

# SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 4853 GIBRALTAR Friday 14th May 2021

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LEGAL NOTICE NO. 263 OF 2021

## REFERENDUM ACT 2015

### REFERENDUM (VOTING) REGULATIONS 2021

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LEGAL NOTICE NO. 263 OF 2021

**REFERENDUM ACT 2015**

**REFERENDUM (VOTING) REGULATIONS 2021**

In exercise of the powers conferred on him by section 83(1) of the Referendum Act 2015 the Chief Minister has made these Regulations.

**Title.**

1. These Regulations may be cited as the Referendum (Voting) Regulations 2021 and come into operation on the day of publication.

**Interpretation.**

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

“Act” means the Referendum Act 2015;

“Absent Voter” means a person who is entitled to vote by proxy as provided for by regulation 39(1);

“absentee list” means a list made pursuant to regulation 36;

“counting agent” means a person appointed as such under regulation 56;

“counting clerk” means a person appointed as such under section 5(2) of the Act;

“covering envelope” means a covering envelope in respect of postal voting under Part 6;

“declaration of identity” means a declaration made pursuant to regulation 47(2)(a);

“list of persons refused voting papers” means a list made pursuant to regulation 20(2);

“list of voters assisted by companions” means a list made pursuant to regulation 25;

“list of votes marked by the Presiding Officer” means a list made pursuant to regulation 24;

“Minister” means the Chief Minister;

“postal voter” means a voter entitled to vote by post in the referendum;

“postal voters list” means a list made pursuant to regulation 45;

“postal voting paper” means a voting paper issued to postal voters under regulation 46;

- “proxy list” means a list made pursuant to regulation 42;
- “proxy voter” means a person voting as proxy for an Absent Voter;
- “Presiding Officer” means a person appointed as such under section 5(2) of the Act;
- “receptacle for declaration of identity” means a container which holds declarations of identity which have not been rejected under regulation 55 or 61;
- “receptacle for votes rejected” means a container which holds postal voting papers, voting paper envelopes and declarations of identity which have been rejected under regulation 55 or 61;
- “receptacle for voting papers” means a container which holds postal voting papers which have not been rejected under regulation 55 or 61;
- “receptacle for voting paper envelopes” means a container which holds voting paper envelopes which have not been rejected under regulation 55 or 61;
- “referendum” means a vote on a question which is put to voters in accordance with the provisions of the Act, following the making of an order under section 3 of the Act;
- “Referendum Administrator” means the person appointed as such under 5(1) of the Act;
- “Referendum Day” means the day appointed under section 4 of the Act;
- “Referendum Observer” means a person invited by the Government to observe the conduct and organisation of the referendum;
- “Referendum Officer” means any person who pursuant to the Act is appointed, either directly or by a person authorized under the Act, to discharge any function or duty in connection with a referendum held pursuant to the Act;
- “referendum period” means the period commencing on the day an Order is made pursuant to section 3 of the Act and terminating with the declaration of the result of the referendum;
- “Registration Officer” means a person appointed as such under section 5(3) of the Act;
- “Register” means the register of voters prepared under regulation 9;
- “Senior Counting Officer” means the person appointed as such under section 5(2) of the Act;
- “Senior Presiding Officer” means the person appointed as such under section 5(2) of the Act;

“tendered votes list” means a list made pursuant to regulation 29;

“tendered voting paper” means a voting paper issued pursuant to regulation 29;

“voter” means a person whose name appears on the Register;

“Voting Agent” means a person appointed as such under regulation 16;

“voting paper accounts” means a statement made under regulation 34;

“voting paper envelope” means an envelope containing a postal voting paper issued pursuant to Part 6;

“voting station” means a place appointed as such under regulation 10.

**PART 1**  
**Provisions as to time.**

**Time-table.**

3. The proceedings at referenda shall be conducted in accordance with the following time-table:-

<b>Proceeding</b>	<b>Time</b>
Order of Referendum	Not less than 40 days and not more than 100 days.
Publication of notice(s) inviting applications for Postal Voters.	Not later than 28 days before Referendum Day.
Publish Notice inviting applications for Proxy Voters	Not later than 28 days before Referendum Day.
Publication of Voters List	Not later than 21 days before Referendum Day.
Publish Notice of Voting the situation of every voting station the hours of voting the question on which a vote is to be cast	Not later than 14 days before Referendum Day.
Nominations for appointment of Voting Agents	Not later than 10 days before Referendum Day.
Nominations for appointment of Counting Agents	Not later than 10 days before Referendum Day.
Deadline for the receipt of applications for postal voting	Noon 10 days before Referendum Day.
Publication of Register of Voters	Not later than 7 days before Referendum Day.

Deadline for receipt of absentee voter applications	Not later than the 6 days before Referendum Day.
Deadline for receipt of proxy voter applications	Noon 6 days before Referendum Day.
Publication of absentee list	Not later than 2 days before Referendum Day.
Publication of proxy list	Day before Referendum Day.
Deadline for emergency proxy applications.	Before 5 pm on Referendum Day.
Voting	On Referendum Day.
Report to Parliament	Within three weeks of the Referendum.

**Computing of time.**

4. For the purposes of regulation 3, if the latest date by which an act or thing must be done be a Sunday or public holiday or the Saturday before or the Tuesday after Easter Sunday, such day shall be disregarded and the act or thing shall fall to be done not later than the day preceding, not being such an excluded day. The Referendum Administrator shall not be obliged to proceed with the counting of the votes on such excluded day but shall do so on the next following day not being also an excluded day.

**Hours of vote.**

5. The voting shall commence at nine o'clock in the morning and be kept open until ten o'clock in the evening of the Referendum Day and no longer.

**PART 2  
Registration as a Voter.**

**Voters list.**

6. The Registration Officer shall compile a voters list from official records available to him and shall publish such list no later than 21 days before a referendum by making copies thereof available for inspection at specified places to which the public have access and by such other means of publication as he may consider appropriate.

**Claims, objections and amendments.**

7.(1) Claims for inclusion, objections or amendments to the voters list may be made by giving notice thereof to the Registration Officer as in Form A, Form B or Form C in the Schedule, respectively.

(2) Any notice under subregulation (1) delivered to the Registration Officer after the tenth day before the Referendum Day shall be disregarded.

(3) The Registration Officer shall determine all claims for inclusions, objections and amendments to the voters list.

(4) When the Registration Officer is in any doubt as to whether a person is entitled to be included or excluded from the Register or whether an amendment should be made, he shall refer the matter to the Referendum Administrator who shall consider and decide the question and whose decision thereon shall be final.

(5) Claims and objections shall be made available for inspection in the Registration Officer's office until completion of the hearing of claims and objections.

### **Hearing of claims and objections.**

8.(1) On the hearing of a claim, the claimant and any person who has duly made an objection and on the hearing of an objection, the objector and the person objected to and, on the hearing of either, any other person who appears to the Registration Officer to be interested shall be entitled to appear and be heard.

(2) The right to be heard includes the right to make written representations.

(3) Any person entitled to appear may do so either in person or by any other person on his behalf.

(4) The Registration Officer may, at the request of any person entitled to appear or, if he thinks fit, without such a request, require that the evidence tendered by any person shall be given on oath and may administer an oath for the purpose.

### **Register of voters.**

9.(1) The Register shall be framed in separate parts for each voting place and the name of each voter shall be entered in only one part of the Register to correlate with the voting place in which the voter resides.

(2) The names of voters shall be arranged in such manner as the Referendum Administrator may think fit.

(3) The voters in the Register shall be assigned a Registration Number.

(4) The Registration Number shall be unique to the voter for the purpose of the referendum.

(5) The Referendum Administrator shall publish the Register not later than 7 days before Referendum Day.

(6) The Register shall only be valid for the referendum for which it was compiled.

**PART 3**  
**Voting at the Referendum.**

**Appointment of voting stations.**

10. The Referendum Administrator shall appoint voting stations for each part of the Register.

**Notice of voting.**

11. The Referendum Administrator shall not later than 14 days before Referendum Day, and thereafter at such times as the Referendum Administrator deems appropriate, publish by such means of publication as he shall consider appropriate to bring it to the attention of the voters, a general notice specifying—

- (a) the situation of every voting station;
- (b) the hours of voting; and
- (c) the question upon which a vote can be cast at the referendum.

