



FALKLAND ISLANDS

Referendum (Single Constituency) Ordinance 2020

(ORDINANCE No. 1 OF 2020)

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FALKLAND ISLANDS

Referendum (Single Constituency) Ordinance 2020

(assented to: 6 February 2020)
(commencement: on publication)
(published: 10 February 2020)

AN ORDINANCE

To provide for a referendum on the Single Constituency Bill; and for connected purposes.

ENACTED by the Legislature of the Falkland Islands —

1. Title

This Ordinance is the Referendum (Single Constituency) Ordinance 2020.

2. Commencement

This Ordinance comes into force on publication in the *Gazette*.

3. Interpretation

(1) In this Ordinance —

“**official leaflet**” means a leaflet meeting the requirements set out in Schedule 2;

“**postponement order**” means an order under section 5(1) to postpone the referendum to another date;

“**reference date**” means the date selected under paragraph 4(1) of Schedule 2;

“**referendum date**” means either —

(a) 26 March 2020; or

(b) if the Governor makes a postponement order, the date to which the referendum is postponed; and

“**Single Constituency Bill**” means the Bill for an Ordinance to provide for a single constituency for elections to the Legislative Assembly referred to in section 27(3) of the Constitution and which was published in the *Gazette* on 10 January 2020 and thus deemed to have been read a first time in the Legislative Assembly on that date.

(2) Expressions used in the Electoral Ordinance 1988 (or subsidiary legislation made under it) have the same meaning in —

- (a) this Ordinance;
- (b) a postponement order; and
- (c) subsidiary legislation made under section 22.

4. Referendum

A referendum on the Single Constituency Bill must be held on the referendum date.

5. Power to postpone referendum in exceptional circumstances

(1) The Governor may by order (“**a postponement order**”) postpone the referendum to a date which is at least six weeks after the date on which the order is published in the *Gazette*.

(2) Before making a postponement order, the Governor must be satisfied that —

- (a) exceptional circumstances make it necessary to postpone the referendum; and
- (b) subject to the requirement in subsection (1), the postponement is no longer than is reasonably necessary.

(3) A postponement order may include other provisions, including amendments to this Ordinance, that are consequential upon the postponement of the referendum.

6. Entitlement to vote

Anyone registered as an elector under the Electoral Ordinance 1988 on the referendum date is entitled to vote in the referendum.

7. Referendum question

(1) The question to be asked in the referendum is —

“Should there be two constituencies, Stanley and Camp, or should there be one constituency for the whole of the Falkland Islands?”

(2) Voters in the referendum may answer “There should be one constituency. I support the Single Constituency Bill” or “There should continue to be two constituencies. I do not support the Single Constituency Bill” by marking the corresponding box on the ballot paper (and that box only) with a cross.

8. Information for electors before referendum: official leaflet

- (1) The registration officer must take reasonable steps to ensure adequate publicity for the information contained in the official leaflet.
- (2) The registration officer must arrange for copies of the official leaflet to be distributed via the post office at least four weeks before the referendum date.
- (3) The registration officer may take other steps to publicise the contents of the official leaflet, including —
 - (a) distributing copies other than via the post office;
 - (b) displaying copies (or enlargements) as posters; and
 - (c) publishing it on the internet.

9. Information for electors before referendum: Single Constituency Bill

- (1) The registration officer must make adequate arrangements for —
 - (a) copies of the Single Constituency Bill to be made available for consultation by electors during the four weeks before the referendum date; and
 - (b) a copy of the Single Constituency Bill to be provided to each elector who requests one during that period.
- (2) Arrangements made under subsection (1)(b) may include providing electors with electronic versions of the Single Constituency Bill by e-mail as an alternative to providing paper copies.
- (3) The registration officer must take reasonable steps to ensure adequate publicity for the arrangements made under subsection (1).
- (4) The registration officer may take other steps to publicise the Single Constituency Bill, including —
 - (a) distributing copies in other ways;
 - (b) displaying copies (or enlargements) as posters; and
 - (c) publishing it on the internet.

10. Information for electors before referendum: voting arrangements

The returning officer must ensure that there is adequate publicity in advance for the arrangements for voting in the referendum.

11. Information for voters at point of voting

- (1) The returning officer must make arrangements for —
 - (a) a copy of the Single Constituency Bill to be made available for consultation by voters —

- (i) at each polling place;
 - (ii) during each visit made by a mobile polling team; and
 - (iii) during each visit made to an institution;
 - (b) copies of notices meeting the requirements set out in Schedules 3 and 4 to be displayed prominently —
 - (i) at each polling place;
 - (ii) during each visit made by a mobile polling team; and
 - (iii) during each visit made to an institution;
 - (c) copies of notices meeting the requirements set out in Schedule 4 to be displayed in each polling booth used in the referendum.
- (2) Presiding officers must take reasonable steps to comply with arrangements made under subsection (1).

