/AFFIDAVIT – Envelope C”;
- (f) an envelope marked “ABSENTEE BALLOT RETURN ENVELOPE – Envelope B”;
- (g) a transmission envelope – Envelope A of sufficient size to contain the ballot paper and Envelopes B, C and D along with any additional instructions or explanatory matter deemed necessary by the Supervisor of Elections, with the approval of the Attorney General.

(2) The Supervisor of Elections shall determine the specifications for the size, weight, type and colour of the paper, ensuring that the material securely protects the contents from tampering, removal, or substitution without detection.

(3) The voter registration management database shall be updated to include the date when the absentee ballot package was either mailed or picked up.

### **Instructions for completing absentee ballots**

**45O.** (1) The Supervisor of Elections, in consultation with the Attorney General, shall prepare a list of instructions to assist voters in correctly marking and returning their absentee ballot.

(2) The instructions shall be printed and delivered to each absentee voter.

### **Time limit for return of ballots, late ballots, etc**

**45P.** (1) All absentee ballot return envelopes received by the Supervisor of Elections shall be stamped with the date and exact time of receipt, and endorsed by an authorised staff member.

(2) Absentee ballots shall be received by the Department of Elections by the following deadlines to be counted:

- (a) for absentee overseas voters, by mail or package delivery service, no later than 6:00 p.m., at least 3 days before polling day;
- (b) through a designated agent,
  - (i) for absentee voters resident in the Territory, not being an emergency absentee voter, no later than 5:00 p.m. two days before polling day; or



- (ii) for absentee voters approved as an emergency absentee voter, no later than 3:00 p.m. on polling day.
- (3) Absentee ballots shall not be returned to a polling station.
- (4) Absentee ballots received after the applicable deadline shall be marked as late and shall not be counted.

#### **Agent return of absentee ballot envelope**

**45Q.** (1) Before accepting an absentee ballot signature envelope from a designated agent, the Supervisor of Elections or a person authorised by the Supervisor of Elections shall

- (a) verify whether the ballot was completed by the individual returning it; and
  - (b) if the answer is “No,” inspect the envelope to ensure that it is sealed and that the self-administered oath or affidavit section is properly completed.
- (2) If the envelope is unsealed, not properly completed, or if there is reason to believe it has been tampered with, the envelope shall not be accepted.
- (3) If the signature envelope is sealed but not properly completed, the agent may return the envelope to the absentee voter for correction and submission within the prescribed time in section 45P.
- (4) The Department of Elections shall keep a record of each absentee ballot returned by a designated agent, and shall ensure that
- (a) the relevant section on the designated agent form is completed;
  - (b) a copy of the identification of the agent returning the ballot is kept for the record; and
  - (c) the agent signs the agent return record.

#### **Absentee ballot security-pre polling day**

**45R.** (1) Return absentee ballots received before the prescribed deadlines shall, each day, be securely stored in cabinets, boxes or a room equipped with two locks under the direction of the Supervisor of Elections.

- (2) The particulars of each return ballot envelope shall be recorded in Form No. 27B, including
- (a) the name of the voter;
  - (b) the electoral district and polling division;
  - (c) the date of deposit;
  - (d) the name and signature of the officer depositing the envelope; and
  - (e) the signature of the witness .



## **Replacement Ballots**

**45S.** (1) An absentee voter may, before the prescribed deadline, request in writing a replacement ballot from the Supervisor of Elections where the original ballot was

- (a) destroyed, damaged or defective;
- (b) spoiled;
- (c) lost; or
- (d) not received.

(2) A replacement ballot shall be issued to the voter only if there is sufficient time for it to be returned, by mail, before the applicable deadline.

(3) An absentee voter who wishes to spoil a ballot in their possession should similarly destroy the envelope or ballot.

(4) Where an absentee voter resident in the Territory requests a replacement ballot through a designated agent and the original ballot was spoiled,

- (a) the designated agent shall write “spoiled” on the return or signature envelope and place it in a spoiled ballot envelope;
- (b) the designated agent shall be given a stamp with the embossed impression “ SPOILED BALLOT” to stamp the return envelope and ballot; and

(5) The spoiled return ballot package shall be placed in a sealed, secure container and recorded in the absentee ballot log as spoiled.

(6) The Department of Elections shall send each replacement absentee ballot in a specially printed replacement ballot return envelope package.

(7) An absentee voter who

- (a) did not receive the replacement ballot; or
- (b) chose not to return it; or
- (c) whose replacement ballot was not received before the prescribed deadline

shall not be permitted to vote in person on polling day.

## **Maintaining a log of return absentee ballot envelopes**

**45T.** (1) The following particulars shall be recorded in Form No. 27B

- (a) the name of the absentee voter;
- (b) the date and actual time of receipt; and
- (c) the name of the receiving officer from the Department of Elections.



(2) The voter registration database shall be updated to reflect the receipt of the returned ballot package.

(3) Returned envelopes shall be securely stored by the district or polling division, arranged in alphabetical order, until they are handed over to the Absentee Ballot Team for inspection, opening and counting.

(4) No member of the Department of Elections shall open, attempt to open or alter any absentee ballot return envelope, or any writing, printing or any marking on the envelope.

### **Death of an Absentee Voter**

**45U.** An absentee ballot cast by a voter who was eligible at the time of voting shall remain valid, notwithstanding that the voter becomes ineligible due to death after casting the ballot.

### **Absentee ballot officers**

**45V.** (1) For the purposes of processing and counting absentee ballots, the following persons shall be assigned as absentee ballot officers:

- (a) the Territorial Returning Officer;
- (b) a minimum of one team, comprised of 4 presiding officers and 2 poll clerks;

(2) Each person assigned under subsection (1) shall make an oath, and transmit it to the Supervisor of Elections as follows:

- (a) the Returning Officer, in Form No. 6;
- (b) a presiding officer, in Form No.19; and
- (c) a poll clerk, in Form No. 20;

and shall transmit the oath to the Supervisor of Elections.

### **Location of absentee ballot processing, counting or tabulation**

**45W.** (1) Absentee ballot processing and counting shall take place at the designated central location where returns are to be delivered following the close of polls, and the public shall not be allowed to observe the processing of absentee ballots during polling hours.

(2) Notwithstanding subsection (1), the Supervisor of Elections may facilitate live-streaming of the absentee ballot processing.

### **Who may observe absentee ballot processing, counting or tabulation**

**45X.** The following persons may observe the absentee ballot processing and counting:

- (a) the Supervisor of Elections;
- (b) the Deputy Supervisor of Elections;
- (c) the Territorial returning officer;
- (d) the presiding officer(s);



- (e) the poll clerk(s);
- (f) the computer tabulator and voting system technician;
- (g) the candidates and their agents in accordance with section 35; and
- (h) any other person who is authorised by the Supervisor of Elections.

### **Prohibition during absentee ballot counting and tabulation**

**45Y.** (1) Subject to subsection (2), once absentee ballot processing has commenced, no person shall leave the area where this process is being conducted until all polls have closed, except with the permission of a presiding officer.

(2) The following persons may enter the area after counting has begun but before the polls close:

- (a) the Supervisor of Elections and the Deputy Supervisor of Elections to address any queries from a member of the absentee ballot team or a challenger;
- (b) Department of Elections staff to deliver absentee ballot envelopes returned on polling day;
- (c) members of the Observer Mission Team to observe the proceedings;
- (d) candidates and agents who are handing over duties to another authorised agent within the allotted five-minute time frame.

(3) No agent of a candidate or political party shall have in their possession or have access to cellular phone or any other communication device within the absentee ballot processing area.

(4) A person who discloses any election result or in any manner characterises how any ballots have been cast commits an offence under section 76.

### **Challenges to absentee ballots procedure**

**45Z.** (1) The marked ballot of an absentee voter may be challenged on any of the following grounds:

- (a) the application to be treated as an absentee voter is false;  
or
- (b) there is disagreement on determining the voter's intent.

(2) Where a challenge is made under subsection (1), the absentee ballot team officer shall mark on the ballot secrecy envelope "CHALLENGED" and set it aside in a secure location for consideration later.

(3) All challenges to absentee ballots shall be resolved before the close of polls.



## **Rejection of absentee ballots**

**45AA.** (1) No vote shall be accepted or counted if:

- (a) the return absentee ballot envelope substantially lacks endorsement showing the date, the precise time, and the name of the staff member who received it;
- (b) the return absentee ballot envelope label was removed and replaced, or the absentee voter affixed in writing or with the use of another label, another address which was not listed on the application to be treated as an absentee voter;
- (c) the return absentee ballot envelope is received other than by mail or designated agent as indicated on the application;
- (d) the return absentee ballot envelope is received after its respective deadline;
- (e) the signature of the absentee voter that appears on the SIGNATURE ENVELOPE WITH SELF-ADMINISTERED OATH/AFFIDAVIT is found to have been altered or is not signed; or
- (f) the SIGNATURE ENVELOPE WITH SELF-ADMINISTERED OATH/AFFIDAVIT has not been completed or is blank;
- (g) the ballot secrecy envelope is either open, has been opened and resealed, or shows evidence of tampering or alteration;
- (h) the ballot envelope contains more than one ballot of any kind; or
- (i) the ballot is missing from within the secrecy envelope and is not contained in any envelope provided.

(2) When a signature envelope is marked “Rejected”, the presiding officers shall

- (a) select the appropriate box marked ‘Rejected’, list the reason for rejection, and affix their initials below this indication;
- (b) place the “Rejected” return absentee ballot envelopes and signature envelopes into an envelope labelled “Rejected Envelopes”;
- (c) attach a notice card to the exterior of the “Rejected Envelopes” envelope, noting the number of return absentee envelopes and signature envelopes along with the corresponding reasons for rejection; and
- (d) log the reason for rejection in Form No. 27B.

(3) The Department of Elections shall update the voter registration management system using the prescribed forms to reflect the status of each absentee ballot received and processed by election officers for counting and tabulation.



(4) No ballot shall be rejected for any immaterial addition, omission or irregularity in the preparation or execution of a self-administered oath or affidavit.

### **Maintenance of records of absentee voters**

**45AB.** The Department of Elections shall maintain both manual and electronic records in accordance with Form No. 27B, to prevent fraud, and to trace and detect any attempts to commit fraud.

### **Closing Procedure for absentee voting**

**45AC.** Absentee ballot teams processing absentee ballots shall follow the same closing procedures established for regular polling stations, except that the team shall complete Parts II and III of Form No. 27E.

### **Testing of absentee ballot voting system**

**45AD.** (1) Subject to subsection (2), the Supervisor of Elections shall adopt rules for the logic and accuracy testing of the absentee ballot tabulating machines, similar to those which are provided for in section 36A.

- (2) The rules shall include the following requirements:
  - (a) all machines shall be tested immediately following any maintenance and programming to determine whether:
    - (i) the voting system is properly programmed;
    - (ii) the election is correctly defined within the voting system; and
    - (iii) all input, output, and communication devices of the voting system are in good working order and performing the required functions correctly;
  - (b) any machine found unsatisfactory shall be recoded, repaired, or replaced and subsequently retested;
  - (c) all machines shall undergo public testing prior to use to verify their accuracy in counting votes;
  - (d) public notice of the testing shall be given at least three days before the test is conducted;
  - (e) each machine that passes the public testing shall be secured in a state of readiness until polling day.

### **Notification of Rejected Absentee Ballots**

**45AE.** An absentee voter whose ballot was rejected shall be notified, as soon as practicable, in the prescribed form, of the reason for the rejection.

### **Ballot format**

**45AF.** (1) The ballot information shall be presented in the same order as paper ballots, except that the information may be in vertical or horizontal rows, or on multiple pages.



(2) Voting squares or ovals may appear before or after the names of candidates and statements of questions, and shall be sized appropriately for the type of system used.

(3) An electronic ballot display may employ zoom features or other assistive voting technologies to assist voters.

(4) Audio ballot readers may include rewind functions or audio cues to assist voters.

(5) Before the polls open, presiding officers shall compare the ballots with the sample ballots provided to ensure consistency, and the presiding officers shall certify this comparison on a designated form and submit the form with other election materials at the close of polls.

### **Duplicate ballots**

**45AG.** A duplicate ballot shall only be made where

- (a) the original ballot is damaged, defective, or torn and is not readable by the electronic tabulating equipment;
- (b) the original ballot has extraneous marks within the read head path;
- (c) the original ballot is marked with an inappropriate marking device, such as a coloured pen other than a black pen;
- (d) the electronic tabulating equipment is unable to read the ballot but voter intent can be determined; or
- (e) the ballot is marked contrary to the instructions at the top of the ballot, but in such a way that two presiding officers can still determine the voter's intent.

### **Directions and assistance to voters on the use of an electronic voting system**

**45AH.** (1) The Supervisor of Elections shall conduct an ongoing annual public education campaign to enhance voter awareness and proficiency in using the electronic voting system.

(2) The returning officer shall ensure that each polling station is provided with at least two sample ballots, which shall be posted for public inspection during the hours that the polls are open.