**Officers at voting stations.**

12.(1) There shall, in respect of each voting station, be a Presiding Officer and such number of clerks as may be necessary for the purposes of the referendum.

(2) The Presiding Officer shall have full authority and shall do everything to ensure the smooth conduct of voting in accordance with this Part.

(3) A Presiding Officer may, by the clerks appointed to assist him, do any act (including the asking of questions) which he is required or authorised by these Regulations to do at a voting station except order the arrest, exclusion or removal of any person from the voting station.

**Facilities at voting stations.**

13.(1) The Referendum Administrator shall—

- (a) ensure that in each voting station there are such number of compartments as may be necessary in which voters can cast their votes screened from observation;
- (b) furnish each Presiding Officer with such number of voting boxes and such voting papers as may be necessary;
- (c) provide each voting station with voting papers which shall contain an appropriate secret security marking or secret unique identifying mark;
- (d) provide each voting station with copies of the appropriate part of the Register.

(2) A notice as in Form D in the Schedule giving directions for the guidance of the voters in voting shall be printed and exhibited prominently outside every voting station and in every compartment of every voting station.

**Voting boxes.**

14. The voting boxes shall be so constructed that a voting paper may be put therein by a voter but may not be withdrawn by him or by any succeeding voter.

**Voting papers.**

15. Every voting paper shall be as in Form E in the Schedule and shall—

- (a) be capable of being folded up;
- (b) have a number printed on the back; and
- (c) have attached a counterfoil with the same number printed on the face.

**Voting Agents.**

16.(1) Not later than 10 days before Referendum Day—

- (a) any political party with representation in the Gibraltar Parliament shall be entitled to nominate persons as Voting Agents; and
- (b) any other political party or officially recognised referendum campaign organisation in Gibraltar may apply in writing to the Referendum Administrator to appoint Voting Agents nominated by them,

for the purposes of detecting impersonation at voting stations.

(2) Notice in writing of the Voting Agents nominated under subregulation (1)(a) and approved under subregulation (1)(b) stating their names and addresses, together with the voting station to which each has been assigned, shall be given by the Referendum Administrator to the relevant political parties and the officially recognised referendum campaign organisations.

(3) No political party or officially recognised referendum campaign organisation shall have more than one Voting Agent at any voting station at any one time.

**Preparation of voting boxes.**

17. Immediately before the time fixed for the commencement of the voting each voting box shall be shown to such persons as may lawfully be present in the voting station to be empty before being locked and sealed and placed in the view of the Presiding Officer for the receipt of voting papers.

**Issue of voting paper.**

18. Every voter who is not registered as an absentee voter or a postal voter and every duly appointed proxy of an Absent Voter shall present himself to a clerk at the voting station, at which he is registered as being entitled to vote, or in the case of the proxy, at which the Absent Voter is registered as being entitled to vote, and the clerk if satisfied that such voter or the Absent Voter as the case may be is a person whose name appears on the part of the Register allotted to such voting station and that he or the Absent Voter as the case may be has not already voted shall deliver to the voter or to the proxy voter as the case may be a voting paper.

**Marking of voting paper, etc.**

19. Immediately before the clerk delivers a voting paper with an appropriate secret official mark to a voter or, in the case of an Absent Voter, a proxy voter-

- (a) the number, name and address of the voter, or in the case of a proxy voter, the Absent Voter as stated in the part of the Register allotted to the voting station shall be called out; and
- (b) a mark shall be placed against the number of the voter, or in the case of a proxy voter, the Absent Voter in the part of the Register allotted to the voting station to denote that the voting paper has been received by the voter or Absent Voter as the case may be.

**Questions to be put to voters.**

20.(1) The Presiding Officer may, and if so requested by a Voting Agent shall, require any person applying for a voting paper at the time of his application, but not afterwards, to produce means of identification and may at the time of such application, but not afterwards, require such person to answer the following questions, or any of them, that is to say-

- (a) Are you the person registered in the Register as follows?.....  
(reading the entry in 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 referendum at this or any other voting station?
- (d) Have you already voted on behalf of the person who appointed you his or her proxy at the present referendum at this or any other voting station?

(2) A voting paper shall not be delivered to any person who fails to comply, to the satisfaction of the Presiding Officer, with any requirement of such officer under subregulation (1), and the Presiding Officer shall record on the list of persons refused voting papers the names and the Registration Numbers of all such persons.

(3) Save as is by this regulation authorised, no enquiry shall be permitted as to the right of any person to vote.

**Voting procedure.**

21. A voter or proxy voter on receiving a voting paper shall go immediately into one of the compartments in the voting station and shall there secretly cast his vote by placing the symbol “X” inside the box indicating the option of his choice, folding the voting paper so as to conceal his vote or, in the case of the proxy voter, the Absent Voter’s vote and shall then show to the Presiding Officer the folded voting paper so as to disclose the official mark and shall then place the voting paper so folded into the voting box in the presence of the Presiding Officer.

**Identification marks on voting paper.**

22. No voter or proxy voter shall place on the voting paper any writing or mark by which he or, in the case of the proxy voter, the Absent Voter may be identified.

**Accidental destruction of voting paper.**

23. A voter or proxy voter who has accidentally dealt with his voting paper in such manner that it cannot be conveniently used as a voting paper may on delivering it to the Presiding Officer and on satisfying the Presiding Officer that it has been spoilt by accident, obtain another in place thereof and the spoilt voting paper shall be immediately cancelled.

**Votes marked by a Presiding Officer.**

24(1). A Presiding Officer, on the application of—

- (a) a voter or proxy voter who is unable by blindness or other physical cause to vote in the manner provided by this Part; or
- (b) a voter or proxy voter who declares orally that he is unable to read the voting paper,

shall cause the vote of the voter to be marked on the voting paper in the manner directed by the voter and the voting paper to be placed in the voting box.

(2) The name and Registration Number of every voter whose vote is marked in pursuance of this regulation and the reason why it is so marked, shall be entered on the list of votes marked by the Presiding Officer.

**Blind and other voters assisted by companions.**

25.(1) If a voter makes an application to a Presiding Officer to be allowed on the ground of blindness or other physical disability to vote with the assistance of another person by whom he is accompanied, the Presiding Officer shall grant the application if he is satisfied—

- (a) that the voter is unable to vote without assistance;

- (b) that the person accompanying the voter is himself entitled to vote at the referendum; and
- (c) by a written declaration made by the person accompanying the voter that such person has not previously assisted more than one other person to vote at the referendum.

(2) The name and Registration Number of every voter whose vote is cast in accordance with this regulation and the name and address of the companion shall be entered on the list of voters assisted by companions.

**Personal attendance.**

26. Save as otherwise provided in these Regulations, a vote may not be cast by a voter except by his attending in person at the voting station and casting his vote in accordance with this Part.

**Appropriate voting station.**

27. Save as otherwise provided by these Regulations, no person shall be permitted to vote except at the voting station appointed for that part of the Register in which his name appears.

**Officer on duty to be released to cast vote where registered.**

28. A Presiding Officer and a clerk carrying out duties in relation to the referendum shall be permitted to leave the voting station at which he is on duty in order to cast his vote at such time as the Presiding Officer considers to be reasonable and convenient.

**Tendered voting papers.**

29.(1) If a person representing himself to be a particular voter named in the Register applies for a voting paper after another person has voted as or for such voter, the applicant shall, on satisfactorily answering the questions set out in regulation 20, be entitled subject to the following provisions of this regulation, to mark a tendered voting paper in the same manner as any other voter.

(2) A tendered voting paper shall—

- (a) be of a colour differing from the other voting papers;
- (b) instead of being put into the voting box, be given to the Presiding Officer and endorsed by him with the name of the voter and his Registration Number and shall be set aside in a separate packet; and
- (c) shall not be counted by the Referendum Administrator.

(3) The name of the voter and his Registration Number shall be entered on the tendered votes list.

