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**POSTAL VOTING (PROCEDURE) RULES**

**This version is out of date**

**Subsidiary  
1983/067**

Rules made under s.25.

**POSTAL VOTING (PROCEDURE) RULES**

**(LN. 1983/067)**

**1.8.1983**

Amending enactments	Relevant current provisions	Commencement date
LN. 1983/106	r. 12(1), (2), Sch.	
1987/146	r. 5(1), (5), Sch.	5.11.1987
2019/022	r. 7(3)(a)	31.1.2019

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**ARRANGEMENT OF RULES**

Rule

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SCHEDULE.

Forms.

# Parliament

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## POSTAL VOTING (PROCEDURE) RULES

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### PART I. PRELIMINARY PROVISIONS

#### **Title.**

1. These Rules may be cited as the Postal Voting (Procedure) Rules.

#### **Interpretation.**

2. In these Rules, unless the context otherwise requires—

“elector” means an elector entitled to vote pursuant to the provisions of the Act at elections of members of the Parliament;

“postal voter” means an elector entitled to vote by post at an election;

“returning officer” means an electoral officer;

“the register” means the register of electors.

### PART II. APPLICATIONS

#### **List of Postal voters.**

3. Subject to the provisions of these Rules, the returning officer shall prepare and publish a list of postal voters for every election.

#### **Publication of notice inviting applications.**

4. Not later than the twenty-eighth day before the day of election, the returning officer shall publish a notice in one or more newspapers, and in such other way (if any) as the returning officer thinks best calculated to bring it to the attention of electors, inviting applications from electors seeking registration as postal voters.

#### **Application to be registered as a postal voter.**

5. (1) The provisions of this Rule apply in relation to applications for registrations in the list of postal voters made in pursuance of the provisions of rule 34 of the Elections Rules.

(2) *Omitted.*

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(3) The returning officer shall not grant or consider an application for registration otherwise than in accordance with the Act, the Elections Rules and these Rules.

(4) Every application to the returning officer under subrule (1) shall be made in writing in Form I in the Schedule.

(5) *Omitted.*

(6) The returning officer shall reject every application for registration received by him after 12 o'clock midday on the eighth day before the day of the poll.

(7) Where the returning officer rejects an application, he shall inform the applicant in writing of that fact and his reasons for doing so.

(8) If an applicant has dealt with his application form in such a manner that it cannot be considered for a determination, the returning officer shall reject the application and mark the form "Rejected". The returning officer shall issue another application form unless it could not be dealt with by the applicant and returned by him to the returning officer before 12 o'clock midday of the eighth day before the day of the poll.

(9) No appeal shall lie from any decision of the returning officer.

(10) Where the returning officer grants an application, he shall issue a ballot paper (hereinafter referred to as "a postal ballot paper") to the applicant in accordance with Part III of these Rules.

(11) The returning officer shall keep a list of postal voters and the addresses furnished by them as the addresses to which their ballot papers are to be sent. The list of postal voters shall be in such form as the returning officer may decide. The address to which a ballot paper is to be sent to a postal voter shall be placed opposite his name and address in the list of postal voters.

(12) As soon as the list of postal voters has been prepared, the returning officer shall publish it by making a copy thereof available for inspection at his office.

**One election only.**

6. An application for registration in the list of postal voters shall be for a particular election only.

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**PART III.****ISSUE OF POSTAL BALLOT PAPERS.****Issue of postal ballot papers.**

7.(1) No person other than—

- (a) the returning officer and his staff,
- (b) the candidates, and
- (c) the election agent—

shall be present at the issue of postal ballot papers unless so permitted by the returning officer.

(2) The returning officer shall give each election agent not less than twelve hours' notice of the time and place at which he will make an issue of postal ballot papers.

- (3)
  - (a) Each postal ballot paper issued shall be stamped with an official mark, and the name and number of the elector in the register shall be called out, and such number shall be marked on the counterfoil, and a mark shall be placed in the list of postal voters against the number of the elector to denote that a ballot paper has been issued to the elector but without showing the particular ballot paper issued.
  - (b) The number of a postal ballot paper shall be marked on the declaration of identity and ballot paper envelope sent with that paper.
  - (c) The declaration of identity shall be in the form specified in Form III in the Schedule.
  - (d) Where the returning officer is satisfied that two or more entries in the list of postal voters relate to the same elector, he shall not issue more than one ballot paper in respect of the same elector.
  - (e) The returning officer shall, in addition to the ballot paper, declaration of identity and envelope marked "B" for their return (hereinafter referred to as the "covering envelope"), send a smaller envelope marked "ballot paper envelope" bearing the number of the ballot paper and marked "A".