(3) Where possible, the returning officer shall ensure that each polling station is supplied with an instruction-model electronic voting system marking device that demonstrates the arrangement of candidates and questions as they appear on a paper ballot.

(4) The instruction model shall be placed within a polling station, at a place where all voters pass it before reaching the actual voting device.

(5) Before entering the voting booth, each voter shall be offered guidance on the proper use of the electronic voting system, including the operation of the electronic ballot marker device using the instruction model, and the voter shall be given ample opportunity to operate the model by himself or herself, if available.



(6) Each electronic voting booth shall be positioned and protected so that it is accessible to only one voter at a time, while remaining visible to the presiding officers and agents.

(7) The presiding officers shall admit one individual at a time to each booth after confirming that the individual is eligible to vote.

(8) The presiding officer shall remain impartial when instructing voters and shall refrain from showing any preference for political parties or independent candidates or responses to referendum questions.

(9) Where a voter requests further assistance after entering the voting booth, a presiding officer may enter the voting booth to provide additional instructions.”.

#### **Section 46 amended**

33. Section 46(1) of the principal Act is amended by replacing the words “electronic tabulating system” with the words “electronic voting system”.

#### **Section 47 amended**

34. Section 47 of the principal Act is amended

- (a) in subsection (1),
  - (i) by deleting the word “or” at the end of subparagraph (d);
  - (ii) by replacing the comma at the end of subparagraph (e) with a semicolon;
  - (iii) by inserting immediately after paragraph (e) the following new paragraph:

“(f) a person serving a term of imprisonment of less than twelve months,”;
- (b) in subsection (2), by replacing the words “in subsection (1)(b),(c), (d) and (e)” with the words “in subsection (1)(b),(c),(d), (e) and (f) shall on, or before the date fixed for nomination,”;
- (c) in subsection (2A)(a), by replacing the words “electronic tabulating system” with the words “electronic voting system”.

#### **Section 48 repealed**

35. Section 48 of the principal Act is repealed.

#### **Section 48A repealed**

36. Section 48A of the principal Act is repealed.

#### **Section 50 repealed**

37. Section 50 of the principal Act is repealed.

#### **Section 50A repealed**

38. Section 50A of the principal Act is repealed.



### **Section 51 repealed**

39. Section 51 of the principal Act is repealed.

### **Section 51A repealed**

40. Section 51A of the principal Act is repealed.

### **Section 51B amended**

41. Section 51B of the principal Act is amended by replacing the words “electronic tabulating system” with the words “electronic voting system” wherever they occur.

### **Section 54A amended**

42. Section 54A of the principal Act is amended by replacing the words “electronic tabulating system” with the words “electronic voting system” wherever they occur.

### **Part IIIA, Part IIIB and Part IIIC inserted**

43. The principal Act is amended by inserting immediately after Part III the following new Parts:

#### **“PART IIIA**

#### **REGISTRATION OF POLITICAL PARTIES AND INDEPENDENT CANDIDATES**

#### **Registration of a political party**

**56A.** (1) An application to be registered as a political party shall be submitted to the Supervisor of Elections in Form No. 37.

- (2) An application under subsection (1) shall be
  - (a) signed by the party’s leader and a person authorised to act on behalf of the party;
  - (b) accompanied by a copy of the party’s constitution; and
  - (c) any other document or information pertaining to the registration of the political party, as may be prescribed.
- (3) The Constitution of the party shall include the
  - (a) the name of the party;
  - (b) the logo or symbol of the party;
  - (c) the aims and objectives of the political party;
  - (d) the office-bearers and the duration of their terms of office;
  - (e) the manner of electing the officers; and
  - (f) the duties and powers of the governing body;



(4) The Supervisor of Elections shall, upon receipt of an application in accordance with subsection (1), approve the application unless in the Supervisor's opinion the party proposed registered name

- (a) is identical to the name of a party already registered or that has participated in previous elections in the Virgin Islands;
- (b) is likely to result in confusion with a party already registered;
- (c) comprises more than six words;
- (d) is obscene or offensive;
- (e) includes words likely to constitute an offence;
- (f) is likely to
  - (i) misled a voter as to the effect of his or her vote; or
  - (ii) contradict or hinder a voter's understanding of any directions for his or her guidance in voting given on the ballot paper or elsewhere;
- (g) includes a script other than Roman script.

(5) Where the Supervisor of Elections approves an application, he or she shall notify the party and issue a certificate of registration in Form No. 38.

(6) Where an application is refused, the Supervisor of Elections shall notify the party of the reasons for the refusal.

(7) An application under this section shall be made no later than five days after the date of the proclamation issued pursuant to section 86 of the Constitution.

(8) A person who knowingly provides false information on registration commits an offence and is liable on summary conviction to a fine not exceeding \$5,000 or imprisonment for a term not exceeding one year, or both.

(9) In this section "constitution", in relation to a party, means the document or documents, however styled, which determine the structure and organisation of the party.

### **Registration of an independent candidate**

**56B.** (1) An individual may apply for registration as an independent candidate by submitting an application in Form No. 39.

- (2) An application under subsection (1) shall
  - (a) include the full name of the individual;
  - (b) state the electoral district in which he or she intends to contest;
  - (c) include the address for official correspondence and where his or her books, records and accounts will be maintained;



- (d) be signed by the applicant;
  - (e) be accompanied by such supporting documents or information pertaining to the registration of the applicant as the Supervisor may reasonably require or as may be prescribed.
- (3) The Supervisor of Elections shall approve the application unless the applicant is disqualified under section 66 of the Constitution.
- (4) Where the Supervisor of Elections approves an application under this section, he or she shall notify the applicant and issue a certificate of registration in Form No. 38.
- (5) Where the application is refused, the Supervisor shall notify the individual of the reasons for the refusal.
- (6) An application under this section shall be made no later than five days from the date of the proclamation issued pursuant to section 86 of the Constitution.

### **Register of political parties and independent candidates**

- 56C.** (1) The Supervisor of Elections shall establish and maintain a register of political parties and independent candidates who intend to contest elections to the House of Assembly and are registered under this Act.
- (2) The register shall include
- (a) the name and logo of each registered political party and independent candidate;
  - (b) the abbreviated name of the political party or independent candidate;
  - (c) the official address for each political party or independent candidate, as the case may be; and
  - (d) the year of registration.
- (3) The register shall be open to public inspection at the Department of Elections during regular working hours.

### **Notification of changes**

- 56D.** (1) Where there is a change in the information provided at the time of registration, the party leader or a person authorised to act on behalf of the party, or the independent candidate shall, notify the Supervisor of Elections in writing, within 14 days.
- (2) Changes required to be reported under this section include changes to
- (a) the name of the political party;
  - (b) the names of office-bearers;
  - (c) the party's constitution; and
  - (d) the address for correspondence.



(3) Where the Supervisor of Elections receives a notification under this section, the Supervisor of Elections shall cause the register to be amended accordingly.

(4) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding \$5,000.

### **Party ceasing to be registered**

**56E.** (1) Once a political party is registered, its entry may only be removed from the register in accordance with subsection (2) or (4).

(2) The Supervisor of Elections shall remove a political party's entry from the register, where

- (a) the political party submits an application to be removed from the register; and
- (b) the application includes a declaration, made on behalf of the political party, that it does not intend to nominate any candidates election.

(3) The leader of a political party, or a person authorised to act on behalf of the party shall, before the end of each financial year, confirm the registered particulars of the political party by notice in writing to the Supervisor of Elections stating that the particulars in the register remain accurate.

(4) Where the Supervisor of Elections does not receive a notification required by subsection (3) on or before the end of the financial year, the Supervisor shall remove the political party's entry from the register.

(5) A political party whose entry is removed from the register under subsections (2) or (4) ceases to be a registered political party.

(6) The Supervisor of Elections may, before removing a party's entry from the register pursuant to subsection (4), notify the party of the impending removal.

## **PART IIIB**

### **DONATIONS TO POLITICAL PARTIES AND INDEPENDENT CANDIDATES**

#### **Donations**

**56F.** (1) A donation for the purposes of this Part shall be made

- (a) to a registered political party; or
- (b) to an independent candidate.

(2) No person shall make a donation to an individual member of a registered political party except to the party's treasurer.



(3) Every registered political party and independent candidate shall maintain a “Register of Donations”, which shall contain

- (a) the names and addresses of donors;
- (b) the monetary donations received, whether in cash, by cheque or by electronic means;
- (c) donations in kind and the monetary value; and
- (d) the date of receipt of donations.

(4) Where a political party receives a donation paid into an account held by the party with a financial institution, it is taken for the purposes of this Part to have been received at the time when the party is notified in the usual way of the payment.

(5) A person who fails to comply with subsections (1) or (2) commits an offence and is liable on summary conviction to a fine not exceeding \$ 5,000.

### **Permissible donors**

**56G.** No donation shall be accepted by a registered political party or independent candidate from any person or entity other than

- (a) an individual registered on the Register of Voters;
- (b) an individual who is ordinarily resident in the Virgin Islands;
- (c) a Virgin Islander who is neither registered in the Register of Voters nor ordinarily resident in the Virgin Islands;
- (d) a company incorporated in the Virgin Islands that has continuously carried on business in the Virgin Islands for a period of at least twelve months prior to the date of the donation;
- (e) a registered political party; and
- (f) a limited partnership registered under the Limited Partnerships Act, which carries on business in the Virgin Islands.

### **Donations made on behalf of more than one person**

**56H.** (1) Where a person arranges for a donation to be given to a political party or to an independent candidate

- (a) partly on his or her own behalf and partly on behalf of one or more other persons; or
- (b) exclusively on behalf of two or more other persons,

then, for the purposes of this Part, the portion of the donation given on behalf of each person shall be treated as a separate donation from that person.

(2) Where a person makes a donation on behalf of another person, the individual delivering the donation shall, at the time the donation is



made, provide the party or the independent candidate, as the case may be, with the full name and address of the person on whose behalf the donation is made.

(3) A person commits an offence if, without reasonable excuse, he or she fails to comply with subsection (2).

### **Prohibited donations**

**56I.** (1) Subject to section 56J, no registered political party or independent candidate shall keep any donation, if

- (a) the donor is anonymous or unidentifiable, whether due to anonymity, deception, concealment, or other factors;
- (b) there is reason to suspect that the donation originates from unlawful activities, including proceeds of crime, or is given for a corrupt or otherwise unlawful purpose.

(2) Where a political party or independent candidate receives a donation contrary to subsection (1)(a) or (1)(c), the treasurer of a political party or the independent candidate shall

- (a) return the donation, or an equivalent amount, to the donor, or if the donation was transmitted by a person other than the donor, and the identity of that person is apparent, return the donation to that person;
- (b) if it is apparent that the donor has, in connection with the donation, used any facility provided by an identifiable financial institution, return the donation to that institution; and
- (c) in any other case, to send the donation to the Department of Elections;

within thirty days from the date when the donation is received by the party.

(3) Where the donation is not dealt with in accordance with subsection (2), the party, the treasurer of the party or the independent candidate, as applicable, each commit an offence.

(4) Where a party or its treasurer is charged with an offence under subsection (2), it is a defence to prove that

- (a) all reasonable steps were taken by or on behalf of the party to verify (or ascertain) whether the donor was a permissible donor; and
- (b) as a result, the treasurer reasonably believed the donor to be a permissible donor.

(5) Any money received by the Department by virtue of this section shall be paid into the Consolidated Fund not later than fourteen days after the end of the financial year in which the money is received.

(6) A person who fails to comply with this section commits an offence and is liable, on summary conviction, to a fine not exceeding \$ 5,000 or to imprisonment for a term not exceeding 12 months or to both.



### **Anonymous donations**

**56J.** Where a political party or independent candidate receives a donation to which section 56I(1)(a) applies, the party shall, within 14 days of receipt of the donation, take all reasonable steps forthwith to verify and ascertain

- (a) the identity of the donor;
- (b) whether the donor is a permissible donor; and
- (c) such other details in respect of the donor as may be prescribed.

### **Handling of Suspicious donations**

**56K.** (1) Where a political party or an independent candidate has reason to believe that a donation received falls under section 56I(1)(b), the treasurer of the party or the candidate shall report the full circumstances of the donation, including the grounds for the belief, to the Department within 24 hours after the donation is offered.

(2) There is established, for the purposes of this section, a trust fund to be known as the Political Donations Trust Fund, which shall be administered in accordance with the Public Finance Management Act, 2004 and any directions issued by the Financial Secretary.

(3) Any donation referred to in subsection (1) shall be paid into the Political Donations Trust Fund pending the outcome of an investigation.

(4) Upon receipt of a report under subsection (1), the Department shall immediately refer the matter to the Royal Virgin Islands Police Force for investigation.

(5) A person who fails to comply with this section commits an offence and is liable on summary conviction to a fine not exceeding \$5,000.

### **Donations by company**

**56L.** (1) A registered political party or independent candidate shall not accept a donation from a company unless the donation is authorised by a resolution of the company's Board of Directors and a copy of the resolution is provided to the party or candidate prior to accepting the donation.

(2) A party or candidate that accepts a donation in contravention of subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding \$ 5,000.