**Exclusion of unauthorised persons and order at voting stations.**

30. The Presiding Officer shall regulate the admission of voters and proxy voters to the voting station and exclude all other persons except the Referendum Administrator, Referendum Observers, Voting Agents, the Senior Presiding Officer, clerks, police officers on duty and any other person who has lawful reason to be admitted and such other persons as the Referendum Administrator may specifically authorise and subject to such conditions as he may impose, and the Presiding Officer shall keep order and ensure compliance with these Regulations at the voting station.

**Removal of persons misconducting themselves.**

31.(1) If any person misconducts himself at a voting station or fails to obey any lawful order of the Presiding Officer, he may by request of the Presiding Officer be removed from the voting station by a police officer.

(2) A person so removed shall not without the permission of the Presiding Officer again enter the voting station during Referendum Day.

**Interruption of referendum.**

32.(1) If the proceedings at any voting station are interrupted or obstructed by riot or open violence, the Presiding Officer shall forthwith inform the Referendum Administrator who may adjourn the proceedings until later in the day or until the following day after taking such precautions as are necessary to safeguard the voting boxes and voting papers and other requisites.

(2) If the voting is adjourned at any voting station to the following day, the hours of voting shall be the same as for the original day and reference in this Part to the closing of the voting shall be construed accordingly.

**Closing of voting station.**

33. When the prescribed hour for the closing of the voting has been reached the Presiding Officer shall declare that no more persons shall be admitted to the voting station and thereafter only the persons already inside the voting station shall be permitted to vote.

**Methods of dealing with voting boxes and voting papers.**

34.(1) As soon as practicable after the termination of voting the Presiding Officer shall, in the presence of any Referendum Observer or any Voting Agent in attendance, seal the voting boxes so as to prevent the introduction of additional voting papers and make up into separate packets sealed with his own seal and marked for identification:

- (a) the marked copies of the Register;
- (b) the counterfoils of the used voting papers;

- (c) the tendered voting papers;
- (d) the unused and spoilt voting papers placed together; and
- (e) the lists account which shall be comprised of the list of votes marked by the Presiding Officer; the list of voters assisted by companions; the tendered votes list; the absentee list, the proxy list, the postal voters list and the declaration made by the companions of voters,

and shall deliver the packets and voting boxes to the Referendum Administrator to be taken charge of by him.

(2) The packets shall be accompanied by the voting paper accounts prepared by the Presiding Officer showing the number of voting papers entrusted to him, and accounting for them under the heads of—

- (a) voting papers in the voting boxes;
- (b) the number of unused and spoilt voting papers; and
- (c) the number of tendered voting papers.

(3) After the voting papers account has been made up and before the packet is sealed for delivery to the Referendum Administrator a Voting Agent may verify the voting papers account and a Voting Agent by whom such verification is made shall sign his name on the voting papers account.

#### **PART 4** **Absentee Voting.**

##### **Request to be an absentee voter.**

35.(1) Notwithstanding any other provision of these Regulations, where not later than 6 days before Referendum Day, a voter so requests and satisfies the Referendum Administrator—

- (a) by the production of a medical certificate by a duly qualified medical practitioner that by reason of physical infirmity; or
- (b) by the production of a certificate from the Superintendent of Prison that by reason of incarceration;

he will be unable to leave his place of abode to go to a voting station on Referendum Day, that voter may in accordance with this regulation, during the hours of voting, vote at his place of abode instead of voting at a voting station.

(2) In this regulation ‘place of abode’ means any hospital, home, prison, institution, or similar place where a voter for the time being resides as a patient or an inmate.

(3) A request under this regulation and the relevant certificate in support of that request shall be as in Form F or G in the Schedule as the case may be.

(4) The Minister, after consultation with the Leader of the Opposition, may by Order published in the Gazette suspend with regard to a referendum the application of this Part 4 of the Regulations in which event absentee voting shall not be permitted with respect to that referendum.

**Absentee list.**

36. The Referendum Administrator shall publish, not later than 2 days before Referendum Day a list of the name and Registration Number of every voter who is entitled to vote under this Part.

**Absentee voting.**

37.(1) The Referendum Administrator shall appoint one or more Presiding Officers and such clerks as may be necessary for the purposes of this Part.

(2) The Referendum Administrator shall also appoint 2 persons to accompany every Presiding Officer appointed under subregulation (1) in the exercise of his functions under this Part.

(3) On Referendum Day within the hours of voting, each Presiding Officer appointed for the purposes of this Part shall attend at the place of abode of every voter whose name appears on the absentee list or, where more than one Presiding Officer is so appointed, at the place of abode of such of those voters as the Referendum Administrator may allocate to him, in order to receive the vote of that voter or voters.

(4) The Presiding Officer shall not be obliged to remain to receive a vote where, on attending the place of abode of a voter on the absentee list, he is satisfied on reasonable grounds that the voter is not able to vote.

(5) The referendum shall not be invalid by reason of the inability of a Presiding Officer to attend at the place of abode of a voter on the absentee list within the time specified hours of voting.

(6) From the time that each Presiding Officer leaves the office of the Referendum Administrator to attend at the places of abode of voters on the absentee list until the time that he returns to the office of the Referendum Administrator he shall—

- (a) retain in his view and custody the voting box provided to him;
- (b) cause the aperture of the voting box to be kept covered at all times except when the voting paper of any such voter is being introduced; and

- (c) be accompanied by his clerks, a police officer, Voting Agents, and not more than two Referendum Observers who may wish to attend.

(7) No other person may accompany a Presiding Officer appointed for the purposes of this Part when he is attending at the place of abode of a voter on the absentee list or receiving such a vote:

Provided that the companion of a blind voter may be present in accordance with the provisions of these Regulations when that voter votes.

(8) It shall be the function of every Referendum Observer and Voting Agent, who accompanies a Presiding Officer under this regulation to the places of abode of voters on the absentee list to observe that the requirements of these Regulations are complied with impartially, but no Referendum Observer or Voting Agent shall speak to such a voter concerning the exercise of that voter's right to vote.

(9) Regulation 21 shall not apply to a vote under this Part but every absentee voter shall be allowed to mark his voting paper in secrecy, or with such secrecy as the circumstances reasonably permit, and shall then fold up the voting paper, show to the Presiding Officer the folded voting paper so as to disclose the official mark, and put the voting paper so folded into the voting box in the presence of the Presiding Officer.

#### **Completion of absentee voting.**

38.(1) Each Presiding Officer appointed for the purposes of this Part, with his clerks, police officer, Referendum Observers and Voting Agents (if any), shall proceed as expeditiously as possible in taking votes under this regulation and shall thereafter return directly to the office of the Referendum Administrator where he shall comply with the requirements of regulation 34 in the presence of the persons so accompanying him.

(2) Any Voting Agent may be present for the taking of votes under subregulation (1) and in the office of the Referendum Administrator when a Presiding Officer appointed for the purposes of this Part is complying with regulation 34.

(3) No voter whose name appears on the absentee list may vote in the referendum otherwise than at his place of abode and under this Part.

### **PART 5 Proxy Voting.**

#### **Application to Vote by Proxy.**

39.(1) Notwithstanding any other provision of these Regulations, a voter who owing to his circumstances on the date of the referendum will be or are likely to be such that he cannot reasonably be expected to vote in person at the voting station allotted to him on Referendum Day, may apply to the Registration Officer to be allowed to vote by proxy.

(2) Not later than 28 days before Referendum Day, the Referendum Administrator shall publish a notice in one or more newspapers, and by such other means of publication as he may consider appropriate, inviting applications from voters seeking to be allowed to vote by proxy in the referendum.

(3) An application to the Registration Officer to vote by proxy shall be made as in Form H in the Schedule.

(4) Subject to the provisions of regulation 40 the Registration Officer shall reject every application to be allowed to vote by proxy received by him after 12 o'clock midday 6 days before Referendum Day.

(5) Where the Registration Officer rejects an application he shall inform the applicant in writing of the fact and his reasons for doing so.

(6) If an applicant has dealt with his application form in such a manner that it cannot be considered for a determination, the Registration Officer shall reject the application and mark the form "Rejected". The Registration Officer shall issue another application form to the applicant unless it could not be dealt with by the applicant and returned to him by the deadline specified in subregulation (4).

(7) An appeal from the decision of the Registration Officer shall lie with the Referendum Administrator who shall consider and decide the question and whose decision shall be final.