12. Ballot papers

- (1) The ballot papers to be used in the referendum must meet the requirements set out in Schedule 1.
- (2) The colours to be used for the ballot papers are —
- (a) for the Camp constituency, green; and
 - (b) for the Stanley constituency, white.

13. Returning officer

- (1) The returning officer for each constituency has overall responsibility for that constituency for the conduct of the referendum.
- (2) The returning officer may —
- (a) appoint staff to assist in the conduct of the referendum;
 - (b) pay staff appointed under paragraph (a); and
 - (c) treat payments made under paragraph (b) as costs of the referendum.
- (3) The returning officer may issue directions or give instructions to staff.
- (4) Members of the returning officer's staff must take reasonable steps to comply with directions and instructions.

14. Chief Counting Officer

- (1) The Chief Executive is the Chief Counting Officer for the referendum (whether or not the Chief Executive is also the returning officer for either or both constituencies).
- (2) If the Chief Executive is unable to act as the Chief Counting Officer, the Governor may appoint another person to act as Chief Counting Officer.
- (3) The Chief Counting Officer has overall responsibility for the counting of votes in the referendum.

15. Counting officers

- (1) The Chief Counting Officer may appoint a counting officer for either or each constituency to assist in the counting of votes in the referendum.
- (2) The Chief Counting Officer may delegate functions (but not overall responsibility) to a counting officer.
- (3) The returning officer may issue directions or give instructions to counting officers.
- (4) Counting officers must take reasonable steps to comply with directions and instructions.

16. Other counting staff

- (1) The Chief Counting Officer or a counting officer may —
 - (a) appoint other counting staff to assist in the counting of votes in the referendum;
 - (b) pay staff appointed under paragraph (a); and
 - (c) treat payments made under paragraph (b) as costs of the referendum.
- (2) The Chief Counting Officer or a counting officer may issue directions and give instructions to counting staff.
- (3) Counting staff must take reasonable steps to comply with directions and instructions.

17. Counting observers: appointment

- (1) The Chief Counting Officer may appoint counting observers to observe —
 - (a) the counting of votes in the referendum; and
 - (b) the verification of the ballot paper accounts for the referendum.
- (2) The Chief Counting Officer must take reasonable steps to ensure that there are representatives from both Camp and Stanley among the counting observers.
- (3) The Governor may give directions to the Chief Counting Officer in relation to the appointment of counting observers.

(4) The Chief Counting Officer must take reasonable steps to comply with directions given by the Governor under subsection (3).

18. Counting observers: duties of Chief Counting Officer

(1) The Chief Counting Officer must ensure that counting observers appointed under section 17 have reasonable facilities for observing —

- (a) the counting of the votes; and
- (b) the verification of the ballot paper accounts.

(2) The Chief Counting Officer may not provide facilities to counting observers that would interfere with the orderly or efficient conduct of the count or the verification process.

(3) The Chief Counting Officer may impose reasonable requirements on counting observers in relation to their conduct during the count and the verification process.

(4) Counting observers must comply with requirements imposed under subsection (3).

(5) If a counting observer does not comply with a requirement imposed under subsection (3), the Chief Counting Officer may exclude that counting observer from the count and the verification process (but only if it is reasonable and proportionate to take that action).

19. Result of referendum

(1) The Chief Counting Officer must, for each constituency, ascertain and certify —

- (a) the number of ballot papers issued at the referendum;
- (b) the total number of votes validly cast;
- (c) the number of votes cast in support of the Single Constituency Bill;
- (d) the number of votes cast not in support of the Single Constituency Bill; and
- (e) the number of votes not validly cast.

(2) Subsection (3) applies if there is a difference for a constituency between —

- (a) the number of ballot papers issued at the referendum; and
- (b) the total of —
 - (i) the number of votes cast in support of the Single Constituency Bill;
 - (ii) the number of votes cast not in support of the Single Constituency Bill; and
 - (iii) the number of votes invalidly cast.

(3) If this subsection applies, the Chief Counting Officer must take reasonable steps to account for the difference.

20. Publication of referendum result

- (1) The Chief Counting Officer must arrange for the result of the referendum to be published in the *Gazette* as soon as reasonably practicable after the referendum.
- (2) The version of the result to be published in the *Gazette* must contain the information that the Chief Counting Officer must certify under section 19(1).