### **Value of donations**

**56M.** (1) Subject to subsection (2), all non-cash donations shall be assessed based on the market value of the property donated.

(2) Where a political party or independent candidate,



- (a) receives money or property in a transaction of lower value than that provided by the party or independent candidate; or
- (b) receives services, property, or the use of facilities at less than the market value,

then the value of the donation is the difference between:

- (i) the full market value of the money, property, services, or facilities provided; and
- (ii) the amount actually paid by or on behalf of the party or independent candidate.

### **Bequeathed donations**

**56N.** Where a donation is made by way of a bequest, it may only be accepted if the donor was, at any time within the period of five years preceding his or her death

- (a) an individual registered in the Register of Voters;
- (b) an individual who was not registered in the Register of Voters, but was ordinarily resident in the Virgin Islands; or
- (c) an individual who was a Virgin Islander, but was not registered in the Register of Voters, and was not ordinarily resident in the Virgin Islands.

### **Forfeiture of prohibited donations**

**56O.** (1) This section applies to a donation

- (a) which, by virtue of section 56I(1)(a) or (c), a political party or independent candidate is prohibited from accepting, but
- (b) has nevertheless been accepted by the party or candidate.

(2) A Judge or Magistrate may, on an application by the Department of Elections through the Director of Public Prosecutions, order the forfeiture by the party or independent candidate of an amount equal to the full value of the donation, which shall be paid to the Government.

(3) The standard of proof in proceedings on an application under this section shall be that applicable to civil proceedings.

(4) An order may be made under this section whether or not proceedings are brought against any person for an offence connected with the donation.

(5) For the purposes of this section, the court shall be

- (a) the Magistrate's Court, if the value of the donation does not exceed \$25,000;
- (b) the High Court, in all other case.

(6) An appeal lies



- (a) to the High Court, from a decision of the Magistrate's Court;
- (b) to the Court of Appeal, from a decision of the High Court.

### **Evasion of restrictions on donations: offences**

**56P.** (1) A person commits an offence if he or she knowingly enters into, or does any act in furtherance of an arrangement that facilitates or is likely to facilitate, whether by means of concealment or disguise or otherwise, the making of donations to a political party or independent candidate by a person or body other than in accordance with this Part.

(2) A person commits an offence if

- (a) he or she knowingly gives the treasurer of a political party or to an independent candidate any information relating to
  - (i) the amount of any donation made to the party or independent candidate; or
  - (ii) the person or body making such a donation,

which is false in a material particular; or

- (b) with intent to deceive, withholds from the treasurer of a political party or an independent candidate any material information relating to a matter within paragraph (a)(i) or (ii).

(3) A person who commits an offence under this section is liable, on summary conviction, to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 12 months, or to both.

### **Donation reports**

**56Q.** (1) The treasurer of a political party shall, in each year, prepare a report pursuant to this subsection in respect of each of the following periods:

- (a) January to June;
- (b) July to December.

(2) The donation report subsection (1), shall, in the case of each donor from whom a donation is accepted, include every relevant benefit obtained during that period, including the following:

- (a) the name of the donor;
- (b) the donation; and
- (c) such other information as may be prescribed.

(3) A donation report shall also record every donation within section 56I(1)(a) or (c) and dealt with during the reporting period in accordance with section 56J.

(4) If during a reporting period, no donations have been accepted by the party the report shall contain a statement to that effect.



(5) The leader of the party shall sign the declaration accompanying the donation report.

(6) A person who knowingly submits a false declaration pursuant to this section commits an offence and is liable, on summary conviction, to a fine not exceeding \$5,000.

(7) In this section “relevant benefit”, in relation to any person and any year, means

- (a) a relevant donation accepted by the party from that person as a donor; or
- (b) a relevant transaction entered into by the party and that person as a participant,

and a relevant benefit accrues when it is accepted (if it is a donation) or entered into (if it is a transaction).

### **Exemption from requirement to prepare bi-annual reports**

**56R.** If two consecutive donation reports submitted under section 56Q(4) state that no donations were accepted during their respective reporting periods, the treasurer of the political party is not required to submit further donation reports until the political party accepts a recordable donation.

### **Weekly donation reports during general election periods**

**56S.** (1) During a general election period, the treasurer of a political party shall prepare a weekly report pursuant to this section in respect of each of the following periods:

- (a) the period of seven days beginning with the first day of the general election period;
- (b) each succeeding period of seven days falling within the general election period; and
- (c) any remaining period of less than seven days falling within that period.

(2) The weekly report for a reporting period shall be in such form as may be prescribed and shall record each donation received during that period by the party and such other information as may be prescribed.

(3) If, during a reporting period, no donations are received, the weekly report for that period shall contain a statement to that effect.

(4) In this section, "general election period" means the period

- (a) beginning with the date on which a proclamation is published in the *Gazette* announcing the dissolution of the House of Assembly; and
- (b) ending on the date of the poll at the next general election.



### **Exemptions from filing weekly donation report**

**56T.** (1) Section 56S(1) does not apply to a political party in respect of a general election period if the party has made an exemption declaration which covers that election.

(2) A political party is taken to have made an exemption declaration which covers a particular general election if a declaration that the party does not intend to have any candidates at that election

- (a) is signed by the leader of the party; and
- (b) is sent to the Department of Elections not later than seven days after the date mentioned in section 56S(1)(a).

(3) An exemption declaration does not cover a particular general election if the party in question withdraws its declaration by a notice

- (a) signed by the leader of the party; and
- (b) sent to the Department of Elections before the beginning of the general election period.

(4) If

- (a) a political party has made an exemption declaration which (apart from this subsection) would cover a particular general election, but
- (b) the party has one or more candidates at that election,

the exemption declaration is treated as if it had been withdrawn at the beginning of the general election period, and the requirements of section 56S accordingly apply retrospectively as from the beginning of that period.

(5) If the registered leader is unable to sign a declaration or notice for the purposes of this section

- (a) the holder of some other office in the party may sign in his or her place; and
- (b) the declaration or notice shall include a statement of the reason why the leader is unable to sign and a declaration that the holder of the other office is authorised to sign on the leader's behalf.

(6) For the purposes of this section and section 56U a political party is taken to have a candidate at a general election if the party endorses the candidate.

(7) In this section "general election period" means the period

- (a) beginning with the date on which a proclamation is published in the *Gazette* announcing the dissolution of the House of Assembly; and
- (b) ending with the date of the poll at the next general election.



### **Submission of donation reports to the Department of Elections**

**56U.** (1) A donation report under section 56Q shall be delivered to the Department of Elections by the treasurer of the party within the period of thirty days from the end of the reporting period to which it relates.

(2) A donation report under section 56S shall be submitted to the Department by the treasurer of the party

- (a) within seven days from the end of the reporting period to which it relates; or
- (b) if compliance with paragraph (a) is not possible because a party to which section 56S(1) applies was initially exempt under section 56T(4), the donation report shall be submitted no later than seven days after the party officially nominates a candidate for the election in question.

(3) The treasurer of a political party commits an offence if, without reasonable excuse, he or she fails to comply with the requirements of subsection (1) or (2) in relation to a donation report.

(4) The treasurer of a political party also commits an offence if, without reasonable excuse, he or she delivers a donation report to the Department which does not comply with any requirements of this Part as regards the recording of donations in such a report.

(5) Where the High Court is satisfied, on an application by the Department of Elections through the Director of Public Prosecutions, that a failure to comply with the requirements relating to a donation to a political party was due to an intentional effort by any person to conceal the existence or true amount of the donation, the Court may order the forfeiture by the party of an amount equal to the value of the donation.

(6) Section 56O(3) and (4) apply for the purposes, or in connection with the operation, of subsection (5) as they apply for the purposes or in connection with the operation of section 56O.

(7) A person who commits an offence under

- (a) subsection (3) is liable, on summary conviction, to a fine of \$5,000;
- (b) subsection (4) is liable, on summary conviction, to a fine of \$5,000 or to imprisonment for a term of twelve months, or to both.

(8) Section 56T(6) applies for the purposes of this section.

### **Declaration by treasurer in donation report**

**56V.** (1) A donation report under section 56Q or 56S shall, when submitted to the Department of Elections, be accompanied by a declaration made by the treasurer which complies with subsection (2), (3) or (5).

(2) In the case of a report under section 56Q (other than one making a nil return), the declaration shall state that, to the best of the treasurer's knowledge and belief



- (a) all the donations recorded in the report as having been accepted by the party are from permissible donors; and
  - (b) during the reporting period
    - (i) no other donations required to be recorded in the report have been accepted by the party; and
    - (ii) no donation from a person or body other than a permissible donor has been accepted by the party.
- (3) For the purposes of subsection (2) a return under section 56Q makes a nil return if it contains such a statement mentioned in section 56Q (4).
- (4) In the case of such a report the declaration must state that, to the best of the treasurer's knowledge and belief
- (a) that statement is accurate; and
  - (b) during the reporting period no donation from a person or body other than a permissible donor has been accepted by the party.
- (5) In the case of a report under section 56S, the declaration shall state that, to the best of the treasurer's knowledge and belief, all donations received during the reporting period that were required to be recorded in the report have been duly recorded.
- (6) A person commits an offence if he knowingly or recklessly makes a false declaration under this section.
- (7) A person who commits an offence under subsection (6) is liable, on summary conviction, to a fine of \$5,000 or to imprisonment for a term of 12 months, or to both.

### **Weekly donation reports in connection with a by-election**

**56W.** (1) The Governor may, after consultation with the Supervisor of Elections and all registered parties, by Order, provide for the application of

- (a) sections 56S and 56T; and
- (b) sections 56U and 56V;

to a by-election, with such modifications as are specified in the Order to suit the circumstances of the specified election period.

- (2) In this section
  - (a) “specified election period”, in relation to a by-election, means such period ending with the date of the poll for the election as may be specified in an Order under subsection (1); and
  - (b) “by-election” means an election other than a general election.



### **Application of donation reporting provisions to independent candidates**

**56X.** Sections 56Q to 56W apply, with necessary modifications as may be necessary, to independent candidates as they apply to political parties.

### **Register of Recordable Donations**

**56Y.** The Department shall maintain a register of all donations reported under this Part in such form as may be determined by the Supervisor.

## **PART IIIC**

### **ACCOUNTING REQUIREMENTS**

#### **Duty to keep accounting records**

**56Z.** (1) The treasurer of a political party shall

- (a) be responsible to the party for all the financial affairs of the political party; and
- (b) ensure that accounting records are kept with respect to the political party which
  - (i) are sufficient to show and explain, at any time, with reasonable accuracy, the party's transactions and financial position; and
  - (ii) adequately reflect compliance with the requirements under Part IIIB.

(2) The accounting records shall

- (a) conform to established accounting principles;
- (b) contain entries showing from day to day
  - (i) all sums of money received and expended by the political party, and
  - (ii) the purpose for which they were received and expended; and
- (c) a record of the assets and liabilities of the political party.

(3) The management body of a political party shall ensure that any accounting records made for the purposes of this Act are kept for at least six years from the end of the financial year in which they are made.

(4) Where a political party ceases to exist within the period of six years referred to in subsection (3), the obligation to ensure that the records are kept pursuant to that subsection shall continue to be discharged by the last leader of the political party and the last treasurer of the political party unless the Supervisor of Elections consents in writing to the records being destroyed or otherwise disposed of.



(5) The financial year of a political party shall be the period of 12 months beginning on 1st January and ending on the 31st December each year.

### **Statements of Accounts**

**56AA.** (1) The treasurer of a political party shall prepare a statement of accounts for each financial year of the party.

(2) A statement of accounts under this section shall

- (a) comply with such requirements as to its form and contents as may be prescribed;
- (b) include all sources of income of the political party; and
- (c) be approved
  - (i) by the management body of the political party, if there is one; or
  - (ii) otherwise by the leader of the political party.

(3) Subject to subsection (4), the treasurer of a political party shall, within 4 months of the end of the financial year, submit to the Supervisor of Elections the statement of accounts prepared for that year.

(4) Where a political party's accounts for a financial year are required to be audited pursuant to section 56AB (1) and (2), the treasurer of the political party shall, no later than seven days after the end of the period allowed under section 56AB (3) for the audit of the accounts, deliver to the Supervisor of Elections the statement of accounts prepared for that year and the auditor's report.

(5) The Supervisor of Elections may, on an application made before the end of the period specified under this section for delivering a statement of accounts and auditor's report, extend such period for a further period not exceeding 15. days.

(6) Where the treasurer of the political party fails, without reasonable excuse, to comply with this section, he or she commits an offence and is liable, on summary conviction, to a fine not exceeding \$5,000.

### **Annual audits**

**56AB.** (1) Where a political party's gross income or total expenditure in any financial year exceeds \$500,000, the party's accounts for that year shall be audited by a qualified auditor.

(2) Notwithstanding subsection (1), the Supervisor of Elections, may by written notice, require the accounts of a political party to be audited by a qualified auditor where a political party's gross income or total expenditure in any financial year does not exceed \$500,000.