(8) Where the Registration Officer or the Referendum Administrator grants an application for the appointment of a proxy he shall issue-

- (a) the voter with a proxy paper in the form set out in Part 1 of Form I of the Schedule; and
- (b) the appointed proxy with a Poll Card in the form set out in Part 2 of Form I of the Schedule.

**Additional requirements for an application for an emergency proxy vote.**

40.(1) Where an application in the form set out in Form J of the Schedule is made by an applicant to vote by way of proxy after noon on the sixth day before the referendum and before 5 pm on the day of the referendum and is made:-

- (a) on grounds relating to the applicants occupation, service or employment; or
- (b) on medical grounds;

the requirements of subregulations (2) or (3) as to matters to be specified and the attestation to be provided shall apply.

(2) Where an application is made under subregulation (1) on medical grounds the application shall specify the medical disability which prevents the voter from being unable or unlikely to vote in person and must be supported by an attestation from a person registered under the Medical and Health Act 1997 which must state-

- (a) the name of the person attesting the application;
- (b) his profession and position;
- (c) that he is a person acquainted with the applicant and their medical condition;
- (d) the medical condition suffered by the applicant and why their condition prevents them from voting in person; and
- (e) that he is a person authorised to make the attestation.

(3) (a) Where an application is made under subregulation (1) on grounds relating to the applicant's occupation, service or employment the application shall state-

- (i) where the applicant is self-employed, that fact; and in any other case, the name of the applicant's employer;
  - (ii) that the reason why the applicant will be unable or unlikely to be able to vote in person relates to the applicant's occupation, service or employment; and
  - (iii) the date on which the applicant became aware of that reason.
- (b) The application made under paragraph (a) must be attested and signed-
- (i) where the applicant is self-employed, by a person who is aged 18 years or over, knows the applicant and is not related to the applicant;
  - (ii) where the applicant is not self-employed, by the applicant's employer or by another employee to whom this function is delegated by the employer;
- (c) The person attesting the application made under paragraph (a) must certify that the statements and information attested to are true to the best of their knowledge and belief.

**Emergency Proxy due to a public health emergency.**

41. Where an application in the form set out in Form J of the Schedule is made by an applicant to vote by way of proxy after noon on the sixth day before the Referendum Day and before 5pm on the Referendum Day and is made on the grounds that the applicant cannot reasonably be expected to vote in person at the voting station allotted to him as a result of:-

- (a) following Gibraltar Government advice or the advice of a registered medical practitioner in relation to an emergency as defined in section 10(1) of the Civil Contingencies Act 2007; or
- (b) not being lawfully permitted to travel to Gibraltar before Referendum Day or upon travelling to Gibraltar having to quarantine on Referendum Day due to coronavirus restrictions;

the Referendum Administrator shall in the circumstances of the case set the requirements which the applicant has to satisfy for the purposes of the application made.

### **Proxy List.**

42.(1) Subject to the provisions of this Part, the Referendum Administrator shall the day before the referendum prepare and publish a list of those whose applications to vote by proxy in that referendum has been granted together with the names and addresses of those appointed as their proxies, which list is in this Regulation referred to as “the proxy list”.

(2) An application to be allowed to vote by way of proxy shall be for a particular referendum only.

### **Proxies.**

43.(1) Subject to the provisions of subregulation (3) any person is capable of being appointed to vote as proxy for another (“the Absent Voter”) in the referendum.

(2) The Absent Voter cannot have more than one person at a time appointed as proxy to vote for him or her at the referendum.

(3) A person is capable of being appointed to vote as proxy if-

- (a) he is or will have attained the age of 18 years as at the date of the referendum;
- (b) he is the spouse or civil partner or parent or grandparent or brother or sister or child or grandchild of the Absent Voter or a person appointed by way of a statutory declaration by the Absent Voter;
- (c) he is eligible to vote in the referendum in his own right; and
- (d) he is not subject to any legal incapacity (age apart) to vote in the referendum in his own right.

(4) Where an Absent Voter applies to the registration officer for the appointment of a proxy the registration officer must make the appointment if the application meets the requirements of this Part and that the proxy is capable of being, and willing to be appointed.

(5) Subject to the provisions of subregulation (8), where a proxy appointment is in force, the person appointed is entitled to vote as proxy for the Absent Voter.

(6) A proxy voter is not entitled to vote as proxy in the referendum on behalf of more than two Absent Voters.

(7) A person entitled to vote as proxy for an Absent Voter shall do so in person at the voting station allotted to the Absent Voter.

(8) An appointment made in accordance with subregulation (4) may be cancelled by the Absent Voter giving written notice to the Registration Officer and also ceases to be in force on the issue of a proxy paper appointing a different person to vote for the Absent Voter in the referendum. A notice cancelling a proxy's appointment shall be disregarded for the purposes of the referendum if it is received by the Registration Officer after 5 pm on the second day before the referendum.

(9) Where the appointment of a proxy is cancelled by notice given to the Registration Officer under subregulation (8) or ceases to be in force under that provision, the Registration Officer shall-

- (a) notify the person whose appointment as proxy has been cancelled or expired unless the Registration Officer has previously been notified by that person that he no longer wishes to act as proxy; and
- (b) remove his name from the proxy list.

### **Application Form.**

44.(1) An application to be entitled to vote by proxy must state-

- (a) the full name and date of birth of the applicant;
- (b) the address in respect of which the applicant is registered or has applied to be registered in the register;
- (c) the full name and address of the proxy together with his family relationship with or connection to the applicant;
- (d) the grounds on which the applicant claims to be unable to vote in person at the voting station allotted to him or her and thereby entitled to an absent vote;
- (e) the signature of the applicant or in the case of a person who is unable to provide a signature, the reasons for his request for a waiver of the requirement to provide a signature and the name and address of the person who has assisted him to complete his application form;
- (f) if it is signed only by the applicant, it must contain a statement by him that he has consulted the person to be appointed as proxy and that that person is capable and willing to be appointed to vote as his proxy or if it is also signed by the person to

be appointed it shall contain a statement by that person that he is capable of being and is willing to be appointed to vote as the applicant's proxy.

(2) The application must be in writing and must be dated.

(3) The names, signatures and dates of birth contained in an application must be set out in a clear and unambiguous manner.

(4) The Registration Officer may satisfy himself-

(a) that an application meets the requirements that it is signed by the applicant and states his date of birth by referring to any signature and date of birth previously provided by the applicant to the Government of Gibraltar which the Registration Officer is authorised to inspect for the purposes of his registration duties; and

(b) as to whether the applicant is unable to provide a signature or a consistent signature due to any disability or inability to read or write.

## **PART 6**

### **Postal Voting.**

#### **Postal voters list.**

45.(1) Notwithstanding any other provision of these Regulations, a voter may apply to the Referendum Administrator to be registered in the postal voters list.

(2) Subject to the provisions of this Part, the Referendum Administrator shall prepare and publish a list of postal voters list for the referendum by making a copy thereof available for inspection at his office.

(3) Not later than 28 days before Referendum Day, the Referendum Administrator shall publish a notice in one or more newspapers, and by such other means of publication as he may consider appropriate, inviting applications from voters seeking registration as postal voters.

(4) Every application to be registered as a postal voter shall be made as in Form K in the Schedule.

(5) The Referendum Administrator shall reject every application for registration received by him after 12 o'clock midday 10 days before Referendum Day.

(6) Where the Referendum Administrator rejects an application, he shall inform the applicant in writing of the fact and his reasons for doing so.

(7) Where the Referendum Administrator grants an application, he shall issue a postal voting paper to the applicant by sending the postal voting paper by post addressed to the applicant at the address specified in the application.

**Issue of postal voting papers.**

46.(1) No person other than—

- (a) the Referendum Administrator and his staff;
- (b) any Referendum Observers; and
- (c) Voting Agents,

shall be present at the issue of postal voting papers unless so permitted by the Referendum Administrator.