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- (f) Envelopes addressed to postal voters shall be counted and forthwith delivered by the returning officer to the Director of Postal Services who shall stamp with the post office date a form of receipt to be presented to the returning officer stating the number of envelopes so delivered, and shall immediately forward such envelopes by express registered mail for delivery to the persons to whom they are addressed.
- (g) The returning officer, shall, at the proceedings on the issue of postal ballot papers, or first issue if more than one, provide a ballot box or ballot boxes for the reception of the covering envelopes when returned by the postal voters.
- (h) Every such ballot box shall be shown open and empty to the agents present and shall then be locked by the returning officer and sealed with the seal of the returning officer and the seals of such of the agents as desire to affix their seals in such manner as to prevent its being opened without breaking the seal.
- (i) Every such ballot box shall be marked "Postal Voters' Ballot Box".
- (j) The returning officer shall make provision for the safe custody of every such ballot box.
- (k) The returning officer, as soon as practicable after the completion of the issue of the postal ballot papers, and in the presence of the agents, shall make up in separate packets—
  - (i) the marked copy of the list of postal voters; and
  - (ii) the counterfoils of those postal ballot papers which were issued –and shall seal such packets.
- (l) The sealed packet containing the marked copy of the list of postal voters may be opened by the returning officer for the purposes of a subsequent issue, and on completion of that issue the copy shall be again made up and sealed in accordance with the last foregoing paragraph.

**PART IV.****ACTION TO BE TAKEN BY POSTAL VOTER.**

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**Mode of voting.**

- 8.(1) Each postal voter shall receive –
- (a) one postal ballot paper;
  - (b) one declaration of identity;
  - (c) one ballot paper envelope; and
  - (d) one covering envelope.
- (2) The postal voter, on receipt of the documents shall–
- (a) sign the declaration of identity in the presence of a person known to him;
  - (b) secretly mark the postal ballot paper with a cross opposite the name of each candidate for whom he is voting;
  - (c) put the postal ballot paper in the ballot paper envelope and seal it;
  - (d) put the ballot paper envelope and the declaration of identity in the covering envelope and seal it; and
  - (e) return it to the returning officer to arrive before the close of the poll.
- (3) Where a postal voter is unable to complete the formalities and vote in accordance with the provisions of this Rule without the assistance of another person, the other person may do anything which is by these rules required to be done by the postal voter in connection with the giving of his vote but the assisting person shall not disclose the vote recorded.
- (4) Where a postal voter receives by mistake more than one postal ballot paper he shall return only one postal ballot paper to the returning officer.
- (5) Where a postal voter votes for more candidates than he is entitled so to do or places any sign or mark on the postal ballot paper by which he may be identified, the postal ballot paper shall be dealt with as a postal ballot paper in accordance with the provisions of rule 13.

**PART V.****RECEIPT OF POSTAL BALLOT PAPERS.**



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**Receipt of covering envelope.**

9. The returning officer shall, immediately on receipt of a covering envelope before the close of the poll, place it unopened in the postal voters' ballot box locked and sealed in accordance with rule 7.

**Opening of postal voters ballot box and covering envelopes.**

10.(1) Each postal voter's ballot box shall be opened by the returning officer in the presence of the counting agents at the counting of the votes.

(2) Notwithstanding the provisions of rules 40 and 42 of the Elections Rules, when each postal voters' ballot box has been opened, the returning officer shall count and note the number of covering envelopes, and shall then open each covering envelope separately.

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

(4) On opening a covering envelope, other than one to which subrule (3) of this rule applies, the returning officer shall first satisfy himself that the declaration of identity has been duly signed and authenticated and, if he is not so satisfied, he shall mark the declaration "rejected", attach thereto the ballot paper envelope or, if there is no such envelope, the ballot paper, and place it in the receptacle for votes rejected:

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

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

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(6) Where there is no ballot paper envelope or the ballot paper envelope has been opened under subrule (3) of this rule, the returning officer shall—

- (a) where the number on the declaration of identity duly signed and authenticated agrees with the number on the ballot paper, place the declaration in the receptacle for declarations of identity and the ballot paper in an envelope which shall then be sealed and placed in the receptacle for ballot paper envelopes; and
- (b) where the number on the declaration does not agree with the number on the ballot paper, mark the declaration “rejected”, attach thereto the ballot paper and place it in the receptacle for votes rejected.

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

- (a) where the number on the declaration agrees with the number on the ballot paper, place the declaration in the receptacle for declarations of identity and the ballot paper in an envelope which shall then be sealed and placed in the receptacle for ballot paper envelopes; and
- (b) where the number on the declaration does not agree with the number on the ballot paper or there is no ballot paper, mark the declaration “rejected”, attach thereto the ballot paper (if any) and place it in the receptacle for votes rejected.

(8) Except for the purposes of ascertaining under subrule (3) of this rule whether a ballot paper envelope contains a declaration of identity or under subrule (6) of this rule whether the number on the declaration agrees with the number on the ballot paper, the returning officer shall not open the ballot paper envelope before they are opened under rule 12.

**Sealing up of rejected votes and declarations of identity.**

11. On the conclusion of the proceedings under rule 10, the returning officer shall put the contents of the receptacle for votes rejected and the contents of the receptacle for declarations of identity into two separate packets and shall seal up such packets.

**Opening of ballot paper envelopes.**

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

(2) Where a ballot paper envelope does not contain a ballot paper, he shall mark the envelope “rejected”.

