

CAYMAN ISLANDS



REFERENDUM (CRUISE BERTHING INFRASTRUCTURE, GAMBLING AND CANNABIS) ACT, 2025

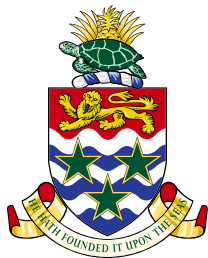
(Act 1 of 2025)

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CANNABIS) ACT, 2025
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CAYMAN ISLANDS

(Act 1 of 2025)

I Assent,



Jane Owen
Governor

Date: 18th February, 2025

**REFERENDUM (CRUISE BERTHING
INFRASTRUCTURE, GAMBLING AND
CANNABIS) ACT, 2025**

(Act 1 of 2025)

AN ACT TO PROVIDE FOR THE HOLDING OF A REFERENDUM ON THE PROPOSAL TO DEVELOP CRUISE BERTHING INFRASTRUCTURE; TO PROVIDE FOR THE HOLDING OF A REFERENDUM ON PROPOSAL TO LEGALISE GAMBLING IN THE FORM OF A NATIONAL LOTTERY; TO PROVIDE FOR THE HOLDING OF A REFERENDUM ON THE PROPOSAL TO DECRIMINALISE THE CONSUMPTION AND POSSESSION OF SMALL AMOUNTS OF CANNABIS; AND FOR INCIDENTAL AND CONNECTED PURPOSES

WHEREAS section 69 of the Constitution of the Cayman Islands provides that a law enacted by the Legislature may provide for the holding of a referendum amongst persons registered as electors in accordance with section 90 of the Constitution, on a matter or matters of national importance, when so resolved by the majority of the elected members of the Parliament;

AND WHEREAS a resolution has been adopted by a majority of the elected members of the Parliament, declaring the matters specified in section 4(1) to be matters of national importance:

NOW, THEREFORE, IT IS DECLARED that the matters specified in section 4(1) are matters of national importance.

ENACTED by the Legislature of the Cayman Islands.



Short title

1. This Act may be cited as the Referendum (Cruise Berthing Infrastructure, Gambling and Cannabis) Act, 2025.

Interpretation

2. (1) In this Act —
 - “**Constitution**” means the Constitution set out in Schedule 2 to the Cayman Islands Constitution Orders 2009 to 2020;
 - “**Elections Act**” means the *Elections Act (2022 Revision)* and the *Elections Rules (2022 Revision)*;
 - “**Governor**” means the person for the time being holding the office of Governor of the Islands, and includes any person for the time being lawfully performing the functions of that office under the Constitution of the Cayman Islands;
 - “**observer**” means a person appointed in accordance with section 7(1) and includes a scrutineer;
 - “**polling station**” means the place appointed by notice for the holding of the referendum in an electoral district;
 - “**referendum**” means the referendum to be held under this Act;
 - “**scrutineer**” means a person appointed in accordance with section 7(2); and
 - “**voter**” means any person who votes or is entitled to vote at the referendum.
- (2) For the purposes of this Act, the expressions “**Deputy Supervisor**”, “**election**”, “**elector**”, “**electoral district**”, “**presiding officer**”, “**returning officer**” and “**Supervisor**” have the same meanings, respectively, as in the *Elections Act*.

Holding of referendum

3. (1) A referendum shall be held on the matters specified in section 4(1) with each elector being entitled to cast one vote.
- (2) The Cabinet shall by notice, published in the *Gazette*, appoint a day for the holding of the referendum, being a day not earlier than the thirtieth day next following the date on which that notice is first so published.

Matter of national importance and referendum questions

4. (1) The matters of national importance are as follows —
 - (a) whether the Islands should develop cruise berthing infrastructure to support the tourism industry;
 - (b) whether a National Lottery should be legalised in the Islands; and
 - (c) whether the consumption and possession of small amounts of cannabis should be decriminalised.



- (2) For the purpose of determining the matters of national importance specified in subsection (1), the following questions shall be asked in the referendum —
“Should the Cayman Islands develop cruise berthing infrastructure?”;
“Do you support the introduction of a National Lottery in the Islands?”; and
“Do you support the decriminalisation of the consumption and possession of small amounts of cannabis?”.
- (3) The ballot paper to be used for the purpose of the referendum shall be in the form provided in accordance with the *Elections Act*.

Entitlement to vote

5. The persons entitled to vote in the referendum are those who, on the day of the holding of the referendum, would be entitled to vote as electors at an election in an electoral district.