(2)(a) Each postal voting paper issued shall carry the same official mark as other voting papers issued to other voters and the name and Registration Number of the voter shall be called out and a mark shall be placed in the postal voters list against the Registration Number of the voter to denote that a postal voting paper has been issued to the postal voter but without showing the particular postal voting paper issued;

- (b) the number of the postal voting paper shall be marked on the declaration of identity and the envelope sent with that postal voting paper;
- (c) the declaration of identity shall be as in Form L in the Schedule;
- (d) the Referendum Administrator shall, in addition to the voting paper, declaration of identity and the covering envelopes marked 'B' for their return, send a smaller voting paper envelope marked as such, bearing the number of the postal voting paper and marked 'A';
- (e) envelopes addressed to postal voters shall be counted and forthwith delivered by the Referendum Administrator to the Post Office who shall date and stamp with the post office seal a form of receipt to be presented to the Referendum Administrator stating the number of envelopes so delivered and shall immediately forward such envelopes by mail for delivery to the persons to whom they are addressed;
- (f) the Referendum Administrator, as soon as practicable after the completion of the issue of the postal voting papers, and in the presence of those Referendum Observers and Voting Agents who wish to be present, shall make up in separate packets—
  - (i) the marked copy of the postal voters list; and
  - (ii) the counterfoils of those postal voting papers which were issued,

and shall seal such packets;

- (g) the sealed packet containing the marked copy of the postal voters list may be opened by the Referendum Administrator 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 subparagraph.

**Action to be taken by postal voter.**

47.(1) Each postal voter shall receive—

- (a) one postal voting paper;
- (b) one declaration of identity;
- (c) one voting paper envelope; and
- (d) one or two covering envelopes, as may be required.

(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 voting paper with the symbol ‘X’ inside the box underneath the option for which he is voting;
- (c) put the postal voting paper in the voting paper envelope and seal it;
- (d) put the voting paper envelope and the declaration of identity in the covering envelope of his choice and seal it; and
- (e) return it in accordance with the procedure in regulation 48.

(3) Where a postal voter receives by mistake more than one postal voting paper he shall return only one.

**Receipt of postal votes in London Office.**

48.(1) One of the two covering envelopes shall bear the address of the Gibraltar Government London Office and the other the address of the Referendum Administrator in Gibraltar to offer the postal voter a choice for the return of his postal voting paper.

(2) On receipt of a covering envelope at the Gibraltar Government London Office it shall be placed unopened in a sealed Postal Voter’s Box.

(3) Notwithstanding any other provision of these Regulations, any covering envelope received at the Gibraltar Government London Office after 12 o’clock midday on the day before Referendum Day shall not be placed in the Postal Voter’s Box and the postal voting paper therein shall not be counted.

(4) Arrangements shall forthwith be made to convey the Postal Voter's Box at the Gibraltar Government London Office, by a person appointed by the Referendum Administrator for the purpose, to Gibraltar in time for the counting of votes.

**Late envelopes.**

49. When any covering envelopes are received by the Gibraltar Government London Office after 12 o'clock midday on the day before Referendum Day, they shall be put unopened into a separate packet, sealed up and forwarded to the Referendum Administrator.

**Voting only by post.**

50. No postal voter shall be eligible to vote at any voting station or by any means otherwise than by post and pursuant to the provisions of this Part.

**Return of postal voting papers.**

51.(1) Where a postal vote has been returned in respect of a person who is entered in the postal voters list the Referendum Administrator must immediately on receipt (whether by hand or by post) place it unopened in a Postal Voter's Box.

(2) The Referendum Administrator shall prior to the use of any Postal Voter's Box show the same to the Voting Agents present as being empty. The Referendum Administrator shall then lock the Postal Voter's Box (if it has a lock) and apply his seal in such a manner as to prevent it being opened without breaking the seal; any of the Voting Agents present who wish to add their seal may do likewise.

(3) The Referendum Administrator shall take proper precautions for the safe custody of every Postal Voter's Box.

(4) Where an envelope, other than a covering envelope issued by the Referendum Administrator:-

- (a) has been opened; and
- (b) contains a covering envelope and/or postal voting papers;

the first mentioned envelope, together with its contents, shall be placed in a Postal Voter's Box without being read.

**Verification of postal voting papers.**

52. The Referendum Administrator shall give to each Voting Agent not less than 12 hours' notice in writing of each occasion on which a Postal Voter's Box and the envelopes contained in it is to be opened.

Such a notice shall specify—

- (a) the time and place at which such an opening is to take place; and
- (b) the number of Voting Agents that can attend each opening of a Postal Voter's Box and the envelopes contained in it.

**Postal boxes.**

53.(1) The Referendum Administrator shall provide a separate voting box for the reception of:

- (a) the covering envelopes when returned by the postal voters ("Postal Voter's Box"); and
- (b) postal voting papers ("Postal Voting Paper Box").

(2) Each such voting box shall be marked "Postal Voter's Box" or "Postal Voting Paper Box", as the case may be.

(3) The Postal Voting Paper Box shall be shown to the Voting Agents present on the occasion of opening the first Postal Voter's Box as being empty.

(4) The Referendum Administrator shall then lock the Postal Voting Paper Box (if it has a lock) and apply his seal in such manner as to prevent its being opened without breaking the seal; and any of the Voting Agents present who wish to add their seal may do likewise.

(5) The Referendum Administrator shall take proper precautions for the safe custody of every voting box and receptacle referred to in this regulation.

**Opening of Postal Voter's Boxes.**

54.(1) The Postal Voter's Boxes shall be opened by the Referendum Administrator in the presence of the Voting Agents.

(2) So long as the Referendum Administrator ensures that there is at least one sealed Postal Voter's Box for the reception of covering envelopes up to the time of the close of the poll, the other Postal Voter's Boxes may previously be opened by him.

**Opening of covering envelopes.**

55.(1) When the Postal Voter's Boxes have been opened, the Referendum Administrator shall count and note the number of covering envelopes, and shall then open each covering envelope separately.

(2) Where a covering envelope does not contain both a declaration of identity and either a voting paper envelope or, there being no voting paper envelope, a voting paper, the Referendum Administrator shall mark the covering envelope 'Rejected', attach thereto the contents (if any) of the covering envelope and place in the receptacle for votes rejected; and if the covering envelope does not contain the declaration of identity separately, the Referendum

Administrator shall open the voting paper envelope to ascertain if the declaration of identity is inside the voting paper envelope. If so, the Referendum Administrator shall:

- (a) satisfy himself that the declaration of identity has been duly signed and authenticated and proceed as per subregulation (5);
- (b) if he is not so satisfied, he shall mark the declaration of identity 'Rejected', attach thereto the voting paper envelope or, if there is no such envelope, the voting paper, and place it in the receptacle for votes rejected.

(3) On opening a covering envelope, other than one to which subregulation (2) applies, the Referendum Administrator shall 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 of identity 'Rejected', attach thereto the voting paper envelope or, if there is no such envelope, the voting paper, and place it in the receptacle for votes rejected:

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

(4) Where the number on the declaration of identity agrees with the number on the voting paper envelope, the Referendum Administrator shall place the declaration of identity in the receptacle for declaration of identity and proceed to open the voting paper envelope:

- (a) where the number on the voting paper envelope agrees with the number on the voting paper contained therein, he shall place the voting paper in the Postal Voting Paper Box;
- (b) where the number on the voting paper envelope does not agree with the number on the voting paper contained therein he shall mark the voting paper 'Rejected' and attach the voting paper envelope thereto.

(5) Where there is no voting paper envelope or the voting paper envelope has been opened under subregulation (2), the Referendum Administrator shall where : –

- (a) the number on the declaration of identity agrees with the number on the voting paper, place the declaration of identity in the receptacle for declarations of identity and shall place the voting paper in the Postal Voting Paper Box;
- (b) the number on the declaration of identity does not agree with the number on the voting paper, mark the declaration of identity 'Rejected', attach thereto the voting paper and place it in the receptacle for votes rejected.

(6) Where the number on the declaration of identity does not agree with the number on the voting paper envelope or the voting paper envelope has no number on it, he shall open the voting paper envelope and shall where :–

- (a) the number on the declaration of identity agrees with the number on the voting paper, place the declaration of identity in the receptacle for declarations of identity and shall place the voting paper in the Postal Voting Paper Box; and
- (b) the number on the declaration of identity does not agree with the number on the postal voting paper or there is no postal voting paper, mark the declaration of identity 'Rejected', attach thereto the postal voting paper (if any) and place it in the receptacle for votes rejected.