(3) Where the number on the ballot paper envelope agrees with the number on the ballot paper contained therein, he shall place the ballot paper in a receptacle (herein after referred to as “the receptacle for ballot papers”).

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

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

**Spoilt postal ballot paper.**

13.(1) Where a postal ballot paper has been dealt with in such manner that it cannot be used as a ballot paper, the spoilt postal ballot paper, the declaration of identity and ballot paper envelope shall be immediately cancelled.

(2) The returning officer, as soon as practicable after cancelling the said documents, shall make up the said documents in a separate packet and shall seal the packet; and if on any subsequent occasion documents are cancelled as aforesaid the sealed packet shall be opened and the additional cancelled documents included therein and the packet shall thereupon be again made up and sealed.

(3) The sealed packets shall be forwarded to the Registrar of the Supreme Court by the returning officer.

**Late envelopes.**

14. When any covering envelopes are received by the returning officer after the close of the poll, the returning officer shall put them unopened into a separate envelope, seal up such packet and forward it to the Registrar of the Supreme Court, and if on any subsequent occasion covering envelopes are received as aforesaid, the sealed packet if not already sent shall be opened and the additional documents included therein and the packet shall thereupon be again made up and sealed.

**PART VI.**  
MISCELLANEOUS.

**Abandoned poll.**

15.(1) Where a poll is abandoned or countermanded after postal ballot papers have been issued, the returning officer shall make up the covering envelopes and their contents in a packet and shall seal the packet and shall then forward the packet to the Registrar of the Supreme Court.

(2) Where any covering envelopes are received by the returning officer after the poll has been abandoned or countermanded, the returning officer shall put them unopened into a separate envelope, seal up such packet and forward it to the Registrar of the Supreme Court, and if on any subsequent occasion covering envelopes are received as aforesaid the sealed packet, if not already sent, shall be opened and the additional documents included therein and the packet shall thereupon again be made up and sealed.

**Declaration of secrecy.**

16.(1) Every person attending the proceedings on the issue of postal ballot papers shall make a declaration of secrecy in the form in subrule (2) before the issue of postal ballot papers.

(2) The declaration shall be as follows—

“I solemnly promise and declare that I will not do anything forbidden by the Parliament Act or related subsidiary legislation and shall not, except for some purpose authorized by law, communicate to any person any information obtained at the proceedings on the issue of postal ballot papers”.

**Voting only by post.**

17. No elector who is registered in the list of postal voters shall vote in an election otherwise than by post and pursuant to the provisions of these Rules.

**Reference to Election Rules.**

18. Except as otherwise provided in these Rules, the provisions of the Elections Rules shall apply.

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SCHEDULE.

Rule 5(4).

FORM I.

GIBRALTAR PARLIAMENT ACT.

APPLICATION TO BE REGISTERED AS A POSTAL  
VOTER AT ELECTION ON. ....

(Please complete in BLOCK LETTERS)

I, (full name ) of (full postal address in Gibraltar) being registered as an  
elector with electoral registration number . . . . . \* in the register of  
electors hereby apply to be treated as a postal voter at the election. . . . .  
. . . . . because I am unable on polling day to go in person to the  
polling station allotted to me owing to my temporary absence from  
Gibraltar.

Address to which ballot paper is to be sent. ....

.....  
.....

Name and address of relative resident in Gibraltar who may be contacted if  
further details are required.

Name. ....

Address. ....

Telephone number (if any). ....

Relationship to applicant. ....

Signature . . . . . Date . . . . .

\* Electoral registration number to be inserted in the case of persons making  
their application in Gibraltar.

FORM III.

Rule 7(3)(c)

GIBRALTAR PARLIAMENT ACT.

(Front of Form).

FORM OF DECLARATION OF IDENTITY.

Parliament Act.

Ballot Paper No. . . . . .

I (Full name in BLOCK LETTERS) hereby declare that I am the person to whom the ballot paper numbered as above was sent.

Voter's signature. . . . .

The voter, who is personally known to me, has signed (or marked) this declaration in my presence.

Witness's signature . . . . .

(See instructions on the back of this Form).

**(Back of Form).**

INSTRUCTIONS TO THE VOTER.

1. You must sign the declaration of identity in the presence of a person known to you.
2. You may vote for not more than ..... candidate(s).
3. Place a cross (x) on the right-hand side of the ballot paper opposite the name of each candidate for whom you vote. Do this secretly: if you cannot vote without assistance, the person assisting you must not disclose how you voted.
4. Put the ballot paper in the small envelope marked 'A' and seal it. Then put the envelope marked 'A', together with this declaration of identity, in the larger envelope marked 'B'. Return it without delay. The ballot paper, in

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order to be counted, must be received by the returning officer not later than the close of the poll which is 10pm on. . . . .

5. If you receive more than one ballot paper, remember that it is illegal to vote more than once at the same election.

6. At this election you cannot vote in person at the polling station.

7. If you vote for more than ..... candidate(s) or place any mark on the ballot paper by which you may afterwards be identified, your ballot paper will be void and it will not be counted.