Conduct of referendum

6.
 - (1) The functions which, in relation to an election, are conferred on the Supervisor or a Deputy Supervisor by the *Elections Act* shall, in relation to the referendum, be discharged by those officers respectively.
 - (2) The Supervisor, in addition to the functions conferred upon the Supervisor by subsection (1), shall be responsible, together with the returning officers, for conducting the count of votes cast in the referendum and for certifying the total of the ballot papers and the respective answers relating to the referendum.
 - (3) The Governor, by instrument in writing, shall appoint persons as may be necessary —
 - (a) as returning officers for the purpose of conducting the referendum in an electoral district; and
 - (b) to assist the Supervisor in conducting the count of votes cast in the referendum.
 - (4) Subject to subsection (5), the functions which, in relation to an election, are conferred respectively on returning officers, presiding officers, poll clerks, field officers and logistics officers by any provision of the *Elections Act* shall, in relation to the referendum, be discharged by those officers respectively.
 - (5) The returning officers shall assist the Supervisor in conducting the count of votes cast in the referendum, and certifying the total of the ballot papers and the respective answers relating to the referendum.

Observers

7.
 - (1) The Governor may, by instrument in writing, appoint persons to observe the conduct of the referendum, the verification of the ballot paper accounts and the counting of the votes.

- (2) The Premier and the Leader of the Opposition may each, by instrument in writing, appoint in respect of each polling station and each counting station, two persons to observe the conduct of the referendum, the verification of the ballot paper accounts and the counting of the votes.

Legal challenge

8. (1) A court shall not entertain any proceedings for questioning the number of ballot papers or votes cast in the referendum as certified by the Supervisor based on returns as certified by the returning officers, unless the proceedings are brought in accordance with this section.
- (2) The proceedings shall be brought by a claim for judicial review, filed in the Grand Court before the end of the permitted period.
- (3) In subsection (2), the “**permitted period**” means the period of six weeks commencing with —
- (a) the date on which a certificate as to the matters mentioned in subsection (1) is given by the Supervisor; or
 - (b) if there is more than one such certificate, the date on which the last such certificate is given.

Application of Elections Act

9. (1) For the purposes of the referendum, the votes of the persons voting shall be cast, and the proceedings shall be conducted, so far as may be as if the referendum were an election of members to the Parliament; and the *Elections Act* shall for those purposes be construed accordingly, but any reference to a candidate, nomination, agent, election agent, polling agent or counting agent shall be disregarded, unless the context otherwise requires.
- (2) Without prejudice to subsection (1), the provisions of the *Elections Act* specified in column 1 of the Schedule shall apply in connection with the referendum, subject to the modifications or exceptions specified in relation to those provisions in column 2 of that Schedule.
- (3) Unless the contrary intention appears, in this Act and in the provisions of the *Elections Act* applied by this Act —
- (a) any reference to an election or poll shall be construed as a reference to the referendum;
 - (b) any reference to an electoral district shall be construed as a reference to the area for which the relevant returning officer acts;
 - (c) any reference to polling day shall be construed as a reference to the day fixed for holding the referendum; and
 - (d) any reference to a ballot paper shall be construed as a reference to the ballot paper to be used for the purpose of the referendum.



- (4) The Cabinet may by Order amend the Schedule.

Expenses of referendum

- 10.** The expenses properly incurred by, and the remuneration and travelling allowances payable to, officers under this Act shall be defrayed out of the general revenue of the Islands.

Regulations

- 11.** The Cabinet may make regulations —
- (a) to provide for the conduct of the referendum as may appear to the Cabinet to be necessary; and
 - (b) to provide for any other matter, as may appear to the Cabinet to be necessary for the purpose of giving effect to this Act.

SCHEDULE*(section 9(2))***PART 1****APPLICATION AND MODIFICATION OF PROVISIONS OF THE
ELECTIONS ACT (2022 REVISION)**

Provision applied and subject matter	Modification
section 2 (Definitions and interpretation)	In subsection (1), insert the following definitions in the appropriate alphabetical sequence — “observer” means a person appointed by instrument by the Governor, the Premier or the Leader of the Opposition to observe — (a) the conduct of the referendum; (b) the verification of the ballot paper accounts; and (c) the counting of votes; and “voter” means a person who votes or is entitled to vote at the referendum having been so duly qualified as a registered elector pursuant to this Act.
section 20 (Electors registration cards)	Omit.
PART III (Registration of Political Parties)	Omit.
section 28 (Issue of writs for holding elections)	Omit and substitute — “Issue of notice appointing polling stations for referendum