(3) An audit under this section shall be carried out

- (a) in the case of an audit required under subsection (1), within six months after the end of the financial year to which the accounts relate; or



(b) in the case of an audit required under subsection (2), within three months after the date of the Notice by the Supervisor of Elections.

(4) Where a political party fails to have its accounts audited in accordance with subsection (1) or (2) within the specified timeframe, the Supervisor of Elections may, in consultation with the Auditor General or the Financial Secretary, appoint an independent auditor to conduct the audit, subject to such terms and conditions as the Supervisor may specify.

(5) The fees and expenses of an auditor appointed under subsection (4) may be recovered from the political party as a debt due to the Government.

(6) An auditor appointed pursuant to this section shall

(a) have a right of access, at all reasonable times, to the political party's books, documents and other financial records; and

(b) may require from any current or former treasurer or officer of the political party such information or explanation as the auditor considers necessary for the performance of his or her duties.

(7) Where a person fails to provide access, information, or explanations required under this section, the Supervisor of Elections may issue such written directions to that person as he or she thinks appropriate.

(8) A person who knowingly or recklessly makes to an auditor appointed under this section a statement, whether written or oral, which

(a) conveys or purports to convey any information or explanation to which the auditor is entitled by virtue of subsection (6); and

(b) is misleading, false or deceptive in a material particular, commits an offence and is liable on summary conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 12 months, or both.

(9) In this section, "gross income" means gross recorded income from all sources.

### **Public inspection of parties' statements of accounts**

**56AC.** Where the Supervisor of Elections receives a statement of accounts under section 56AB, the Supervisor of Elections shall

(a) make a copy of the statement available for public inspection during normal working hours; and

(b) keep such copy available for public inspection for the period for which the statement is kept by the Supervisor of Elections.



### **Qualified Auditor**

**56AD.** For the purposes of this Part a “qualified auditor”, in relation to a political party, is a person who is not,

- (a) a member of the party or the candidate himself or herself;  
or
- (b) an officer or employee of the party, or individual, and for this purpose “officer or employee” does not include an auditor.

### **Application of this Part to an independent candidate**

**56AE.** Sections 56Z to 56AD apply to an independent candidate as they apply to political parties, with such modifications as may be necessary, and for the purposes of such application, any reference to a political party or an officer of a political party shall be construed as a reference to the independent candidate.”.

### **Section 78A inserted**

**44.** The principal Act is amended by replacing section 78 with the following:

#### **“Electronic Voting System**

**78A.** (1) For the purposes of this Act, an electronic voting system shall not be approved for use unless it meets all of the following criteria:

- (a) the system provides options for instructing voters on how to operate the voting machines, including illustrations or demonstrations by election officers;
- (b) the system allows voters to privately and independently verify their selected votes, make changes, or correct any error before casting and counting the ballot, unless the voter requests assistance due to being elderly, differently abled, or a lack of proficiency in reading the English language;
- (c) the system is equipped with a voting device with tactile discernible controls designed to meet the needs of voters with limited reach and hand dexterity;
- (d) the system is equipped with an audio voting feature that communicates the full ballot content in audio form, which enables a voter who is blind or visually impaired to cast a secret ballot using voice-only or tactile discernible controls;
- (e) the system is capable of being equipped with a pneumatic switch voting attachment, such as a sip-and-puff switch, which can be operated orally by gentle pressure or the creation of a vacuum through the inhalation or exhalation of air by the voter;
- (f) the system includes a feature to prevent a voter from voting in a local or territorial electoral contest for candidates or on



- questions for which the voter is not lawfully entitled to vote;
- (g) the system allows each voter to vote in both local and Territorial elections,
    - (i) for candidates and contests for which the voter is lawfully entitled to vote;
    - (ii) for as many candidates in a contest as the voter is entitled to vote for; and
    - (iii) for or against any question upon which the voter is entitled to vote.
  - (h) the system can be set to reject all ballots in the following circumstances:
    - (i) when they have not been marked for any candidate or question;
    - (ii) when votes have been cast for more than the number of candidates to be selected for the local electoral district and the Territorial electoral district, or more responses to the questions than is allowed; or
    - (iii) when more than one vote has been cast for any one candidate or question;
  - (i) the system can mark a paper ballot with at least the following information:
    - (i) the date of the election;
    - (ii) the name of the polling division;
    - (iii) an electronically readable polling division identifier or ballot style indicator; and
    - (iv) the voter's votes for each contest or question, generated from the voter's use of a touch screen or other electronic device, ensuring that the complete ballot meets the information requirements of any applicable law;
  - (j) when used at a mobile polling station, the system will
    - (i) allow for use and voting within multiple polling divisions;
    - (ii) count votes for the candidates of one part;
    - (iii) reject all votes for a contest when the number of votes exceeds the number which the voter is entitled to cast; and
    - (iv) allow the tabulation and disaggregation of those results by polling division to be accurately stored;
  - (k) the system can accumulate



- (i) a count of the specific number of votes tallied for a polling station;
  - (ii) the total votes by candidate for each contest; and
  - (iii) the total votes for and against each question of the ballots tallied for a polling station;
- (l) the system can provide every voter an opportunity to verify votes recorded on the permanent paper ballot, either visually or using assistive voting technology, and to change votes or correct any error before the voter's ballot is cast and counted;
  - (m) the system can produce an individual, discrete, permanent paper ballot cast by the voter, and preserve the paper ballot as an official record available for use in any recount;
  - (n) the system can automatically produce printed totals for polling stations, polling divisions, and electoral districts;
  - (o) the system can accurately count votes;
  - (p) the system is accessible for persons referred to in section 45(4), and absentee voters eligible to vote at mobile polling stations and curbside;
  - (q) the system can provide an audit trail; and
  - (r) the system can be tested before an election, including a test to match the paper records of the machines to the vote totals contained in the machines.

(2) The Supervisor of Elections shall determine procedures to instruct returning officers, presiding officers, poll clerks, and voters in the use of electronic voting system manual marking devices and the electronic ballot marker, including assistive voting technology.”.

#### **Section 79 amended**

**45.** Section 79 of the principal Act is amended in subsection (1)(f) by inserting after the words “under this Act” the words “, and such other supporting staff of the Department of Elections and other core support staff for overtime hours worked in the administrative conduct of an election and or referendum”.

#### **Section 79A replaced**

**46.** The principal Act is amended by replacing section 79A with the following:

##### **“Code of conduct**

**79A.** (1) The code of conduct for political parties and candidates, as set out in Schedule 3, shall regulate the conduct of political parties, their members and supporters, and all candidates and their supporters in any election or referendum held in the Virgin Islands.

(2) Every political party and independent candidate shall

- (a) subscribe to and observe the Code of Conduct and ensure its observance by their members, associates and supporters;



- (b) complete Form No. 40, and shall not be eligible contest in any election unless the political party and the candidate have subscribed to the Code of Conduct for Political Parties and Candidates.”.

### **Sections 79B, 79C and 79D inserted**

47. The principal Act is amended by inserting immediately after section 79A the following new sections:

#### **“Enforcement action**

**79B.** (1) The Supervisor of Elections shall enforce the Code of Conduct, and for that purpose may take the enforcement action specified in subsection (2), against a party or candidate where the Electoral Code of Conduct Enforcement Committee has determined that a party or candidate has breached any of the provisions of the code.

(2) Where a party or candidate has breached any of the provisions of the code, the Supervisor of Elections may take any one or more of the following enforcement actions as the Supervisor considers appropriate:

- (a) issue a written warning;
- (b) impose a fine not exceeding \$2,000.

(3) The enforcement powers under this section do not affect the authority of the Royal Virgin Islands Police Force or the Office of the Director of Public Prosecutions to investigate, prosecute, or enforce relevant laws where a criminal offence may be involved.

#### **Procedure to be followed when taking enforcement action**

**79C.** (1) The Supervisor of Elections shall, before taking enforcement action under section 79B, issue to the party or candidate a written notice setting out

- (a) the proposed action to be taken;
- (b) the grounds for the proposed action;
- (c) the facts and circumstances forming the basis for the action;
- (d) the entitlement of the party or candidate to make representation to the Supervisor in accordance with subsection (2).

(2) The party or candidate shall, within seven days from receipt of the notice referred to in subsection (1), make written representations to the Supervisor as to why the proposed action should not be taken.

(3) Having regard to any representations made by the party or candidate pursuant to subsection (2), the Supervisor shall

- (a) determine that no further action is necessary; or



(b) proceed with the proposed action.

(4) The Supervisor shall, as soon as practicable after making a decision pursuant to subsection (3), notify the party or candidate in writing of the decision and the reasons for the decision.

### **Electoral Code of Conduct Enforcement Committee**

**79D.** (1) There is established a committee to be known as the Electoral Code of Conduct Enforcement Committee, (referred to in this Act as the “Enforcement Committee”), which shall have such powers and perform such functions as are conferred on it by or under this Act.

(2) The Enforcement Committee shall comprise the following members appointed by the Governor, by instrument in writing, with the approval of the Cabinet:

- (a) a senior member of the Royal Virgin Islands Police Force with investigative capabilities, assigned by the Commissioner of Police;
- (b) three election officers at the rank of presiding officer or above appointed for this specific purpose during the election cycle; and
- (c) a registered voter appointed by the Governor.

(3) The functions of the Committee are to

- (a) investigate reported allegations or issues of breaches of the Code of Conduct;
- (b) attend public meetings, rallies, listen to radio broadcasts, view social media and online sites to monitor whether defamatory statements are made against parties or candidates;
- (c) ensure that the matters referred to in paragraph (b) focus on issues related to political manifestos;
- (d) ensure that the silencing period is enforced; and
- (e) ensure that all campaigning materials, inclusive of posters, banners are removed from public viewing by the prescribed time.

(4) If the Electoral Code of Conduct Enforcement Committee has reasonable grounds to believe that a political party or independent candidate has breached any provisions of the Code of Conduct, the Enforcement Committee shall submit a written report, detailing the nature and specifics of the breach, to the Supervisor of Elections.”.

### **Schedule 2 amended**

**48.** Schedule 2 to the principal Act is amended

- (a) by replacing Form No. 3 with the following:



“FORM NO. 3

[Sections 6, 14, 17 and 19(1)]

GOVERNMENT OF THE VIRGIN ISLANDS  
ELECTIONS ACT

**Virgin Islands Voter Registration Form**

→ FILL IN ALL BOXES ON THIS FORM → PLEASE USE INK → PRINT LEGIBLY

You can use this form to:

- Register to vote in the **Virgin Islands**.
- Complete a new registration.
- Update your voter registration record, if you have changed your name, address and/or occupation.

To register to vote in the **Virgin Islands**, you must:

- Be deemed to belong to the **Virgin Islands** as per section 2(2) of the Constitution.
- Be 18 years of age as of the qualifying date.
- Be domiciled and resident in the Virgin Islands, or
- Be domiciled in the Virgin Islands and resident in the United States Virgin Islands.
- As of the qualifying date, not disqualified to be registered as a voter under the laws of the Virgin Islands.

<p><b>Instructions</b></p> <p>Complete this application to register to vote, transfer your electoral district or update your registration information.</p> <p><b>Guideline for Application</b></p> <ol style="list-style-type: none"> <li>1. Please print all information in <b>BLOCK LETTERS</b> or tick the appropriate box using a black or blue ink pen.</li> <li>2. Sign the Form</li> <li>3. Email form and supporting documents to <a href="mailto:electionsvi@gov.vg">electionsvi@gov.vg</a> or drop off the form at the Elections Office. The Voters Registration deadline is two (2) days after the House of Assembly is dissolved.</li> </ol> <p><b>Important Instructions for Sections 2,3, 5, 13,17 &amp; 18</b></p> <p>Section 5 is only for Name Change purposes. Section 13 is only if you are making a change to your occupation. Please note that no proof is needed to change your occupation. Section 17 is only if you are transferring from one electoral district to another. Section 2,3 &amp; 18 are only completed if you are completing a new registration.</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2">1) Check box(es) that apply:</td> <td><input type="checkbox"/> New Registration</td> <td><input type="checkbox"/> Change of Name</td> <td><input type="checkbox"/> Other</td> </tr> <tr> <td colspan="2"></td> <td><input type="checkbox"/> Change of Address</td> <td><input type="checkbox"/> Change of Occupation</td> <td></td> </tr> <tr> <td colspan="2">2) Are you deemed to belong to the <b>Virgin Islands</b>?</td> <td><input type="checkbox"/> Yes</td> <td colspan="2" rowspan="2"> <b>ATTENTION! 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Name of Witness		Signature of Witness		Official Title/Designation																																																																																																																																																											
<i>*The witness must be one of the following: a commissioner of Oaths, justice of the peace, BVI registered legal practitioner, notary public, minister of religion, BVI registered medical practitioner, member of the teaching staff of a University or higher educational institution, bank manager, postmaster, commissioned police officer, public officer of the rank of Senior Executive Officer or above, a manager or other senior officer of a statutory body of rank equivalent to or above the rank of a Senior Executive Officer in the Public Service.</i>																																																																																																																																																															

OFFICIAL USE ONLY. DO NOT WRITE IN THE SHADED AREA BELOW.			
DATE STAMP	APPLICATION SUBMITTED	ID(s) USED TO CONFIRM ELIGIBILITY	
	<input type="checkbox"/> In Person	<input type="checkbox"/> Field	<input type="checkbox"/> BVI Passport
	<input type="checkbox"/> Email	<input type="checkbox"/> Other	<input type="checkbox"/> Certificate of Belonger
			<input type="checkbox"/> Certificate of Naturalization
	<input type="checkbox"/> Belonger Card	<input type="checkbox"/> Belonger Letter	<input type="checkbox"/> Other
	DISTR. REGISTERED	DISTR. TRANSFERRED TO	REGISTRATION NO
RECEIVED BY (signature)	NOTES:		
STATUS			
<input type="checkbox"/> New Registration			
<input type="checkbox"/> Transfer			
<input type="checkbox"/> Claim	<input type="checkbox"/> Approved		
<input type="checkbox"/> Denied			
SUPERVISOR OF ELECTIONS (signature)			



- (b) by deleting Forms No. 1, No. 2, No. 7 and No. 9;  
(c) by replacing Form No. 13 with the following:

”FORM NO. 13

*(Section 25(2))*

GOVERNMENT OF THE VIRGIN ISLANDS  
ELECTIONS ACT

---

**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 [the ..... electoral district] ..... [the Territorial electoral district]

WHEREAS by section 25(1) of the Elections Act it is provided that for the purpose of every general election of members of the House of Assembly, or for the purpose of the election of members to supply vacancies in the membership of the House, the Governor shall issue writs of election under the Public Seal of the Territory, addressed to the returning officers of the respective electoral districts for which members are to be returned:

\* AND WHEREAS I think it expedient that writs should be issued for the election of members to serve in the House of Assembly:

\* AND WHEREAS the seat of [the elected member for the electoral district of .....] [one of the elected members of the Territorial electoral district] has become vacant in consequence of .....