(7) On the conclusion of the proceedings, the Referendum Administrator shall:

- (a) seal the Postal Voting Paper Boxes; and
- (b) put the contents of the receptacle for votes rejected, the contents of the receptacle for declarations of identity, the voting paper envelopes and the voting papers marked 'Rejected' under the provisions of this regulation into separate packets and shall seal up such packets.

## **PART 7**

### **The Count.**

#### **Counting agents.**

56.(1) Not later than 10 days before Referendum Day,—

- (a) any political party with representation in the Gibraltar Parliament shall be entitled to nominate persons as counting agents; and
- (b) any other political party or officially recognised referendum campaign organisation in Gibraltar may apply in writing to the Referendum Administrator to appoint not more than two counting agents nominated by them;

to attend at the counting of the votes.

(2) Notice in writing of the appointment of counting agents stating their names and addresses shall be given by the Referendum Administrator to the relevant political party or to the officially recognised referendum campaign organisation.

#### **Counting of votes.**

57.(1) The Referendum Administrator shall make arrangements for counting the votes at a place to be determined by him in the presence of the Referendum Observers and the counting agents who wish to be present as soon as practicable after the termination of the voting and shall proceed continuously with the counting.

(2) Except with the consent of the Referendum Administrator who shall have sole charge of the counting, no person other than the Referendum Observers, Senior Counting Officer, counting clerks and counting agents shall be present at the counting of the votes.

**Counting of postal voting papers.**

58.(1) As soon as possible after the closing of the voting the following shall be delivered to the Referendum Administrator to be taken charge of by him:

- (a) The Postal Voting Paper Boxes;
- (b) The Postal Voter's Boxes remaining unopened;

(2) The Postal Voter's Boxes remaining unopened and the Postal Voting Paper Boxes shall be opened at the counting of the votes.

(3) The Referendum Administrator shall, in the presence of any Referendum Observers and counting agents who wish to be present, open each Postal Voting Paper Box one by one; he shall then proceed, assisted by the Senior Counting Officer and by the counting clerks, to count the voting papers in each Postal Voting Paper Box.

**Verification of voting paper accounts.**

59.(1) At the conclusion of the counting of the voting papers the Referendum Administrator shall proceed, in the presence of any Referendum Observers and counting agents who wish to be present, to verify each voting paper account given by the Presiding Officers by comparing such accounts with the total number of voting papers recorded by him and the unused and spoilt voting papers delivered to him, and shall draw up a statement as to the result of the verification which any counting agent may copy.

(2) After examination the Referendum Administrator shall re-seal the packets containing the unused and spoilt voting papers.

(3) The Referendum Administrator shall not open the sealed packets of tendered voting papers or the sealed packets containing the marked copies of the Register or the sealed packets containing the counterfoils of the used voting papers.

**Rejected voting papers.**

60.(1) Any voting paper—

- (a) which does not bear the official mark;
- (b) on which anything is written or marked by which the voter can be identified;
- (c) which is unmarked; or

- (d) which is marked otherwise than by means of the symbol 'X' in one of the spaces opposite one of the alternative options, or which is otherwise void for uncertainty,

shall, subject to the provisions of this regulation, be void and shall not be counted.

(2) Notwithstanding any of the provisions of these Regulations, a voting paper on which—

- (a) a vote is marked elsewhere than in the proper place;
- (b) a vote is marked by more than one mark; or
- (c) a vote is marked otherwise than by means of the symbol 'X';

shall not by reason thereof be deemed void (either wholly or as respects any vote) if an intention that the vote shall be for one or other of the alternative options clearly appears and the way the paper is marked does not of itself identify the voter and it is not clear that he can be identified thereby.

(3) The Referendum Administrator shall endorse the word 'Rejected' on any voting paper which under this regulation is not to be counted and shall add to the endorsement the words 'Rejection objected to' if an objection is made to such decision by a counting agent.

#### **Verification of the last Postal Voter's Box.**

61.(1) The Postal Voter's Boxes remaining unopened shall be opened by the Referendum Administrator in the presence of the counting agents at the counting of the votes.

(2) When the Postal Voter's Boxes have been opened, the Referendum Administrator 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 voting paper envelope or, there being no voting paper envelope, a voting paper, the Referendum Administrator shall mark the covering envelope 'Rejected', attach thereto the contents (if any) of the covering envelope and place in the receptacle for votes rejected; and if the covering envelope does not contain the declaration of identity separately, the Referendum Administrator shall open the voting paper envelope to ascertain if the declaration of identity is inside the voting paper envelope. If so, the Referendum Administrator shall:-

- (a) satisfy himself that the declaration of identity has been duly signed and authenticated and proceed as required by subregulation (6);
- (b) if he is not so satisfied, he shall mark the declaration of identity "Rejected", attach thereto the voting paper envelope or, if there is no such envelope, the voting paper, and place it in the receptacle for votes rejected.

(4) On opening a covering envelope, other than one to which subregulation (3) applies, the Referendum Administrator shall 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 of identity 'Rejected', attach thereto the voting paper envelope or, if there is no such envelope, the voting paper, and place it in the receptacle for votes rejected:

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

(5) Where the number on the declaration of identity agrees with the number on the voting paper envelope, the Referendum Administrator shall place the declaration of identity in the receptacle for declaration of identity and proceed to open the voting paper envelope. Where:-

- (a) the number on the voting paper envelope agrees with the number on the voting paper contained therein, he shall place the voting paper in the Postal Voting Paper Box;
- (b) the number on the voting paper envelope does not agree with the number on the voting paper contained therein, he shall mark the voting paper "Rejected" and attach the voting paper envelope thereto.

(6) Where there is no voting paper envelope or the voting paper envelope has been opened under subregulation (3), the Referendum Administrator shall—

- (a) where the number on the declaration of identity agrees with the number on the voting paper, place the declaration of identity in the receptacle for declarations of identity and the voting paper in the Postal Voting Paper Box; and
- (b) where the number on the declaration of identity does not agree with the number on the voting paper, mark the declaration of identity 'Rejected', attach thereto the voting paper and place it in the receptacle for votes rejected.

(7) Where the number on the declaration of identity does not agree with the number on the voting paper envelope or the voting paper envelope has no number on it, he shall open the voting paper envelope and shall where :-

- (a) the number on the declaration of identity agrees with the number on the voting paper, place the declaration of identity in the receptacle for declarations of identity and the voting paper in the Postal Voting Paper Box; and
- (b) the number on the declaration of identity does not agree with the number on the postal voting paper or there is no postal voting paper, mark the declaration of identity 'Rejected', attach thereto the postal voting paper (if any) and place it in the receptacle for votes rejected.

(8) On the conclusion of the proceedings, the Referendum Administrator shall put the contents of the receptacle for votes rejected, the contents of the receptacle for declarations of identity, the voting paper envelopes and the voting papers marked “Rejected” under the provisions of this regulation into separate packets and shall seal up such packets.

(9) The Referendum Administrator shall, assisted by the Senior Counting Officer and the counting clerks proceed to count the voting papers in the last Postal Voting Paper Box.

#### **Spoilt postal voting papers.**

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

(2) The Referendum Administrator, 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.

#### **The count.**

63. The Referendum Administrator at the conclusion of the counting of the votes shall record the total number of votes cast in favour of each option.

#### **Re-count.**

64. A counting agent may, if present when the counting or any recounting of the votes is concluded, require the Referendum Administrator to have the votes recounted or again recounted but the Referendum Administrator shall have power to refuse to do so if, in his opinion, the request is unreasonable.

#### **Declaration of result.**

65.(1) When the result of the voting has been ascertained, the Referendum Administrator shall—

- (a) forthwith declare at the place of counting the number of votes cast in favour of each option; and
- (b) report the result of the voting to the Government.

(2) The Referendum Administrator shall as soon as possible publish in the Gazette the result of the referendum and the number of votes cast in favour of each option.