21. Application of Electoral Ordinance

- (1) Subject to subsection (2), the referendum must be conducted in accordance with the Electoral Ordinance 1988 (and subsidiary legislation made under it).
- (2) The Electoral Ordinance 1988 does not apply to the extent that —
 - (a) more specific provision is made in —
 - (i) this Ordinance;
 - (ii) a postponement order; or
 - (iii) subsidiary legislation made under section 22.
 - (b) the Electoral Ordinance 1988 (or subsidiary legislation made under it) is inconsistent with —
 - (i) this Ordinance;
 - (ii) a postponement order; or
 - (iii) subsidiary legislation made under section 22.

22. Subsidiary legislation

- (1) The Governor may by order or regulations make further or more specific provision for the conduct of the referendum.
- (2) The Governor may also make orders or regulations that are necessary or convenient for other purposes of this Ordinance.
- (3) Orders or regulations made under subsection (1) or (2) may modify the Electoral Ordinance 1988 for the purposes of the referendum.

SCHEDULE 1 - BALLOT PAPERS

section 12

1. Size of ballot papers

Each ballot paper used in the referendum must be —

- (a) at least 200 millimetres by 140 millimetres in size;
- (b) no more than 220 millimetres by 160 millimetres in size; and
- (c) as far as possible (allowing for reasonable tolerance), the same size as the other ballot papers used in the referendum.

2. Front of ballot paper

(1) The front of each ballot paper must be in (or substantially in) the following form —

REFERENDUM – 26 March 2020 CAMP/STANLEY CONSTITUENCY	
Should there be two constituencies, Stanley and Camp, or should there be one constituency for the whole of the Falkland Islands?	
There should be only one constituency. I support the Single Constituency Bill	
There should continue to be two constituencies. I do not support the Single Constituency Bill	
Vote only once by putting a CROSS (X) in the box next to your choice	

(2) The heading of the ballot papers to be used for each constituency must be amended to refer to that constituency.

3. Back of ballot paper

The back of each ballot paper must be blank apart from its serial number.

SCHEDULE 2 - OFFICIAL LEAFLET

section 8

1. Size of official leaflet

Every copy of the official leaflet must be at least 280 millimetres by 200 millimetres in size.

2. Front of official leaflet

The front of each copy of the official leaflet must be in (or substantially in) the following form —

**There is going to be
a referendum
on 26 March 2020**

You will be asked this question:

Should there be two constituencies, Stanley and Camp, or should there be one constituency for the whole of the Falkland Islands?

If you want **one** constituency and support the Single Constituency Bill mark the box next to that statement.

If you want **two** constituencies to continue and do not support the Single Constituency Bill mark the box next to that statement.

3. Back of official leaflet

The back of each copy of the official leaflet must be in (or substantially in) the following form —

How is the Assembly elected now?

There are two constituencies in the Islands:

- Camp, which elects 3 members to the Legislative Assembly
- Stanley, which elects 5 members to the Legislative Assembly

On [reference date], there were [260] electors in Camp and [1313] electors in Stanley

So, having these two constituencies means that there is:

- one member for every [87] electors in Camp
- one member for every [263] electors in Stanley

Single Constituency Bill

The Single Constituency Bill would amend the Constitution to replace the two constituencies with a single constituency. If it becomes law, voters throughout the Islands would elect all 8 members of the Legislative Assembly.

The Legislative Assembly can only pass the Single Constituency Bill if two-thirds or more of those voting in Camp and two-thirds or more of those voting in Stanley support the Bill. If that happens (and only if that happens), there could be a single constituency to elect all 8 members of the Legislative Assembly.

If more than a third of those voting in Camp or more than a third of those voting in Stanley oppose the Bill, the Bill cannot be passed and the two constituencies will continue.

The Legislative Assembly is not obliged to pass the Single Constituency Bill, regardless of the outcome of the referendum.

The Single Constituency Bill has been published in the *Falkland Islands Gazette*. If you want a copy of the Bill, you should contact the Registration Officer, either by phoning 27271 or by visiting the Registry in the Town Hall.

What about other issues?

The referendum on 26 March 2020 is only about whether there should be a single constituency. It will not lead to any other changes.

What happens next?

The referendum will be held on 26 March 2020. Information about when and where to vote will be announced nearer the time.

If you are registered to vote, you will be able to vote in the referendum. The final date for registering to vote in the referendum will be [insert date].

If you are entitled to vote but are not registered, you should register to make sure that you can have your say on this issue.

If you want to check whether or not you are registered to vote or if you have any queries about registering to vote, you should contact the Registration Officer, either by phoning 27271 or by visiting the Registry in the Town Hall.

4. Reference date

(1) The registration officer must select a date to be the reference date for the purposes of this paragraph and paragraph 5.

(2) The reference date must be a date within the four week period before the registration officer starts to distribute copies of the official leaflet.

(3) The reference date must not be more than three months before the referendum date.