NOW, THEREFORE, I, ..... Governor do hereby require that you do proceed to the nomination of candidates on the ..... day of ....., 20...., at .....; and thereafter, if necessary, that on the ..... day of ....., 20.... between the hours of ..... o'clock in the morning and ..... o'clock in the afternoon, you do cause an election to be made according to law of [a member] [..... members] to serve in the House of Assembly for the said electoral district and that you do cause the name[s] of such member[s] 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 Territory this ..... day of ....., 20.... ”

- (d) by replacing Form No. 15 with the following:



“FORM NO. 15  
(Section 26(3))  
GOVERNMENT OF THE VIRGIN ISLANDS  
ELECTIONS ACT  
NOMINATION PAPER

We, the undersigned voters for the electoral district do hereby nominate the following person

(insert local electoral district number)

as a proper person to serve as a member of the.....electoral district and we certify that to the best of our

(insert local electoral district number or territorial)

belief he or she is qualified for election as a member of the House of Assembly.

Candidate's Surname:.....

Other Name(s):.....

Address:.....

Occupation:.....

Nominated by the following Voters:

(1) Voter's Surname:.....

Other Name(s):.....

Address:.....

Occupation:.....

Signature:.....

(2) Voter's Surname:.....

Other Name(s):.....

Address:.....

Occupation:.....

Signature:.....



Consent of Candidate

I, \_\_\_\_\_, nominated in the foregoing  
nomination paper, hereby consent to such nomination as candidate for election as a  
member of the House of Assembly for the \_\_\_\_\_ electoral district.

.....  
**Signature of Candidate**

Witness my hand this ..... day of ....., 20.....

.....  
**Signature of Witness**

(e) by replacing Form No. 21 with the following:

“FORM NO. 21

*(Section 34(3)(e))*

GOVERNMENT OF THE VIRGIN ISLANDS

ELECTIONS ACT

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DIRECTIONS FOR THE GUIDANCE OF VOTERS  
ELECTRONIC VOTING SYSTEM

---

1. Each voter may vote only at one polling station. A voter may vote for only one candidate in a local electoral district election and for as many candidates as there are vacancies in the Territorial electoral district election.
2. Each voter will go into one of the compartments and place a cross on the right-hand side opposite the name of the candidate for whom he or she votes, thus X, **OR** shade the oval sign.
3. The voter shall then return the ballot paper to the folder and deposit it in the ballot box. The voter shall then sign the exit book and forthwith leave the polling station.



**EXAMPLE OF A SINGLE BALLOT FOR  
LOCAL AND TERRITORIAL ELECTORAL DISTRICT  
(VOTING WITH AN X)**

INSTRUCTIONS – LOCAL DISTRICT				INSTRUCTIONS – TERRITORIAL ELECTORAL DISTRICT			
<p>Supposing JOHN JONES and GEORGE SMITH are the candidates in a local electoral district and the voter wishes to vote for JOHN JONES, he or she may place a cross <b>OR</b> shade the oval sign opposite JOHN JONES' name.</p>				<p>In the territorial electoral district in a general election, where the voter is entitled to vote for as many as four candidates, supposing there are six candidates, namely SARAH BLACK, YVONNE DOTY, REBECCA KNIGHT, HEZEKIAH MAYABA, TYRONE ROAD AND ANTON ROGER. If the voter wishes to vote for SARAH BLACK, REBECCA KNIGHT, HEZEKIAH MAYABA, AND TYRONE ROAD, he or she may place a cross or shade the oval sign opposite their names as follows:</p>			
1.	Jones, John Shopkeeper Tortola	(Symbol)	<input checked="" type="radio"/>	1.	Black, Sarah Merchant Virgin <u>Gorda</u>	(Symbol)	<input checked="" type="radio"/>
2.	Smith, George Carpenter Virgin <u>Gorda</u>	(Symbol)		2.	Doty, Yvonne Beautician <u>Anegada</u>	(Symbol)	<input type="radio"/>
				3.	Knight, Rebecca Attorney-at-Law Tortola	(Symbol)	<input checked="" type="radio"/>
				4.	Mayaba, Hezekiah Mechanic <u>Jost</u> Van Dyke	(Symbol)	<input checked="" type="radio"/>
				5.	Road, Tyrone Fisherman Salt Island	(Symbol)	<input checked="" type="radio"/>
				6.	Roger, Anton Accountant Tortola	(Symbol)	<input type="radio"/>

- (f) by deleting Form No. 21A, Form No. 22A and Form No. 23;
- (g) by replacing Form No. 22 with the following:



“FORM NO. 22

(Section 36(2))

GOVERNMENT OF THE VIRGIN ISLANDS

ELECTIONS ACT

BALLOT PAPER FOR ELECTRONIC VOTING SYSTEM

No.

General Elections/By-Election .....


.....Local and Territorial Electoral District

Polling Day: .....

Initial of P.O. ....

**Instructions**

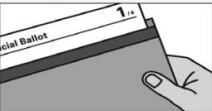
**Making Selections**



Fill in the oval to the right of the name of your choice. You must blacken the oval completely, and do not make any marks outside of the oval.

Do not cross out or erase, or your vote may not count. If you make a mistake or a stray mark, ask for a new ballot from the Presiding Officer.





**Turning in the ballot**



Insert the completed ballot into the ballot sleeve. Deposit the ballot in the electronic voting system and return the ballot sleeve to the Poll Clerk.

Territorial Electoral District Vote for up to Four Candidates			
1.	Black, Sarah Merchant Virgin Gorda	(Symbol)	<input type="radio"/>
2.	Doty, Yvonne Beautician Anegada	(Symbol)	<input type="radio"/>
3.	Knight, Rebecca Attorney-at-Law Tortola	(Symbol)	<input type="radio"/>
4.	Mayaba, Hezekiah Mechanic Jost Van Dyke	(Symbol)	<input type="radio"/>
5.	Roach, Tyrone Fisherman Salt Island	(Symbol)	<input type="radio"/>
6.	Rogers, Anton Accountant Tortola	(Symbol)	<input type="radio"/>



Local Electoral District Vote for one Candidate			
1.	Jones, John Shopkeeper Tortola	(Symbol)	
2.	Rock, Jenny Businesswoman Tortola	(Symbol)	
3.	Smith, George Carpenter Virgin Gorda	(Symbol)	
4.	Ante, Jack Welder Anegada	(Symbol)	

Thank you for voting. Please deposit your finished ballot.

(h) by replacing Form No. 30 Form No. 31 and with the following:

“FORM NO. 30  
GOVERNMENT OF THE VIRGIN ISLANDS  
ELECTIONS ACT  
(Section 47(2))

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APPLICATION TO BE TREATED AS A VOTER OF AN ADVANCE POLL

---

**(This application must be witnessed by a registered voter, who has known the applicant personally for at least 2 years and who is a Justice of the Peace, minister of religion, medical doctor, legal practitioner, bank officer, senior public officer above the rank of Administrative Officer, Principal of an educational institution, police officer above the rank of Sergeant or a person of similar standing as may be approved by the Supervisor of Elections)**

1. I, (Surname) .....  
(other names) .....  
of.....  
.....  
am a registered voter for the ..... Electoral District.



2. I apply to be treated as a voter at an advance poll because I am unlikely to be able to go to the polling station on the day appointed for the taking of the poll by reason of \*

.....  
.....

3. Address in the Territory .....

.....  
.....

4. Witnessed this ..... day of....., 20.....

Name of witness: .....

Signature of witness: .....

Designation of witness: .....

Address of witness: .....

I declare that the above statements are correct.

.....  
Applicant's signature

Address .....

Date.....

\* Set out appropriate reason.



FORM NO. 31  
GOVERNMENT OF THE VIRGIN ISLANDS  
ELECTIONS ACT  
*(Sections 45F, 48A(2), 50(1)(g) and 51(1)(b))*

---

**BALLOT PAPER AND BALLOT BOX ACCOUNT**

---

General Election or Other Election: .....

Polling Division: .....

Polling Station: .....

**BEFORE POLL**

<b>Number</b>	<b>TOTAL</b>
1. Ballot papers received	.....
2. Ballot boxes received	.....

**AFTER POLL**

1. Ballot boxes in possession	.....
2. Ballot papers unused	.....
3. Ballot papers issued to electors	.....
4. Ballot papers spoilt	.....
5. Ballot papers duplicated	.....
6. Ballot papers which should be in Ballot Box	.....

.....  
Signature of Presiding Officer

.....  
Date".



(i) by inserting the following new Forms in the proper order:

“FORM NO. 10A  
GOVERNMENT OF THE VIRGIN ISLANDS  
ELECTIONS ACT  
(Section 22(2))

NOTICE TO PERSON BEING REMOVED FROM THE PRELIMINARY LIST

To \_\_\_\_\_  
of \_\_\_\_\_

This is to inform you that in accordance with section 21 (d)(i) and section 22(a) of the Elections Act, Revised Laws of the Virgin Islands 2013 the Supervisor of Elections is preparing to alter the preliminary list of voters for the \_\_\_\_\_ electoral district, by deleting your name.

Your name is being removed from the preliminary list on the grounds that:

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

You are required within 2 days of receipt of this notice to object to the deletion of your name from the preliminary list, by appearing before the Supervisor of Elections to prove that you qualify to be registered as a voter and for inclusion in the list at the time of revising of the said list.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
Supervisor of Elections



FORM NO. 10B  
GOVERNMENT OF THE VIRGIN ISLANDS  
ELECTIONS ACT  
(Section 23A(1))



**Report of Death of Registered Voter**

**Purpose:** This form is intended to provide notification of the death of a registered voter of the Virgin Islands. Upon review by the Supervisor of Elections, the Supervisor of Elections will cancel the voter's registration. This form may only be completed by a specified relative, a personal representative of the deceased voter's estate, or a Registrar or Deputy Registrar of Civil registry who personally knows the voter to be deceased.

**INSTRUCTIONS**

Complete this form as thoroughly as possible. Sign the form and then submit it to the Office of the Supervisor of Elections. The form may be submitted in person, mailed, or faxed, along with a copy of the official death certificate and/or an obituary published in the registered outlet. Additionally, the specified relative or personal representative who signs this form must also submit a copy of valid identification.

<b>Deceased Voter Information (as it appears on the voters' list)</b>					
<b>Last Name</b> (Please Print)	<b>First Name</b>	<b>Middle Name</b>	<b>Suffix</b>		
<b>Date of Birth</b> <small>(DD/MM/YYYY)</small>	<b>Place of Birth</b>	<b>Date of Death</b> <small>(DD/MM/YYYY)</small>	<b>Gender</b>	<b>Voter Registration # (if known)</b>	
<b>Voter Registration Address (as it appears on the voters' list)</b>					
<b>Number and/or Street Name</b>		<b>City</b>	<b>State</b>	<b>Zip Code</b>	

<b>Person Providing Information</b>			
<b>Last Name</b> (Please Print)	<b>First Name</b>	<b>Middle Name</b>	<b>Suffix</b>
<b>Residential Address</b>		<b>Relationship to voter:</b> <b>(Required, please check one)</b>  <div style="text-align: right;"> Spouse <input type="checkbox"/>  Parent <input type="checkbox"/>  Child <input type="checkbox"/>  Grandparent <input type="checkbox"/>  Grandchild <input type="checkbox"/>  Great-Grandchild <input type="checkbox"/>  Great-Grandparent <input type="checkbox"/>  Sibling <input type="checkbox"/>  Legal Guardian <input type="checkbox"/>  Legal Personal Representative <input type="checkbox"/>  General Registrar or Deputy Registrar <input type="checkbox"/>  Registrar <input type="checkbox"/> </div>	
<b>Number and Street Name</b>			
<b>City</b>	<b>State</b>		
<b>Signature</b> X _____		<b>Date Signed</b>	
<b>Signature (Required)</b>			

**WARNING:** Intentionally making a materially false statement on this form constitutes the crime of elections fraud, punishable under the Virgin Islands Laws.