**SCHEDULE**

**FORM A**

**REFERENDUM ACT 2015**

**CLAIM FOR INCLUSION IN THE REGISTER OF VOTERS**

Form No: \_\_\_\_\_

Full Name of Claimant:

Maiden Surname:

Identity Card Number:

Date of Birth:

--	--	--	--	--	--	--	--

Place of Birth:

Address:

Contact Telephone:

I declare that the information which appears on this form is correct to the best of my knowledge and belief.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Name and address of person  
applying on behalf of the  
Claimant:

Relationship to the  
Claimant:

**FORM B**

**REFERENDUM ACT 2015**

**FORM OF OBJECTION TO INCLUSION IN THE REGISTER OF VOTERS**

Form No: \_\_\_\_\_

**Registered as:**

Full Name of Objector:

Date of Birth:

--	--	--	--	--	--	--	--

Address:

I hereby give you notice that I object to the entry of:

As a voter (in accordance with the claim made in that behalf)

The grounds of my objections are:

I declare that the information which appears on this form is correct to the best of my knowledge and belief.

My contact telephone number is:

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Name and address of person claiming who is objecting to:

Relationship to the voter:

I am entered in the voters list as follows:

**FORM C**

**REFERENDUM ACT 2015**

**AMENDMENTS TO THE REGISTER OF VOTERS**

Form No: \_\_\_\_\_

**Registered as:**

Full Name of Voter:

Date of Birth:

--	--	--	--	--	--	--	--

Place of Birth:

Address:

**Change of Particulars:**

New Name:

New Address:

Other Amendments:

I declare that the information which appears on this form is correct to the best of my knowledge and belief.

My contact telephone number is:

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Name and address of person  
applying on behalf of voter:

Relationship to the  
voter (if any):

**FORM D**

**HOW TO VOTE**

1. The voter should see that the voting paper is marked with the official mark before it is handed to him.
2. The voter shall go into one of the compartments and, with the pencil provided in the compartment, place the symbol 'X' inside the box beside the alternative of his choice.
3. The voter will then fold up the voting paper and, on leaving the compartment, will, without showing the front of the voting paper to any person, and, in the presence of the Presiding Officer, put the voting paper into the voting box, and will forthwith leave the voting station.
4. If the voter inadvertently spoils a voting paper he can return it to the Presiding Officer who will, if satisfied of such inadvertence, give him another voting paper.
5. If the voter places any mark on the voting paper by which he may afterwards be identified, his voting paper will be void, and it will not be counted.

**FORM E**

**REFERENDUM ACT 2015**

**VOTING PAPER FOR THE REFERENDUM OF [DATE] ON [TITLE OF REFERENDUM]**

**QUESTION**

[...insert the Question—

- (a) as set out in the Order made pursuant to section 4(1)(b); or
- (b) as set out in the Government Motion...]

**YES**

**NO**

**FORM F**

**REFERENDUM ACT 2015**

**APPLICATION TO VOTE AS AN ABSENTEE VOTER**

To: The Referendum Administrator, Gibraltar

I, (full name)

.....

of (full postal address)

.....

.....

..

Date of Birth ..... Tel  
No.....

being a registered voter with Registration Number ..... on the Register of Voters hereby apply to vote at the Referendum on [*insert date*] at the following address.

.....

..

.....

....

The ground for my application is that I am unable by reason of physical infirmity to leave my place of abode to go to a voting station on that day.

Appended hereto is a medical certificate signed by a duly qualified medical practitioner in support of my application.

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

Signature

.....

Name of witness

.....

Address of witness

.....

I, ..... of .....  
..... being a duly qualified medical practitioner, hereby certify that by  
reason of physical infirmity, the above named.....  
will be unable to leave his/her place of abode to go to a voting station on [*insert date*].

Signed: .....

Date: .....

**FORM G**  
**REFERENDUM ACT 2015**  
**APPLICATION TO VOTE AS AN ABSENTEE VOTER**

To: The Referendum Administrator, Gibraltar

I, (full name)

of (full postal address)

Date of Birth ..... Tel No.....

being a registered voter with Registration Number ..... on the Register of Voters hereby apply to vote at the Referendum on [Insert Date] at the following address

The ground for my application is that I am unable by reason of incarceration to leave my place of abode to go to a voting station on that day.

Appended hereto is a certificate of incarceration signed by the Superintendent of Prison in support of my application.

Signed ..... Date .....

Name of witness .....

Address of witness .....

I, .....  
being the Superintendent of Prison, hereby certify that by reason of incarceration, the above named ..... will be unable to leave his/her place of abode to go to a voting station on [*insert date*].

Signed: .....

Date: .....

**FORM H**

**REFERENDUM ACT 2015**

**APPLICATION TO VOTE BY PROXY AT THE REFERENDUM ON [INSERT DATE]**

**Only one person can apply to vote by proxy using this form**

Please write in black ink and use CAPITAL LETTERS. When you have completed every section and signed the form yourself, send it to the Referendum Administrator, Parliament House, 156 Main Street, Gibraltar.

**1. About you**

First names (in full):	
Surname:	
Date of birth:	
Address where you are registered to vote:	
Telephone number:	
Email:	

**2. About your Proxy** (Who do you want to vote on your behalf?)

Proxy's Name:	
Proxy's Address:	
Family relationship (if any):	
Address to which the Proxy Poll Card is to be sent:	
Proxy's Telephone No:	
Proxy's Email Address:	

**3. Why do you want a proxy vote**

Please explain why you are not able to go to your voting station on Referendum Day

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**4. Your declaration.**

I have asked the person I have named as my proxy and confirm that they are willing and capable to be appointed to vote on my behalf.

As far as I know, the details on this form are true and accurate. I understand that to provide false information on this form is an offence, punishable on conviction by imprisonment for 6 months and/or a fine not exceeding level 3 on the standard scale, or to both.

Your signature:	
Date:	Day / Month / Year

**If you are unable to sign this form, please contact the Referendum Administrator**

**REFERENDUM ACT 2015**

**APPLICATION TO VOTE BY PROXY AT THE REFERENDUM ON [INSERT DATE]**

**Voting by Proxy**

- Proxy voting means that if you are not able to cast your vote in person, you can have someone you trust cast your vote for you.
- You can use this form to apply to vote by proxy for one particular referendum only.
- Both you and your proxy must be registered and eligible to vote.
- A person can only be a proxy for close relatives and up to two people at the referendum.
- Close relatives are the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the applicant.

**How do I vote by Proxy?**

- You must ask someone who is willing and capable to be your proxy to vote on your behalf.
- Fill in the proxy vote application form. You must give a reason why you want to vote by proxy, for example you may be abroad on holiday on Referendum Day.
- Make sure you complete all sections of the form and supply your date of birth and signature. You need to give your date of birth and signature on this application form. This information is needed to prevent fraud. If you are unable to sign this form, please contact the Referendum Administrator.
- Return your form to the Referendum Administrator, Parliament House, 156 Main Street, Gibraltar
- The deadline for changing or cancelling an existing proxy is [time], on [date]. Please visit parliament.gi for more information about deadlines.
- If you are not already registered to vote, you must register before applying for a proxy vote. The deadline to register to vote is [time], on [date].

**What happens after I return this form?**

- Your proxy must go to your voting station to vote.
- Your proxy will be sent a proxy poll card, telling them where and when to vote on your behalf.
- You should let your proxy know how you want them to vote on your behalf, for example, your preferred outcome.
- If it turns out that you are able to go to the voting station on Referendum Day, you can vote in person as long as your proxy has not already done so.

**Privacy Statement**

We collect information under the legal basis of a task carried out in the public interest, as set out in the Referendum Act and related regulations. We will look after personal information securely and follow data protection legislation.

We will not give personal information to anyone else, unless we have to by law.

