



17 July 2020

Delivered via Email

His Excellency the Governor, Mr. Martyn Roper
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Your Excellency,

Thank you for all of your dedication to these wonderful three (3) Islands.

I write as a concerned citizen of the Cayman Islands in regards to apparent weaknesses with the Electoral Register controls, cost of secure postal voting, the first ever triggered People's-Initiated Referendum under Constitution s70 regarding the Cruise Berthing Facility and digitising the process of Cayman Islands citizens petitioning their Government.

1. Electoral Register includes no-longer eligible persons

Voters no longer eligible are not being cleared from the Official Electoral Roll, even after the election's office has been notified several times to remove the persons.

For example, I still see 4 people that I know (2 couples) who remain on the list despite the election's office being informed. They have permanently left the island and no longer maintain residence here.

I emailed the elections office on the 7th August 2019 at info@elections.ky, and got an acknowledgement of my email from Gina, yet these 2 people remain on the register several updates later and as at 1 July 2020 I still see them on the official register of electors.

On or around the 12th November 2019, 2 people I know who permanently left the island contacted the Supervisor of Elections to be removed from the electoral roll, and again I see these persons still on the updated 1 July 2020 official register of electors.





I use these 2 examples to highlight the concern that the electoral roll is inaccurate and there are obvious failures in internal controls at the elections office in following up and removing ineligible voters. I am sure there must be many more persons included who no longer are eligible.

This is important due to the upcoming 2021 general election and pending referendum, and, I would like some assurances that these matters will be addressed swiftly, and a thorough audit and cleaning of the electoral roll will be carried out to ensure its accuracy.

Given the referendum results according to section 70 of the Constitution become binding based on the total number of voters included on the official register of electors, as well as determining the 25% number of signatures calculated on the total number of voters required for petitioning the government, the integrity of the list must be upheld at all times.

With regards to the 2021 election, to reduce the risk and perception of fraudulent voting, the list must be accurate and there must be a robust procedure at the elections office to remove persons no longer eligible to ensure the election is and is perceived to be fair and proper.

2. Unreasonable time to update electoral register

The current time delay given current technology, between application deadlines for eligible voters and eligibility verified by the election's office, and the updating of the official electoral register is an unreasonably long duration. In a meeting with the Supervisor of Elections and CPR Cayman 28th May 2019 this was discussed, and Mr Howell agreed this was an unreasonable delay. This matter must be resolved expeditiously as it disenfranchises voters who may be eligible, have submitted an application but have not been able to be included on the official register simply due to unreasonably long cut off dates.

Of course there must be some cut-off date to recognise an official register, prior to a voting occasion, however, given the ability of computers and the internet to improve efficiency, 12 working days in advance of a vote, as in the UK, should be the absolute maximum reasonable time to apply to register and still be able to vote in 12 working days' time.

3. Cost of Overseas postal ballots disenfranchises voters

The burdensome cost of the return ballot via courier was highlighted during the postal ballot process carried out in 2019 for the people's-initiated referendum. This cost unreasonably disenfranchises voters, the majority of whom are students at further education institutions abroad incurring debt.

While securing reliable postal delivery and return of the ballots is essential, the elections office should now take the initiative to remove this potential barrier and improve fair voting and the ability of all to exercise their democratic right to vote. It is of great importance for our democracy to encourage returns and improve voter turnout. For example, by establishing a pre-





paid return envelope system or an account with courier services solely for the use of registered voters overseas to return ballot papers at the time of any vote, be it general election or referendum.

4. People's initiated referendum

The people of the Cayman Islands have legally triggered section 70 of the Constitution to hold a referendum on the matter regarding the construction of a cruise berthing facility.

Having set a date for the 2021 election, the fiscally prudent time to hold the referendum is the same day. Holding the referendum on the same day as the 2021 election reduces the financial and administrative burden on the country, and will provide the most opportunity for all voters to participate, as the public will only have to show up to the polls one time, one public holiday will be needed, rather than 2 official public holidays required to hold them on separate dates, which results in a burden to small businesses, having to pay staff overtime or close for the day losing potential revenue.

All issues relating to the sale of alcohol during the referendum day holiday will be alleviated, as all election rules will be complied with on the same day as the referendum.

Public messaging from the election's office can be aggregated and shared with registered voters in the lead up to one day, rather than adding additional costs to marketing and public awareness if the referendum is not held on the same day. Additional costs for the elections staff to inform the public about participating in and voting on the referendum question will be marginal compared to holding the referendum on an entirely different date.

The public concern around building a cruise berthing facility has been discussed for over 20 years and the general public now has a constitutional right to vote on whether a project of this magnitude and national importance, is something that should be continued by future governments or not.

Millions of dollars of public money has already been paid for consultations and marketing towards a cruise berthing facility, and, should the voting public vote against the project, then that is a clear indication that future and successive governments should not be using public money to pursue this matter further. Should the public vote in favour of the project, a subsequent government can assess the merits of a Cruise Berthing Facility in line with all legal and regulatory obligations at the time they see fit.

5. Electronically verified petitions

At a meeting at the elections office with CPR members and the Supervisor of Elections, 28 May 2019, I provided information regarding the UK government electronic petition platform <https://petition.parliament.uk/>. The same information was provided by me to the Governor at a meeting with CPR on 7 June 2019 in order to expedite a verification process.





The UK House of Commons Petitions Committee petitionscommittee@parliament.uk provided me with information on 3 June 2019, that the UK official government petition portal can be used by the Cayman Islands Government only requiring changing aspects to reflect the Cayman Islands:

“The Government Digital Service (which runs the website) have made the code for the petitions site available for public use, so the Cayman Islands government could use this technology, should they wish.

The license for the code is available at: <https://github.com/alphagov/e-petitions/blob/master/LICENCE.txt>”

Subsequent to the two (2) aforementioned meetings, I am unaware of any further follow up consideration or implementation to increase the efficacy and reduce the costs to the public of any future petitions for people’s-initiated referendums. Indeed, the verification process chosen to be carried out by the Elections Office, while thorough, was very time consuming and costly for the public, as well as created the appearance of political interference in the verification process. The process can certainly be improved for future petitions and, particularly given the recent pandemic and requirement for social distancing, electronic methods of communication must be used to facilitate processes, especially constitutional democratic rights.

I look forward to hearing how these concerns and points above will be addressed going forward and prior to the May 2021 election, to ensure a fair, transparent and proper election for the citizens of the Cayman Islands.

Kind Regards,

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