FORM NO. 27A  
GOVERNMENT OF THE VIRGIN ISLANDS  
ELECTIONS ACT  
(Sections 45B(1) and 45I(1))

	<b>GOVERNMENT OF THE VIRGIN ISLANDS ELECTIONS ACT</b>	Form No. <span style="border: 1px solid black; padding: 2px 10px;"> </span> Section <span style="border: 1px solid black; padding: 2px 10px;"> </span>
<b>ABSENTEE BALLOT APPLICATION</b>		

- Please note that only one application may be placed in the same envelope.
  - Please note that a copy of your photo identification must be submitted with this application.
- If someone helps you complete this form, or emails or delivers this form for you, that person must complete the Witness/Assistance Box 11 below. The email address is [elections@gov.vi](mailto:elections@gov.vi). The form must be submitted by the respective deadline. Electronic signatures are not permitted. If you have any questions, please call the Office of the Supervisor of Elections at (284) 468-4380.

<b>VOTER INFORMATION</b>					
<b>1</b>	Please Print (as listed on registration) Last Name	First Name	Middle	Suffix	
<b>2</b>	Date of Birth (DD/MM/YYYY)				
<b>3</b>	Address at which you are registered to vote	Street/Neighborhood		Island	Electoral District
<b>4</b>	Email				
<b>5</b>	Contact Number(s)	Home/Cell #	Work Tel #		
<b>6</b>	Identification NHI Number OR other form of Government Issued ID (ID Type and ID Number)				
<b>FOR ALL REGISTERED VOTERS</b>					
<b>7</b>	I hereby make application for an absentee ballot so that may I may vote in the following election. <input type="checkbox"/> General Election <input type="checkbox"/> By- Election <input type="checkbox"/> Special Election (Specify)				
<b>8</b>	<b>I am applying for an absentee ballot because (check at least one box):</b> <input type="checkbox"/> Expected Absence from the Territory due to Work Assignment (employed by the Government of the Virgin Islands / Statutory Body) <input type="checkbox"/> Expected Absence from the Territory due to Work Assignment (employed by BVI registered firm). <input type="checkbox"/> Unable to leave home due to illness, physical incapacity or is a geriatric at home <b>AND:</b> (a) I am an elderly voter aged 65 or older; <b>OR</b> (b) I am a voter with a disability. <input type="checkbox"/> Expected employment shift assignment that coincides with polling hours at my regular polling station (e.g. boat charter). <input type="checkbox"/> Student at an educational institution outside the territory of my permanent residence. <input type="checkbox"/> Expected Absence from the Territory on advance polling and polling day seeking medical treatment (inclusive of giving birth). <input type="checkbox"/> A caregiver of a person who is unable to leave home due to illness, physical incapacity or is a geriatric at home. <input type="checkbox"/> A patient in the hospital or resident in an age care facility for at least one month prior to the dissolution of the House of Assembly. <input type="checkbox"/> A registered voter on remand or serving a sentence of less than 12 months.				
<b>9</b>	<b>Ballot Delivery Options:</b> <input type="checkbox"/> Overseas: deliver and return my voted absentee ballot by courier (e.g. FedEx, DHL, USPS, UPS) Mail my Ballot To: (For Electors Overseas) _____ <input type="checkbox"/> Vote at Mobile Polling Station <input type="checkbox"/> Within the Territory: pick up for, deliver to, and return for me my voted absentee ballot to the through a designated agent.				
<b>SIGN HERE</b>					
<b>10</b>	<b>Declaration of applicant:</b> "I do solemnly and sincerely declare that I am a qualified and a registered voter; and that the information contained in this application is correct to the best of my knowledge and belief, and should be accepted for all purposes as the equivalent of an affidavit. Should it contain any materially false statement, I shall be subject to the same penalties as prescribed by law".  If applicant is unable to sign because of illness, physical disability or inability to read, the following statement must be executed:  "I hereby state that I am unable to sign my application to be treated as an absentee elector without assistance because I am unable to write by reason of my illness, or physical disability, or because I am unable to read. In lieu of my signature, I have been assisted in making my mark and completing the form".  "I certify that the information given in this application is true, and I understand that giving false information in this application is a crime."  X _____ MARK _____ Date: ____/____/____				



IF SOMEONE HELPS YOU COMPLETE THIS FORM, OR MAELS, OR EMAILS OR DELIVERS THIS FORM FOR YOU, THAT PERSON MUST COMPLETE THE SECTION BELOW.

**Declaration by person who assists applicant:**

"I the undersigned do solemnly and sincerely declare that I assisted the above-named elector in the preparation of this application, and the above affidavit, and that the same was done in the presence of the applicant and on behalf of the applicant. Further, that in doing so, I did not influence the applicant in any way but accurately recorded thereon the wishes, information and reasons stated by the applicant. I further attest that the information contained in the above form is correct to the best of my knowledge and belief".

**Check one or both boxes below if you served as a Witness, an Assistant or both. All information below must be completed.**

**If the applicant is unable to make a mark, you must check this box. Do not sign for the voter in Box.**

☐ Witness - If you are acting as a Witness to the applicant's signature or mark or signing on the applicant's behalf, you must state your relationship to the applicant here: \_\_\_\_\_ **(Indicate Relationship)**

☐ Assistant - If you assisted the applicant in completing this application in the applicant's presence or mailed/mailed/mailed the application on behalf of the applicant.

**X** \_\_\_\_\_

Signature of Witness/Assistant

Print name of Witness/Assistant

FOR OFFICIAL USE ONLY		Reason for Rejection	Supervisor or of Elections Signature  Dated: _____	Polling Division	Ballot Mail Date	Officer Initials	Reason ballot replaced <input type="radio"/> Spoiled <input type="radio"/> Lost <input type="radio"/> Never Received Repl. Date _____
Registered Voter <input type="checkbox"/> Yes <input type="checkbox"/> No	Application Status <input type="checkbox"/> Approved <input type="checkbox"/> Rejected			Electoral District	Ballot Return Date		



FORM NO. 27B  
GOVERNMENT OF THE VIRGIN ISLANDS  
ELECTIONS ACT  
(Sections 45T, 45AA, 45AB and 45R(2))

ABSENTEE BALLOT LOG

Date of Election: 15/5/2023

Last Save Date: 8/24/2023

Instructions: Add new rows to the bottom, above the gray bar. Before sending to your provider, update the last save date. Please highlight new applications or changes to ballots since the last save date.

VOTER INFORMATION							
Electoral District	Polling Division	Address of Registration	Name (Last Name, First Name)	Voter Registration Number	Home Address	Voter Type	Application Type
			Duck, Daffy	6	123 Main St, DisneyWorld	Absentee	Education Overseas
			Mouse, Mickey	1	456 1st Ave, DisneyLand	Absentee	Medical Treatment Overseas
			Dawg, Goofus D.	2	789 W314232 28th Ave N, Epcot	Absentee	


APPLICATION INFORMATION						BALLOT INFORMATION	
Applicat Date	Application Source	Photo ID reviewed	Absentee Period	Ballot Delivery Method	Mailing Address is different than address of registration	Date Ballot Sent	Date Ballot Received
06/29/20	Online (email notice)		General Election	Mail	n/a	6/30/20	7/15/20
			By-Election	Designate Agent-collection			
07/01/20	Email	Exempt			123 Main St, DisneyWorld	7/1/20	7/28/20
07/28/20	In Person	Exempt	Special Election	Mail	n/a	7/28/20	

ELECTION DAY COMMENTS			CONTACT INFORMATION	
Reason for Rejected	Vote Recorded Voter No. A or Rejected	COMMENTS Ex: No longer in this electoral district, Deceased, 2nd ballot sent-wrong address, 2nd ballot sent-voted wrong, etc.	Phone Number (if provided)	Email Address (if provided)
Certificate Envelope compromised				

NOTE: INSERT ADDITIONAL ROWS ABOVE THE GRAY ROW  
TO MAKE SURE ALL DROPDOWNS ARE INCLUDED IN THE NEW ROWS



FORM NO. 27C  
GOVERNMENT OF THE VIRGIN ISLANDS  
ELECTIONS ACT  
(Section 45J(5))

		GOVERNMENT OF THE VIRGIN ISLANDS ELECTIONS ACT		Form No. _____ Section _____	
<b>APPLICATION FOR EMERGENCY ABSENTEE BALLOT</b>					
<small>• Please note that only one application may be placed in the same envelope. • Please note that a copy of your photo identification must be submitted with this application.</small>					
<small>If someone helps you complete this form, or emails or delivers this form for you, that person must complete the Witness/Assistance Box 14 below. The email address is <a href="mailto:elections@gov.vi">elections@gov.vi</a>. The form must be submitted by noon on the day before polling, the respective deadline. Electronic signatures are not permitted. If you currently reside within the territory and would like to use a designated agent to pick up, deliver to you, and return your voted absentee ballot on your behalf, if approved, please complete Part 1 of the Absentee Ballot Designation of Agent Form. If you have any questions, please call the Office of the Supervisor of Elections at (264) 498-5388.</small>					
<b>GENERAL VOTER INFORMATION</b>					
<b>1</b>	Please Print (as listed on registration) Last Name		First Name	Middle	Suffix
<b>2</b>	Date of Birth (DDMMYYYY)				
<b>3</b>	Address at which you are registered to vote		Street/Neighborhood	Island	Electoral District
<b>4</b>	Email				
<b>5</b>	Contact Number(s)	Home/Cell #	Work Tel #		
<b>6</b>	Identification NHI Number OR other form of Government Issued ID (ID Type and ID Number)				
<b>FOR ALL REGISTERED VOTERS</b>					
<b>7</b>	I hereby make application for an absentee ballot so that I may vote in the following election. <input type="checkbox"/> General Election <input type="checkbox"/> By- Election <input type="checkbox"/> Special Election (Specify) _____				
<b>8</b>	I will be unable to vote at my regular polling station on Polling Day because (check one reason): <input type="checkbox"/> I have a medical emergency. Complete the physical report below. The Physician's report must be signed by a physician. [If the physician's report is on the separate document, attach it to this application. This application may be delivered by a designated agent by hand.] <input type="checkbox"/> I am required by my employer under unforeseen circumstances within five (5) days before an election to be unavailable to vote at the polls on Polling Day. [The voter must deliver the application by hand to the Supervisor of Elections no later than noon on the day prior to Polling Day.] <input type="checkbox"/> I am a caregiver of a person who requires emergency treatment by a licensed physician within (5) days prior to the election. [The voter must deliver the application by hand to the Supervisor of Elections no later than noon on the day prior to election.]				
<b>9</b>	Only in the case of a medical emergency may a voter forward this application to the Supervisor of Elections. Also, in the case of a medical emergency, the voter's designated agent may hand this application to the Supervisor of Elections.  Name of Physician _____ Physician Signature _____ Date _____  <b>PHYSICIAN'S REPORT FOR MEDICAL EMERGENCY</b> _____ _____ _____				
<b>SIGN HERE</b>					
<b>10</b>	<b>Declaration of applicant:</b> "I do solemnly and sincerely declare that I am a qualified and a registered voter; and that the information contained in this application is correct to the best of my knowledge and belief, and should be accepted for all purposes as the equivalent of an affidavit. Should it contain any materially false statement, I shall be subject to the same penalties as prescribed by law."  If applicant is unable to sign because of illness, physical disability or inability to read, the following statement must be executed: "I hereby state that I am unable to sign my application to be treated as an absentee elector without assistance because I am unable to write by reason of my illness, or physical disability, or because I am unable to read. In lieu of my signature, I have been assisted in making my mark and completing the form." "I certify that the information given in this application is true, and I understand that giving false information in this application is a crime."  X _____ MARK _____ Date: ____/____/____				



IF SOMEONE HELPS YOU COMPLETE THIS FORM, OR MAELS, OR EMAILS OR DELIVERS THIS FORM FOR YOU, THAT PERSON MUST COMPLETE THE SECTION BELOW.

11

**Declaration by person who assists applicant:**

"I the undersigned do solemnly and sincerely declare that I assisted the above-named elector in the preparation of this application, and the above affidavit, and that the same was done in the presence of the applicant and on behalf of the applicant. Further, 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. I further attest that the information contained in the above form is correct to the best of my knowledge and belief".

