

# SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 4541 of 31 January, 2019

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LEGAL NOTICE NO.020 OF 2019.

## PARLIAMENT ACT

### ELECTIONS (AMENDMENT) RULES 2019

In exercise of the powers conferred on him by section 25 of the Parliament Act, the Minister with responsibility for elections has made these Rules-

#### **Title.**

1. These Rules may be cited as the Elections (Amendment) Rules 2019.

#### **Commencement.**

2. These Rules come into operation on the day of publication.

#### **Amendment of Rules.**

- 3.(1) The Elections Rules are amended in accordance with the provisions of this rule.

- (2) In rule 2, for the table substitute-

“

<b>Proceeding</b>	<b>Time</b>
Publication of notice of election.	Working days before poll (deadline if not midnight) Not later than the twenty-eighth day before the day of election.
Publication of notice(s) inviting applications to be treated as a postal voter or to be entitled to vote by proxy.	No later than the twenty-eighth day before the day of election.
Delivery of nomination papers	Not later than noon on the twenty-first day before the day of election.
Despatch of notices of decisions on nomination and publication of statement as to persons nominated.	Not later than the twentieth day before the day of election.
Delivery of notices of withdrawal of candidature.	Not later than noon on the eighteenth day before the day of election.
Application to be treated as a postal voter.	Not later than noon on the eighth day before the day of election.
Production of Medical Certificate to vote under Rule 33.	Not later than the sixth day before the day of the election.

Application to be treated as a proxy voter.	Not later than noon on the sixth day before the day of election.
Notice of poll	Not later than the fifth day before the day of election.
Deadline for receiving applications for inclusion in the register.	Not later than 6.00pm on the sixth day before the day of election
Publication of Register of Electors.	Not later than 5 days before the day of the election.
Notice of appointment of polling or counting agents	Not later than the third day before the day of election.
Publication of absentee list, proxy list and list of postal voters.	Not later than second day before the day of election.
Appointment of observers under Rule 33.	Not later than the second day before the day of the election.
Deadline for emergency proxy applications.	Not later than 5 pm on election day
Last time to alter register due to clerical error.	Not later than 7 pm on election day
Polling	On the day of election.

”.

(3) For rule 14(2) substitute-

“(2) Each voter and proxy voter shall record the voter’s vote only in the polling station for the polling place to which the voter is allotted in the register of electors, with the exception of postal voters and absentee voters.”.

(4) Rule 15(2) is amended as follows-

(a) insert the following paragraph after paragraph (b)-

“(c) shall contain an appropriate security marking or unique identifying mark printed on the back”; and

(b) re-number existing paragraph’s (c) and (d) as paragraphs (d) and (e) respectively.

(5) For rule 16 substitute-

“16.(1) Every ballot paper shall contain an appropriate security marking or unique identifying mark which shall be referred to in these Rules as “the official mark”.

(2) The official mark shall be kept secret.”.

(6) Rule 21(3) is amended by-

- (a) by deleting paragraph (b) and re-numbering of paragraphs (c) and (d) as paragraphs“(b)” and “(c)” respectively; and
- (b) inserting in renumbered paragraph (c) the words “including the tendered votes list, the list of blind voters assisted by companions, the proxy list and the absentee list” immediately after the word “rules”.

(7) Rule 27(1) is amended by-

- (a) substituting “or any of them” for the words “or either of them”;
- (b) substituting the following for subparagraphs (a) and (b)-
  - “(a) Are you the person registered in the register of electors now in force as follows (*read the whole entry from the register*) ?
  - (b) Are you the person appointed as the proxy for the person registered in the Register as follows? ..... (reading the entry in the register)?
  - (c) Have you already voted at the present election in this or any other place?
  - (d) Have you already voted on behalf of the person who appointed you his or her proxy at the present election at this or any other voting station?”.

(8) For rule 29 substitute-

“29.(1) A ballot paper marked with the official mark shall be delivered to a voter or to a proxy voter who is on the proxy list who applies therefor, and immediately before delivery-

- (a) the number, name and description of the elector in respect of whom the vote is to be cast as stated in the copy of the register shall be called out and, in the case of a proxy vote, the name of the proxy voter as well;
  - (b) the number of the elector shall be marked on the counterfoil; and
  - (c) a mark shall be placed in the register against the number of the elector in respect of which a vote is to be cast to denote that a ballot paper has been received but without showing the particular ballot paper which has been received.
- (2) The voter or proxy voter, on receiving the ballot paper, shall forthwith proceed into one of the compartments in the polling station and there secretly mark the ballot paper and fold it up so as to conceal the vote, and shall then show to the presiding officer the back of the paper, so as to disclose the official mark, and put the ballot paper so folded up into the ballot box in the presence of the presiding officer.