The Referendum Administrator is the Controller. For further information relating to the processing of personal data you should refer to the privacy notice on the website at parliament.gi

**Helpline: [telephone number]  
Email: [email address]**

**FORM I**  
**REFERENDUM ACT 2015**  
**PART 1**  
**FORM OF PROXY PAPER**

<b>PROXY PAPER</b>	
REFERENDUM	
DATE OF NOTICE OF REFERENDUM: _____	
VOTING STATION: _____	
NAME OF PROXY: _____	
ADDRESS OF PROXY: _____	
<p>You have been appointed as proxy for _____</p> <p>(name of voter)</p> <p>who is registered at _____</p> <p>to vote for him/her in the above-mentioned Referendum.</p>  <p>Signature: _____ (Registration Officer)</p> <p>Date: _____</p>	

1. This proxy paper gives you the right to vote as proxy for the voter named above.
2. You may not vote as proxy in the referendum for more than two voters.
3. You must vote as proxy at the voting station allotted to the voter on whose behalf you are appointed. Shortly before voting day, you will be sent a proxy poll card telling you where the voting station is. Please take the poll card with you to vote as you cannot vote without it.
4. If you cannot vote in person at the voting station, please contact the Referendum Administrator at [telephone number] or [email address]

**PART 2**

**PROXY POLL CARD**

<b>PROXY POLL CARD</b>	<b>YOUR DETAILS</b>
REFERENDUM	PROXY'S NAME:
VOTING STATION: No	PROXY'S ADDRESS:
DATE OF REFERENDUM:	

<b>VOTING INFORMATION</b>	<b>YOU WILL RECEIVE A PROXY VOTE</b>
REFERENDUM DAY:	<p>The person named at the back of this card has appointed you as proxy to vote on their behalf at this Referendum.</p> <p>You do need to take this card with you to vote as you cannot vote without it.</p>
VOTING HOURS:	
YOUR VOTING STATION WILL BE:	

**PLEASE TURN OVER**

**Back of card**

<p>FOR THIS REFERENDUM YOU ARE PROXY FOR VOTER'S NAME:</p> <p>VOTER'S ADDRESS:</p> <p>VOTER'S NUMBER ON REGISTER:</p>
<p>The person you are proxy for can vote themselves if they wish BUT only if you have not already voted on their behalf.</p>
<p>If you need assistance please contact us at:</p> <p style="text-align: center;">Telephone No: [telephone number]; Email: [email address]</p>
<p style="text-align: center;"><b>HOW TO VOTE AS PROXY</b></p> <ol style="list-style-type: none"> <li>1. At the voting station, tell the staff that you are the proxy for the person named above. They will give you that person's voting paper.</li> <li>2. Go to one of the voting booths.</li> <li>3. Follow the instructions on how to mark the voting paper.</li> <li>4. Fold the voting paper and put it in the voting box.</li> </ol> <p>IF YOU NEED ANY HELP, JUST ASK THE STAFF.</p>

<p><b>IT IS AN OFFENCE TO:</b></p> <ul style="list-style-type: none"> <li>• Vote more than once at this Referendum unless you are voting on your own behalf and as a proxy for another person;</li> <li>• Vote as a proxy at this Referendum for more than 2 people;</li> <li>• Vote as a proxy for someone if you know that by law they are not allowed to vote;</li> </ul> <p>The Referendum Administrator issued this card. If undelivered return this card to:</p> <p style="text-align: center;">Gibraltar Parliament 156 Main Street Gibraltar GX11 1AA</p>
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**FORM J**

**REFERENDUM ACT 2015  
EMERGENCY APPLICATION TO VOTE BY PROXY ON REFERENDUM DAY  
[INSERT DATE]**

Please write in **BLACK INK** and use **BLOCK CAPITALS**. Please read the notes before completing this form.

1. Your name	
First names in full:	
Surname:	
Date of Birth:	

2. Address where you are registered to vote	3. Your Declaration
	As far as I know, the details on this form are true and accurate. I have asked the person named below who is willing and able to vote for me as proxy
	<p><b>Signature</b></p> <div style="border: 1px solid black; width: 200px; height: 50px; margin: 0 auto;"></div> <p>Date:</p>

4. Reason for application			
Please give details of your physical incapacity or the circumstances which prevent you from voting in person:			
Please give the date and time this happened:			
Please confirm the statement is true: (Tick box)	<input type="checkbox"/> I am self-isolating as a result of government or medical practitioner advice which I became aware of after 5pm on the sixth day before the poll.	When did you begin self-isolating?	Time: <input type="text"/> Date: <input type="text"/>

5. Proxy Details	
Please complete your proxy's details as fully as possible	
Name:	
Address:	
Family Relationship (if any):	

6. Proxy declaration			
I am capable and willing to be appointed to vote as the applicant's proxy.			
Proxy's signature:		Date:	

7. Support for this application by medical practitioner / employer	
To be completed by the Supporter as fully as possible	
Name of Supporter:	
Address of Supporter:	
Qualification of supporter:	
Date of voter's Incapacity/circumstance Preventing voting:	

8. Supporter's declaration	
<ul style="list-style-type: none"> <li>I am properly qualified to support this application.</li> <li>I am treating the applicant for a physical incapacity that has been sustained after the closing date.</li> <li>The person cannot reasonably be expected to go in person to the allotted voting station or to vote unaided there by reason of that incapacity.</li> <li>The information is true to the best of my knowledge and belief and the person's physical incapacity occurred on the date I entered in section 4.</li> <li>I am the employer of the person. I am self-employed.</li> </ul>	
Supporter's Signature:	
Date:	

9. Please return this form to:
<b>Referendum Administrator for Gibraltar, The Gibraltar Parliament, 156 Main Street, Gibraltar</b> <b>Helpline:</b> [telephone number]; <b>Email:</b> [email address]

**Notes:**

This application must only be used if you became physically incapacitated or will be absent in relation to occupation, employment or service or you are self-isolating and are applying not later than 5pm on [date of referendum].

- Section 1 Your first name(s) and surname
- Section 1 Your date of birth – if not completed, a vote by proxy cannot be granted
- Section 2 Your address on the Register of Voters
- Section 3 You must sign and date this section otherwise your application will be rejected
- Section 4 Give the details of your physical incapacity or self-isolation
- Section 5 Your proxy may sign this section but the proxy application can be allowed without their signature
- Section 6 Name and address of your appointed proxy, along with your family relationship to your proxy, if applicable
- Section 7 To be completed by a registered medical practitioner. If you are in a residential home or sheltered housing, the matron, home care director or warden may support your application. For occupation, service or employment reasons by your employer (or delegated employee); if self-employed by someone who knows but is not related to you.
- Section 8 Your supporter, if required, must sign and date this section otherwise the application will be rejected
  - Your Proxy must be eligible to vote in the Referendum.
  - A person may not act as proxy for more than two voters.

Published by the Referendum Administrator, The Gibraltar Parliament, 156 Main Street, Gibraltar.

**FORM K**  
**REFERENDUM ACT 2015**  
**APPLICATION TO VOTE AS A POSTAL VOTER**

To: The Referendum Administrator, Gibraltar

I, (full name).....

of (address in which you are registered to vote):

(Date of Birth) .....

hereby apply to be treated as a postal voter at the referendum on [*insert date*].

Address for voting paper (only required if different to the address where you are registered to vote)

Declaration: As far as I know, the details on this form are true and accurate.

I understand that to provide false information on this form is an offence, punishable on conviction by imprisonment for 6 months and/or a fine not exceeding level 3 on the standard scale, or to both.

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

**FORM L**  
**REFERENDUM ACT 2015**  
**DECLARATION OF IDENTITY**

<b>Voting paper no</b>	
------------------------	--

<b>I (Full Name BLOCK LETTERS)</b>	
------------------------------------	--

Hereby declare that I am the person to whom the voting paper numbered as above was sent.

<b>Voter's signature</b>	
--------------------------	--

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

<b>Witness' signature</b>	
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**INSTRUCTIONS TO THE VOTER**

1. You must sign the declaration of identity in the presence of a person known to you.
2. Place the symbol 'X' inside the box underneath the option for which you wish to vote. Do this secretly. If you cannot vote without assistance, the person assisting you must not disclose how you voted.
3. Put the voting paper inside the small envelope marked 'A' and seal it. Then put the envelope marked 'A', together with this declaration of identity, inside one of the larger envelopes marked 'B' with the address of the Office to where you wish to send your voting paper. Please note that the envelope addressed to the office in London requires a postage stamp to be affixed. Please post it without delay.
4. At this referendum you cannot vote in person at a voting station.

Dated: 14<sup>th</sup> May 2021.

F R PICARDO,  
Chief Minister.

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**Printed by the Gibraltar Chronicle Printing Limited  
Unit 3, New Harbours  
Government Printers for Gibraltar,  
Copies may be purchased at 6, Convent Place, Price. £2.75**