**Check one or both boxes below if you served as a Witness, an Assistant or both. All information below must be completed.**

**If the applicant is unable to make a mark, you must check this box. Do not sign for the voter in Box.**

☐ Witness - If you are acting as a Witness to the applicant's signature or mark or signing on the applicant's behalf, you must state your relationship to the applicant here: \_\_\_\_\_ (Indicate Relationship)

☐ Assistant - If you assisted the applicant in completing this application in the applicant's presence or mailed/emailed/feeld the application on behalf of the applicant.

**X**

Signature of Witness/Assistant \_\_\_\_\_ Print name of Witness/Assistant \_\_\_\_\_

FOR OFFICIAL USE ONLY		Reason for Rejection	Supervisor of Elections Signature	Polling Division	Ballot Mail Date	Officer Initials	Reason ballot replaced <input type="radio"/> Spoiled <input type="radio"/> Lost <input type="radio"/> Never Received Rpl. Date _____
Registered Voter <input type="checkbox"/> Yes <input type="checkbox"/> No	Application Status <input type="checkbox"/> Approved <input type="checkbox"/> Rejected			Electoral District	Ballot Return Date		
			Date: _____				



FORM NO. 27D  
GOVERNMENT OF THE VIRGIN ISLANDS  
ELECTIONS ACT  
(Section 45L(4), (5))

OFFICE OF THE SUPERVISOR OF ELECTIONS

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ABSENTEE BALLOT: DESIGNATION OF AGENT FORM

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**Instructions:** Complete this form if you are within the Territory and not able to return an absentee ballot application and pick up your absentee ballot and would like to designate someone to do this for you. If you are unable to complete or sign this form without assistance, someone may assist you. The person assisting you must complete Part III: Certification of Assistance of this form.

You may select any individual to be your agent as long as the person is at least 18 year old and not a candidate on your ballot. The individual you name to pick up and deliver the absentee ballot to you must complete Part II of this form, and submit this form and a copy of a valid identification when your absentee ballot application is delivered to the Department of Elections.

**Part 1: The voter must complete this part.**

I designate the following person, who is at least 18 years old and not a candidate on my ballot, to act as my agent and:

Please check the appropriate box:

- ☐ Deliver my absentee ballot application by email. Deliver to and collect from me by the Department of Elections, my absentee ballot.
- ☐ Deliver my absentee ballot application, pick up my absentee ballot, deliver it to me, and return my voted absentee ballot to the Department of Elections through a designated agent.

Name of Agent: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email \_\_\_\_\_

Address \_\_\_\_\_

---

Name of Voter

Signature of Voter

Date



**Part II: The agent must complete this part.**

Under penalty of perjury, I hereby certify that I am at least 18 years of age and not a candidate on the voter's ballot. I also verify that I am acting as the voter's designated agent and will pick up and deliver the absentee ballot to the voter if the voter indicated above I will return that voted absentee ballot to the Department of Elections, deliver the voted absentee ballot to the Department of Elections.

\_\_\_\_\_  
Signature of Agent

\_\_\_\_\_  
Date

**If the agent is returning the absentee ballot, complete this section when the agent returns the voted ballot.** Under penalty of perjury, I certify that I am returning to the Department of Elections the voted absentee ballot for the voter for whom I am acting as an agent and have not altered the ballot.

\_\_\_\_\_  
Signature of Agent

\_\_\_\_\_  
Date

**Part III: Certificate of Assistance. If you need assistance completing this form, the person assisting you must complete this section.**

Under penalty of perjury, I certify that the voter named above, who requires assistance because of disability or inability to read or write, authorised me to complete this application for him/her. If the voter was unable to sign this application, I have printed the voter's name on the Signature of Voter Line, followed by my initials.

\_\_\_\_\_  
Signature of Assistant


\_\_\_\_\_  
Printed Name of Assistant

\_\_\_\_\_  
Date



FORM NO. 27E  
GOVERNMENT OF THE VIRGIN ISLANDS  
ELECTIONS ACT

(SECTION 45AC)

	GOVERNMENT OF THE VIRGIN ISLANDS ELECTIONS ACT		Form No. <input type="text"/>
	<b>ABSENTEE BALLOT PAPER AND BALLOT BOX ACCOUNT</b>		Section <input type="text"/>
Electoral District <input type="text"/> Polling Division <input type="text"/> Election <input type="text"/> Election Date <input type="text"/>			

**PART I (AFFIRMATION- OFFICE OF THE SUPERVISOR OF ELECTIONS)**

1. Number of ballot boxes received
2. Total number of Absentee Ballot Return Envelopes received
3. Number of blank ballots delivered
- X  Date: / /   
Signature
- X  Date: / /   
Signature

**PART II (ABSENTEE BALLOT TEAM - PRESIDING OFFICERS)**

4. Total number of Absentee Ballot Return Envelopes received
5. Number of Signature Envelopes received
6. Number of Signature Envelopes accepted
7. Less rejected ballots (must note on rejected ballot log)
8. Number of accepted signature envelopes, ballot secrecy envelopes
9. Number of original ballots for which duplicates were made
10. Less spoilt ballot papers
11. Total sent to Scanner
12. Number of unused ballot papers

**PART III (TABULATOR-SCANNER)**

- 13a. Ending Number on Scanner  14b. Total Received (5)  15a. Beginning Number on Scanner
- 15b. Minus Resolution  16a. Total Scanned  17b. Total Ballots  9. Difference (8a-8b)

Signature of Presiding Officer(s)

Created Sept. 2022



FORM NO. 37  
GOVERNMENT OF THE VIRGIN ISLANDS  
ELECTIONS ACT  
(Section 56A(1))

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**APPLICATION FOR REGISTRATION OF POLITICAL  
PARTIES**

---

Application No:.....

Date of Application:.....

TO: The Supervisor of Elections  
Department of Elections

.....  
.....  
.....  
(Address)

**We,** ..... (*name of the  
Leader*) and .....  
(*name of one other authorised representative*) (called the  
“applicants”) **JOINTLY APPLY** to the Supervisor of Elections  
for registration of ..... (*name of  
political party*), a political party that proposes to operate or  
function as a registered political party under the Elections Act.

**1. NAME OF THE POLITICAL PARTY AS STATED IN  
ITS CONSTITUTION**

(1.) Name of the party as stated in its constitution:
(2.) Previous name ( <i>List any other name under which the political party has operated</i> ):
(3.) Any other name by which the political party will be known ( <i>For example, an acronym or an abbreviated name</i> ):  <div style="text-align: center; margin-top: 20px;">N/A <input type="checkbox"/></div>



**2. YOUR POLITICAL PARTY'S ADDRESS:**

.....  
.....  
.....

**3. ADDRESS OF YOUR POLITICAL PARTY'S WEBSITE:**

.....

**4. YOUR POLITICAL PARTY'S CONSTITUTION:**

*Tick as applicable*

<b>Legal form</b>	<b>Type of constitution or governing document</b>
1. Company	Memorandum and articles of association or articles of incorporation*
2. Body corporate other than company	Charter, statute or other like instrument by which it is established
3. Unincorporated association	Constitution
4. Other ( <i>specify below</i> )	Other (specify below)
	* as originally framed and as altered by special resolution

**5. MAIN ACTIVITIES OF THE PARTY:**

..... ..... ..... ..... .....
---

**6. DELIVERY OF ACTIVITIES of the party:**

..... ..... ..... ..... .....
---



.....  
.....  
.....

**7. SLOGAN** of the party:

.....  
.....  
.....

**8. LOGO/SYMBOL** of the party, if any:

**9. COLOURS** of the party, if any:

.....

**10. ADDRESS OF THE HEAD OFFICE OF THE APPLICANT PARTY WHERE RECORDS ARE MAINTAINED AND TO WHICH COMMUNICATIONS MAY BE ADDRESSED:**

.....  
.....  
.....  
.....

**11. NAME AND CONTACT DETAILS OF THE LEADER OF THE PARTY:**

Name: *Title*      Mr./Mrs./Ms. ....  
*Surname* .....  
*First and Middle Names* .....  
Address .....  
Telephone number (.....) .....  
Cell number (.....) .....



Fax number (.....) .....  
E-mail address .....

**12.** The following person has been nominated to be designated as the authorised representative of the applicant party:

Name: Title Mr./Mrs./Ms. ....  
Surname .....  
First and Middle Names.....  
Address .....  
Telephone number (.....) .....  
Cell number (.....) .....  
Fax number (.....) .....  
E-mail address .....

Signature: .....

Position in the political party: .....

**13. SUPPORTING DOCUMENTS:**

We submit in support of this application the following:

*Tick if submitted*

- ☐ two copies of the constitution of the political party which shall include the matters referred to in section 56A(3);  
☐ the documents and information referred to in section 56A(2);  
and  
☐ the prescribed fee.

**14. SIGNATURE AND DECLARATION**

**DECLARATION**

We certify that the information submitted in this application is correct, to the best of our knowledge and belief.

We confirm that the information provided has been approved by the applicant party and we are authorised to submit this information.

(Leader)

Signature: .....



Name: .....

Date: .....

(Authorised Representative)

Signature: .....

Name: .....

Date: .....

**FOR OFFICIAL USE ONLY**

Date Application was received by the Supervisor of Elections  
...../...../.....  
(dd/mm/yyyy)

Checked by: Mr./Mrs./Ms. ....

Forms completed: Yes ☐ No ☐

Supporting Documents submitted: Yes ☐ No ☐

Constitution Yes ☐ No ☐

Audited financial statements (*where applicable*)  
Yes ☐ No ☐

Undertaking of a Political Code of Conduct  
Yes ☐ No ☐

Date decision was made ...../...../.....  
(dd/mm/yyyy)

If no, reason:

.....  
.....  
.....



..... ..... ..... ..... ..... .....
Date political party applied: ...../...../..... (dd/mm/yyyy)
Registration Certificate No: .....
Date certificate of approval was issued: ...../...../..... (dd/mm/yyyy)



FORM NO. 38  
GOVERNMENT OF THE VIRGIN ISLANDS  
ELECTIONS ACT  
(Section 56A(5), 56B(4))

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CERTIFICATE OF REGISTRATION AS A POLITICAL PARTY

---

Registration No.: .....

I certify that ..... whose particulars are set out in Part I below is registered as a registered Political Party/Independent Candidate under section 56 of the Elections Act in accordance with the conditions specified in Part II of the Schedule below.

SCHEDULE  
Part I  
*Particulars of Applicant*

1. Name of applicant .....
2. Abbreviated name of applicant .....
3. Reference Number .....
4. Address/ head office of the applicant where records are maintained and to which communications may be addressed .....
5. Any identifying slogan or logo of applicant .....
6. Any colour of applicant .....

Part II  
Conditions

Dated this ..... day of ..... 20....

.....  
(Name)  
Supervisor of Elections



FORM NO. 39  
GOVERNMENT OF THE VIRGIN ISLANDS  
ELECTIONS ACT  
(Section 56B(1))

---

APPLICATION FOR REGISTRATION OF AN INDEPENDENT  
CANDIDATE

---

Application No.: .....

Date of Application:.....

TO: The Supervisor of Elections  
Department of Elections

.....

.....

..... (Address)

I, .....  
(name of the Independent Candidate) of

.....  
(address of registration) (called the “applicant”) **APPLY** to the Supervisor of  
Elections for registration as an independent candidate.

**1. NAME OF CANDIDATE**

(1.) Name of the independent candidate:
(2.) Previous name (List any other name under which the independent candidate has operated):
(3.) Any other name by which the independent candidate will be known (For example, an acronym or nickname):
N/A <input type="checkbox"/>

**2. CANDIDATE ELECTORAL DISTRICT OF REGISTRATION**

--

**3. ELECTORAL DISTRICT CANDIDATE INTENDS TO  
CONTEST**

--



**4. SLOGAN** of the independent candidate, if any:

..... ..... ..... ..... .....
---

**5. LOGO/SYMBOL** of independent candidate, if any:

--

**6. COLOURS** of the independent candidate, if any:

..... .....
----------------

**7. ADDRESS TO WHICH COMMUNICATIONS MAY BE ADDRESSED:**

..... ..... ..... ..... ..... .....
--

**8. SUPPORTING DOCUMENTS**

I submit in support of this application the following –

*Tick if submitted*

- ☐ the documents and information referred to in Section 56B(2); and  
☐ any prescribed fee.

**9. SIGNATURE AND DECLARATION**

Declaration
-------------



I certify that the information submitted in this application is correct, to the best of my knowledge and belief.

I

( independent candidate):

Signature:

.....

Name:

.....

Date: .....

### FOR OFFICIAL USE ONLY

Date Application was received by the Supervisor of Elections

\_\_\_\_/\_\_\_\_/\_\_\_\_  
(dd/mm/yyyy)

Checked by: Mr./Mrs./Ms

\_\_\_\_\_

Forms completed:            Yes ☐            No ☐

Attachments submitted:    Yes ☐            No ☐

- Audited financial statements (where applicable) Yes ☐    No ☐

Date decision was made

\_\_\_\_/\_\_\_\_/\_\_\_\_

(dd/mm/yyyy)

If no, reason:



.....