(3) The voter or proxy voter shall vote without undue delay, and shall leave the polling station as soon as he or she has put the ballot paper into the ballot box.”.

(9) For rule 30 substitute-

“30. Subject to the provisions of rule 42, a voter or proxy voter in recording the voter’s vote shall place a cross in the square opposite the name of each candidate for whom a vote is to be entered.”.

(10) In rule 31(1)-

(a) in subparagraphs (a), (b) and (c) after the words “a voter” insert “or proxy voter”;  
and

(b) insert the words “or proxy voter” after “directed by the voter”.

(11) After rule 33 insert-

**“Proxy Voting.**

33A.(1) Notwithstanding any other provisions of these Rules, an elector who, being entitled to vote at the election applies to the returning officer by no later than noon on the sixth day before that election to vote by proxy at the election, shall if the returning officer is satisfied that the applicant meets all the requirements of Rule 33A (3) be entitled to vote by proxy at that election.

(2) A person entitled to vote by proxy at the election may so vote unless, before a ballot paper has been issued for the person to vote by proxy, the person applies to the returning officer for a ballot paper for the purpose of voting in person, in which case he or she may vote in person at the polling station allotted to him or her.

(3) Where a person applies to the returning officer to vote by proxy in the election the returning officer must grant the application if-

(a) the returning officer is satisfied that the applicant’s circumstances on the date of the election will be or are likely to be such that the applicant cannot reasonably be expected to vote in person at the polling station allotted to him or her;

(b) the returning officer is satisfied that the applicant is registered in the Register of Electors; and

(c) the application contains the applicant’s signature and date of birth and meets the other requirements set out in the Proxy Voting (Procedure) Rules.

(4) The returning officer may dispense with the requirement under sub-rule (3)(c) for the applicant to provide a signature if the returning officer is satisfied that the applicant-

- (a) is unable to provide a signature because of any disability the applicant may have;
  - (b) is unable to provide a signature because the applicant is unable to read or write; or
  - (c) is unable to sign in a consistent and distinctive way because of such disability or inability.
- (5) The returning officer must keep a record of those whose applications for proxy voting has been granted showing:-
- (a) their dates of births; and
  - (b) except in cases where the returning officer in pursuance of sub-rule (4) has dispensed with the requirement to provide a signature, their signatures.
- (6) An application to the returning officer to vote by proxy shall be in the form specified in Form I of the Schedule.
- (7) The returning officer shall by no later than noon two days before the election prepare, sign, publish and make available a list of those whose applications under rule 33A(1) to vote by proxy in that election has been granted, together with the names and addresses of those appointed as their proxies (which list is in these rules referred to as “the proxy list”).”.
- (12) Rule 36 is amended by the insertion of the words “or proxy voter” immediately after the words “A voter”.
- (13) Rule 40(4) is amended by inserting after the words “any person from seeing” the words “the official mark and”.
- (14) Rule 48 is amended-
- (a) in paragraph (c) by inserting the words “the proxy list,”, immediately after the words “the absentee list,”; and
  - (b) inserting the following paragraph after paragraph (f) -
    - “(g) the applications for registration to vote by post and proxy, the rejections of applications for registration and all packets (if any) sealed by the returning officer in accordance with the provisions of the Postal Voting (Procedure) Rules and the Proxy Voting (Procedure) Rules;”.

(15) The Schedule is amended as follows-

(a) in Form D for-

“No.

Elections of Members of the Parliament” substitute

“No.

(the official mark)

Election of Members of the Parliament”;

(b) in Form E, on each occasion the words “the voter” appear “substitute “the voter or proxy voter”.

(c) after Form H insert-

**GENERAL ELECTION [year]**  
**Application to Vote by Proxy at Election on [date]**

To the Returning Officer, Gibraltar.

(Please complete in **BLOCK LETTERS**)