(4) The reference in square brackets on the back of the official leaflet to the reference date must be changed to refer to the reference date selected under sub-paragraph (1).

5. Use of updated numbers in official leaflet

(1) Sub-paragraph (2) applies to the following numbers in square brackets on the back of the official leaflet —

(a) the number of electors in Camp;

(b) the number of electors in Stanley;

(c) the number of electors in Camp (to the nearest whole number) for which there is one member of the Legislative Assembly; and

(d) the number of electors in Stanley (to the nearest whole number) for which there is one member of the Legislative Assembly.

(2) The numbers to which this sub-paragraph applies must be changed to refer to the numbers that applied on the reference date.

SCHEDULE 3 - NOTICE TO BE DISPLAYED AT POLLING PLACES AND DURING VISITS BY MOBILE POLLING TEAMS AND DURING VISITS TO INSTITUTIONS

section 11

1. Size of notice

- (1) Every copy of the notice must be at least 280 millimetres by 200 millimetres in size.
- (2) At least one copy of the notice displayed at each polling place and during each visit by a mobile team must be at least 400 millimetres by 280 millimetres in size.

2. Form of notice

The notice must be in (or substantially in) the following form —

REFERENDUM – 26 March 2020

Information for Electors

Should there be two constituencies, Stanley and Camp or should there be one constituency for the whole of the Falkland Islands?

How is the Assembly elected now?

There are two constituencies in the Islands:

- Camp, which elects 3 members to the Legislative Assembly
- Stanley, which elects 5 members to the Legislative Assembly

On [reference date], there were [260] electors in Camp and [1313] electors in Stanley

So, having these two constituencies means that there is:

- one member for every [87] elector in Camp
- one member for every [263] elector in Stanley

Single Constituency Bill

The Single Constituency Bill would amend the Constitution to replace the two constituencies with one constituency. If it becomes law, electors throughout the Islands would elect all 8 members of the Legislative Assembly.

The Legislative Assembly can only pass the Bill if two-thirds or more of those voting in Camp and two-thirds or more of those voting in Stanley support the Bill. If that happens (and only if that happens), there could be a single constituency to elect all 8 members of the Legislative Assembly.

The Legislative Assembly is not obliged to pass the Single Constituency Bill, regardless of the outcome of the referendum.

If more than a third of those voting in Camp or more than a third of those voting in Stanley oppose the Bill,

the Bill cannot be enacted and the two constituencies will continue.

If you want to see a copy of the Bill before voting, please ask the person in charge.

If you want **one** constituency and support the Single Constituency Bill mark the box next to that statement.

If you want **two** constituencies to continue and do not support the Single Constituency Bill mark the box next to that statement.

3. Use of updated numbers in notice

(1) Sub-paragraph (2) applies to the following numbers in square brackets on the notice —

- (a) the number of electors in Camp;
- (b) the number of electors in Stanley;
- (c) the number of electors in Camp (to the nearest whole number) for which there is one member of the Legislative Assembly; and
- (d) the number of electors in Stanley (to the nearest whole number) for which there is one member of the Legislative Assembly.

(2) The numbers to which this sub-paragraph applies must be changed to the numbers that apply at the beginning of the closed period.

**SCHEDULE 4 - NOTICE TO BE DISPLAYED AT POLLING PLACES AND DURING
VISITS BY MOBILE POLLING AND DURING VISITS TO INSTITUTIONS (AND
ALSO IN POLLING BOOTHS)**

section 11

1. Size of notice

Every copy of the notice must be at least 280 millimetres by 200 millimetres in size.

2. Form of notice

The notice must be in (or substantially in) the following form —

REFERENDUM – 26 March 2020
How to Vote

BEFORE YOU VOTE, please read this notice carefully.

Make sure that your ballot paper is marked with the official mark.

Go into one of the compartments.

Using the pencil provided, mark one box on the ballot paper with a cross (X):

If you want one constituency and support the Single Constituency Bill, mark the box next to that statement.

If you want two constituencies to continue and do not support the Single Constituency Bill, mark the box next to that statement

DO NOT make any other mark on the ballot paper that would let anyone work out that it is your ballot paper. If you do, your ballot paper will not be counted.

If you make a mistake, take your ballot paper back to the person in charge. If the person in charge is satisfied that you have inadvertently spoilt a ballot paper, you will be given another ballot paper.

Fold your ballot paper but make sure that the official mark can be seen.

Take your folded ballot paper with you when you leave the compartment.

DO NOT show the front of the ballot paper to anybody but **do** show the official mark on the back of the ballot paper to the person in charge.

Put your folded ballot paper into the ballot box.

DO NOT put anything else into the ballot box.

Leave the polling place immediately.

DO NOT take your ballot paper with you.