Date Independent Candidate applied:

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

(dd/mm/yyyy)

Registration Certificate No: \_\_\_\_\_

Date certificate of approval was issued:

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

(dd/mm/yyyy)



FORM NO. 40  
GOVERNMENT OF THE VIRGIN ISLANDS  
ELECTIONS ACT

[Section 79A(2)(b)]

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**UNDERTAKING OF A POLITICAL CODE OF CONDUCT ON THE  
REGISTRATION OF A POLITICAL PARTY/INDEPENDENT  
CANDIDATE**

---

I/We, the undersigned, in our capacity as the President/Leader, Chairperson and  
General Secretary of the .....  
*(name of political party)*

hereby undertake to be bound by the Elections Act and any political code of conduct  
prescribed under the Elections Act.

Dated this ..... day of ..... 20 .....

\_\_\_\_\_  
(Name of President/Leader/Independent Candidate)

\_\_\_\_\_  
(Name of Chairperson)

\_\_\_\_\_  
(Name of General Secretary)



### **Schedule 3 amended**

#### **49. Schedule 3 to the principal Act is amended**

- (a) in paragraph 2 by inserting after subparagraph (vi) the following new subparagraph:

“(vii) All political parties, their members, supporters, and all candidates and their supporters recognize the authority of the Office of the Supervisor of Elections, the Royal Virgin Islands Police Force and other agencies in the administration of electoral processes and the enforcement of this Code.”;

- (b) by replacing paragraph 3 with the following new paragraph:

“3. This Code shall apply to political parties, candidates for elections, election agents for candidates and members and supporters of political parties and candidates in the case:

- (a) of a general election, from the date of publication of the dissolution of the House of Assembly until the swearing in of newly elected members; and
- (b) of a by-election, from the date of declaration of a vacancy until the swearing in of the elected member.”;

- (c) in paragraph 6 as follows:

- (i) by inserting after paragraph (l) the following new paragraph:

“(m) solicit votes or engage in electioneering activities through any social network or electronic means, including SMS, Facebook, WhatsApp, online publications, websites, or any other media forum, nor shall they convene or hold any public gathering, including rallies or motorcades, after 11:00 p.m. on the day before Advance polling day and polling day;” and;

- (ii) by redesignating paragraph (6) as subparagraph (1) and by inserting the following new subparagraph immediately after subparagraph (1) so redesignated:

“(2) From the time the House of Assembly is dissolved, or an elected member’s seat is declared vacant, or elections are announced by the Governor, no Ministers, elected members of political parties, or any other authority shall:

- (a) announce or promise any financial grants;
- (b) promise or commit to any construction of roads, facilities, or other infrastructural works; or
- (c) make any ad-hoc appointments in Government, Statutory Boards, or other Public Undertakings that may influence voters in favour of the party in power.”.



(d) by replacing paragraph 8 with the following:

“8. (1) All political parties, their members, supporters, and all candidates and their supporters and every candidate must co-operate

- (a) with other parties to avoid the risk of electoral-related conflict; in particular, they must endeavour not to call public meetings, marches or rallies that coincide with those called by another party or candidate contesting the election;
- (b) with the Department of Elections, the relevant Government agencies, and other authorities in the investigation of issues and allegations arising during the election period;
- (c) with the election authorities to protect and enhance their role to supervise and administer elections;
- (d) with law enforcement officers to maintain peace during the election period.

(2) For the purposes of this paragraph, “election period” means

- (a) in the case of a general election, from the date of publication of the dissolution of the House of Assembly until the swearing in of newly elected members; and
- (b) in the case of a by-election, from the date of declaration of a vacancy until the swearing in of an elected member.”.

(e) in paragraph 9(1) by replacing

- (i) the words “midnight, twenty-four hours” with the words “11:00 p.m.”; and
- (ii) in subparagraph (d), the words “200 meters” with the words “100 yards”.

Passed by the House of Assembly this       day of       , 2025.

Speaker.

Clerk of the House of Assembly.



## **OBJECTS AND REASONS**

This Bill seeks to amend the Elections Act (Revised Laws of the Virgin Islands 2013) (referred to in this Act as “the principal Act”).

Clause 1 sets out the short title and commencement.

Clause 2 would amend section 2(1) of the principal Act by providing for the term “competent witnesses” to apply to the entire Act and defining various new terms being introduced.

Clause 3 would amend section 2A by replacing the words “electronic tabulating system” with the words “electronic voting system”.

Clause 4 would amend the principal Act by inserting three new sections, namely sections 2B and 2C, which would seek to define for the purposes of registration under the principal Act, domicile, resident and ordinarily resident and section 2D, which would prescribe the manner of providing proof of residence when required by the principal Act.

Clause 5 would amend the principal Act by replacing the heading to Part II.

Clause 6 would amend the principal Act by inserting several new sections after section 4. The new sections would establish the Office of Elections, which is currently a unit under the Deputy Governor’s Office as a department of government. It would provide for the functions of the department, which shall include the following:

- the continuous registration of eligible voters;
- the regular revision of the voters’ roll;
- the registration of candidates for election;
- the facilitation of the conduct, observation, monitoring and evaluation of elections;
- reforms to improve voter access and participation and promote transparency, accountability, and integrity of electoral processes.

Clause 6 would also establish an elections advisory committee to advise the Supervisor of Elections on matters related to the Supervisor’s functions and the operations of the Department of Elections, including areas such as statutory compliance, operational efficiency, public policy and election operations, and initiatives. It would provide for the committee's membership, meetings, reports, etc.

Clause 7 would amend the principal Act by inserting a new heading Part IIA, immediately after section 4.



Clause 8 would amend section 6 of the principal Act by replacing references to Form No. 1 with Form No. 3 and by requiring applicants for registration to submit supporting documents, including a valid Virgin Islands passport with embossed seal or a Belonger card or Belonger Certificate. It would also empower the Supervisor of Elections to verify an applicant's address by conducting visits to the person at the address provided.

This clause would further provide for the registration of persons without a fixed or permanent address, including those residing in public spaces or shelters. Such applicants may be registered based on information sufficient to identify their electoral district or polling division. The Supervisor of Elections would be empowered to issue guidelines and procedures for verifying these applications, including acceptable forms of evidence and directions for completing the relevant form.

Clause 9 would amend the principal Act by inserting a new section 6A, which would provide for the continuous registration of qualified voters.

Clause 10 would amend the principal Act by repealing sections 7, 8 and 9, which provide for the appointment, duties and powers of enumerators.

Clause 11 would amend section 10(2) of the principal Act by removing the requirement to notify the Supervisor within ten days of omissions or mistakes to the provisional list.

Clause 12 would amend section 12 of the principal Act by replacing the references to Part II with Part IIA.

Clause 13 would amend section 13 of the principal Act by repealing subsection (4).

Clause 14 would amend the principal Act by inserting a new section 13A which would require certain public officers to supply specific information to the supervisor of Elections for the purposes of compiling and maintaining the voters list.

Clause 15 would amend section 14 of the principal Act by replacing Form No. 7 with a revised Form No. 3

Clause 16 would amend section 17 of the principal Act by providing for the revised Form No. 3 to be used for transferring registrations, it would also provide for a competent witness as defined in section 2 to act as a witness where a voter is applying for a transfer. In addition, the Supervisor of Elections would be able to require a voter to notify the supervisor of any change in his



or her registered particulars where the supervisor has reasonable grounds to believe that the voter is no longer ordinarily resident in his or her registered local electoral district or polling division. This clause would also provide for an application to transfer registration to be accompanied by proof of the new residence and providing false information in support of the application would be an offence.

Clause 17 would amend section 19 (1) of the principal Act by removing the ten days' time limit currently prescribed for notifying the Supervisor of omissions or errors related to the claimants name, address or occupation in the preliminary list.

Clause 18 would amend section 21 of the principal Act by redesignating the section as subsection (1) and by inserting a new subsection which would provide that where the Supervisor of Elections intends to make alterations to the preliminary by deleting the name of a person who is disqualified under section 68(3) of the Constitution or a person who is deceased, the Supervisor must publish notice in the *Gazette* and a locally published newspaper. The notice should request any information or reasons why the name listed should not be deleted.

Clause 19 would amend section 22 of the principal Act by redesignating the section as subsection (1) and inserting a new subsection (2) which would prescribe a Form for the purposes of subsection (1).

Clause 20 would amend the principal Act by inserting a new section 23A which would require certain persons to report the death of a registered voter which occurs outside of the Territory.

Clause 21 would amend section 26 of the principal Act by inserting two new subsections which would provide that a voter may only nominate or attest to the nomination of one candidate during the same nomination of candidate period. In addition, it would provide that a candidate, his or her nominees, and witness may be present at the nomination.

Clause 22 would amend section 30 of the principal Act by inserting a new subsection which would provide for the Supervisor of Elections to designate the public hospital, the prison, an aged care facility or a private home as a polling station.

Clause 23 would amend section 34 of the principal Act by replacing the words "electronic tabulating system" with the words "electronic voting system".

Clause 24 would amend section 36(2) of the principal Act to harmonise the manual voting procedures with the electronic system, ensuring that, in the



event of an electronic system failure, the manual voting system can be seamlessly implemented to maintain continuity of operations.

Clause 25 would amend section 36A of the principal Act to expand the scope of the current testing requirements, which are currently limited to equipment used for scanning and tabulating ballots, to include equipment which would support assistive voting technologies, such as electronic ballot displays, audio readers, and electronic ballot markers.

Clause 26 would amend the principal Act by repealing section 40.

Clause 27 would amend section 40A of the principal Act by providing for the proceedings at the poll using both the electronic and manual voting systems.

Clause 28 would amend section 41 of the principal Act by providing for the procedures for conducting the poll to be prescribed by regulations in addition to being prescribed under the principal Act.

Clauses 29 and 30 would amend the principal Act by repealing sections 43 and 43A.

Clause 31 would amend section 45 of the principal Act by replacing the words “electronic tabulating system” with the words “electronic voting system.

Clause 32 would amend the principal Act by inserting several new sections, namely sections 45A to 45AH, which would seek to introduce several voting methods.

“Section 45A would introduce curbside voting. Sections 45B to 45G would introduce and provide for the procedures related to mobile voting. Sections 45H to 45T would introduce and provide for postal voting. Mobile voting and postal voting would allow qualified persons to apply to the Supervisor to be treated as an absentee voter.

Sections 45U to section 45AE would provide for the procedures related to processing, counting or tabulating absentee ballots. It would also provide for challenges to absentee ballot procedure, and rejection of absentee ballots.

Sections 45AF and 45AH would provide for matters and procedures related to the use of electronic voting.”.

Clause 33 would amend section 46 of the principal Act by replacing the words “electronic tabulating system” with the words “electronic voting system.



Clause 34 would amend section 47 of the principal Act by providing for a person serving a term of imprisonment of less than twelve months to vote on advance polling day.

Clauses 35, 36, 37, 38, 39 and 40 would amend the principal Act by repealing sections 48, 48A, 50, 50A, 51 and 51A.

Clauses 41 and 42 would amend sections 51B and 54A of the principal Act by replacing the words “electronic tabulating system” with the words “electronic voting system.”

Clause 43 would amend the principal Act by inserting three new parts, namely Part IIIA, Part IIIB and Part IIIC, which would provide for the registration of political parties and independent candidates, and the regulation of donations to political parties and independent candidates. The new Parts would also require political parties and independent candidates to keep proper records and, to prepare and submit accounting statements, including audited statements. Political parties and independent candidates would also be required to notify the Supervisor of Elections of any change in the information provided at the time of registration. Further, the new parts would require the Supervisor of Elections to establish and maintain a register of political parties, and independent candidates.

Clause 44 would amend the principal Act by inserting section 78A, which would specify the requirements an electronic voting system must meet before being approved for use in an election.

Clause 45 would amend section 79 of the principal Act to facilitate remuneration to specified officers for overtime work performed to support the conduct of an election.

Clause 46 would amend section 79A of the principal Act to explicitly state that the Code of Conduct will apply to political parties and candidates and their members and supporters during elections or referendums. Additionally, it would require that all parties and candidates agree to the Code to be eligible to participate in any election.

Clause 47 would amend the principal Act by inserting several new sections, namely sections 79B, 79C and 79D. The new sections would provide for the Supervisor of Elections to enforce the Code of Conduct by issuing written warnings or fines where it is determined that a party or independent candidate has breached the Code of Conduct. In addition, section 79D would provide for establishing an Electoral Code of Conduct Enforcement Committee. The functions of the Enforcement Committee would include the following:

- investigating reported allegations or issues of breaches of the Code of Conduct;



- attending public meetings, rallies, listening to radio broadcasts, viewing social media and online sites to monitor whether defamatory statements are made against parties or candidates;
- ensuring that political parties and candidates focus on issues related to political manifestos.

Clause 48 would amend Schedule 2 to the principal Act by inserting a new Form 3 and deleting Forms 1, 2, 7, 9, 21A, 22A and 23. It would also provide for replacing forms No. 13, 15, 21, 22 and 30 and inserting several new forms which facilitate the new methods of voting, and the registration of a political party and independent candidates.

Clause 49 would amend Schedule 3 to the principal Act.

Governor.