<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2"><b>1 About you</b></td> </tr> <tr> <td style="width: 25%;">First names (in full):</td> <td></td> </tr> <tr> <td>Surname:</td> <td></td> </tr> <tr> <td>Date of birth:</td> <td></td> </tr> <tr> <td>Electoral Registration No:</td> <td></td> </tr> </table> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2"><b>2 My Proxy</b> (Who do you want to vote on your behalf.)</td> </tr> <tr> <td style="width: 25%;">Proxy's Name:</td> <td></td> </tr> <tr> <td>Proxy's Address:</td> <td></td> </tr> <tr> <td>Proxy's Date of Birth:</td> <td></td> </tr> <tr> <td>Proxy's Passport N° / ID card personal N° and Place of Issue:</td> <td></td> </tr> <tr> <td>Address to which the Proxy Poll Card is to be sent:</td> <td></td> </tr> <tr> <td>Proxy's Telephone No:</td> <td></td> </tr> <tr> <td>Proxy's Email Address:</td> <td></td> </tr> <tr> <td>Elector Registration No:</td> <td></td> </tr> </table>	<b>1 About you</b>		First names (in full):		Surname:		Date of birth:		Electoral Registration No:		<b>2 My Proxy</b> (Who do you want to vote on your behalf.)		Proxy's Name:		Proxy's Address:		Proxy's Date of Birth:		Proxy's Passport N° / ID card personal N° and Place of Issue:		Address to which the Proxy Poll Card is to be sent:		Proxy's Telephone No:		Proxy's Email Address:		Elector Registration No:		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td><b>3 Address</b> where you are registered to vote.</td> </tr> <tr> <td style="height: 60px;"></td> </tr> </table> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td><b>4 Reason for application</b> (Illness, working away, on a course, holiday please give full details.)</td> </tr> <tr> <td style="height: 60px;"></td> </tr> </table> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2"><b>5 Your declaration.</b> The details on this form are true and accurate. I have consulted the person named as my proxy and confirm that that person is capable of being and willing to be appointed to vote as my proxy.</td> </tr> <tr> <td style="width: 25%;">Your signature:</td> <td></td> </tr> <tr> <td>Date:</td> <td style="text-align: center;">Day / Month / Year</td> </tr> </table> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td><b>6 Your daytime telephone number or email.</b> (You do not have to give these but it may help us resolve any queries quickly.)</td> </tr> <tr> <td style="height: 40px;"></td> </tr> </table> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>If you are unable to provide a signature please state here the reason why you are unable to do so:-</td> </tr> <tr> <td style="height: 60px;"></td> </tr> </table> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;"><b>Helpline:</b> [telephone no.] <b>Email:</b> [email]</td> </tr> </table>	<b>3 Address</b> where you are registered to vote.		<b>4 Reason for application</b> (Illness, working away, on a course, holiday please give full details.)		<b>5 Your declaration.</b> The details on this form are true and accurate. I have consulted the person named as my proxy and confirm that that person is capable of being and willing to be appointed to vote as my proxy.		Your signature:		Date:	Day / Month / Year	<b>6 Your daytime telephone number or email.</b> (You do not have to give these but it may help us resolve any queries quickly.)		If you are unable to provide a signature please state here the reason why you are unable to do so:-		<b>Helpline:</b> [telephone no.] <b>Email:</b> [email]
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**7 Declaration By Medical Practitioner/Employer**

- \* I am properly qualified to support this application.
- \* I am not related to the person.
- \* I am over 18 years old.
- \* I am self-employed.

\* I am treating the applicant for long-term illness or disability, or the person is receiving care from me  
**OR**  
 \* I know the person applying / I am self-employed

(\* Please delete as applicable)

The information is true to the best of my knowledge and belief.

Signature:	
Date:	Day / Month / Year

**8 Proxy declaration**

I am capable and willing to be appointed to vote as the applicant's proxy.

Proxy's Signature:	
Date:	Day / Month / Year

**How do I apply to vote by proxy?**

1. Fill in the proxy vote application form.
2. Make sure you complete all sections of the form and supply your date of birth and signature.
3. Return your form as soon as possible to the address shown below.

**Electoral Registration Office**  
 Parliament House  
 156 Main Street  
 Gibraltar  
 GX11 1AA

Please note: That your application form must arrive at the electoral registration office by [time] on [date].

If you need more forms or have any questions about voting by post, go to [website] or contact us on [telephone no].

**Notes about this form**

**Your application DOES NOT have to be supported if;**

- you are applying because you are registered blind
- you are applying due to temporary illness, work commitments or away on holiday.

**Your application DOES have to be supported if;**

- you have a long term illness or disability which makes it difficult for you to vote in person.  
*(Your application must be supported by a registered medical practitioner or registered nurse. If you are in a residential home or sheltered housing, the matron, home care director or warden may support your application.)*
- your job, or that of your spouse, may take you away from home for long periods at a time (e.g. travelling salesman, long distance lorry driver)  
*(Your application must be supported by your employer or your spouse's employer. If you are self-employed, then the support must be 18 or over, know you and must not be related to you.)*

**Eligible Proxy's**

- a person who has or will have attained the age of 18 years as at the date of the election; and
- Your spouse, civil partner, parent, grandparent, brother, sister, child or grandchild or person appointed by way of a statutory declaration; and
- eligible to vote in the election in his/her own right and is entered in the register of electors; and
- a person willing and capable to act as my proxy.



Dated 31<sup>st</sup> January, 2019

F. PICARDO,  
Minister with responsibility for the elections.

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**EXPLANATORY MEMORANDUM**

The purpose of these rules is to provide for proxy voting and to make other consequential amendments including with regard to the time table for elections.

These rules also provide for ballot papers to be marked officially in a manner which is not embossed or perforated and to make consequential amendments in relation thereto.