Provision applied and subject matter	Modification
	28. (1) On the issue of the notice of the appointed day for the holding of the referendum under section 3(2) of the <i>Referendum (Cruise Berthing Infrastructure, Gambling and Cannabis) Act, 2025</i>, the Supervisor shall by notice published in the <i>Gazette</i> appoint the polling stations for the holding of the referendum in an electoral district. (2) The places appointed for the holding of the referendum in an electoral district shall each be a convenient building or part of a building within, or in the opinion of the Supervisor conveniently near, the boundary of the electoral district concerned, not being a building licensed for the sale of intoxicating liquor.”.
section 29 (Nominations)	Omit and substitute — “Additional duties of Supervisor relating to referendum 29. (1) The Supervisor shall — (a) establish counting stations for counting the votes cast in the referendum; and (b) give notice of the holding of the referendum, specifying in the notice — (i) the date and time for the holding of the referendum; (ii) the locations of the polling stations in an electoral district; (iii) the location of the counting station; and (iv) the date and time when the number of votes cast in the referendum shall be counted. (2) A notice under subsection (1)(b) shall be published in the <i>Gazette</i> and in at least one newspaper circulating in the Islands.”.
section 30 (Offences in respect of nomination papers)	Omit.

Provision applied and subject matter	Modification
section 31 (Withdrawal or death of candidate)	Omit.
section 32 (Deposits)	Omit.
section 33 (When deposit forfeited or returned)	Omit.
section 34 (Contested elections, publication of date and place, etc.)	Omit.
section 35 (Polling stations)	In subsection (1), omit the words “section 34(2) for the taking of the poll” and substitute the words “section 29(1)(b)(i) for the holding of the referendum”.
section 36 (Presiding officers)	In subsection (1), omit the words “by or on behalf of a candidate in or about the election” and substitute the words “by a political party in, or for the purposes of, the referendum”.
section 40 (Polling and counting agent)	Omit and substitute — “40. An observer, on being admitted to a polling station, shall take an oath in Form 25A to keep secret the manner in which any of the voters has marked his or her ballot paper in the presence of the observer.”.
section 41 (Taking of poll and the ballot)	Omit subsection (2) and substitute — “(2) The ballot of each voter shall be a printed paper in the form provided in accordance with this Act and the rules made under this Act and each ballot paper shall have — (a) a serial number printed on the back; and



Provision applied and subject matter	Modification
	(b) attached to it a counterfoil with the same serial number printed on the face, and there shall be a line of perforations between the ballot paper and the counterfoil.”. Omit subsection (3).
section 44 (Restriction on voting)	Omit.
section 45 (Proceedings at poll)	In subsection (1), omit the words “candidates, their agents,” and substitute the word “observers”. In subsection (4), omit the words “agent of a candidate” and substitute the word “observer”.
section 46 (Who are to be admitted within polling stations)	In subsection (2), omit the words “agents aforesaid” and substitute the word “observers”.
section 47 (General mode of taking ballot)	In subsection (3), omit the words “within the space to the right of the name of the candidate or each candidate for whom” and substitute the words “in the space to the right of the answer for which”.
section 48 (Questions which may be put to elector)	In subsection (1), omit the words “a candidate or that person’s agent” and substitute the words “an observer”.
section 49 (Mode of taking ballot in special cases)	Omit subsection (2)(c) and substitute — “(c) any objections made by an observer.”.
section 55 (Who may vote)	In subsection (2), omit the words “, one of the candidates or an agent of a candidate” and substitute the words “or an observer”.
section 56 (Who may be present)	Omit and substitute — 56. The following persons shall be permitted to remain in the polling station during the time the poll remains open —

Provision applied and subject matter	Modification
	(a) the presiding officer; (b) the poll clerk; (c) the Supervisor; (d) the Deputy Supervisors; (e) the returning officer of the electoral district; (f) the observers; (g) the constables in uniform on duty; and (h) such field officers, logistics officers, emergency personnel and other persons as may be authorised in writing by the Supervisor.”.
section 57 (Proceedings at the close of the poll)	In subsection (1)(a), insert after the words “seal the ballot boxes” the words “so as to prevent the introduction of additional ballot papers”. Insert after subsection (1) the following subsections — “(1A) The presiding officer shall endorse on each sealed envelope under subsection (1) the name of the electoral district. (1B) For the purposes of this Act, “envelope” has the same meaning as “packet”.”. In subsection (2), omit the words “candidate or agent” and substitute the word “observers”. Omit subsection (3).
section 58 (The count)	Omit subsections (1) and (2) and substitute — “(1) Each returning officer or deputy returning officer, as the case may be, upon receipt of each ballot box, shall place the required seal on each ballot box in the presence of the observers (or, if no observers are present, then in the presence of two electors), and shall then take every precaution for its safekeeping until the count commences. (1A) Upon receipt of a sealed ballot box from a returning officer, the Supervisor shall break the seal in the presence of observers and of any other persons who are lawfully in the counting station at that time and place all the ballot papers contained in the previously



Provision applied and subject matter	Modification
	sealed ballot box in the appropriate ballot box which shall be provided. (1B) In the appropriate ballot box specified in subsection (1A) the ballot papers removed from the ballot boxes for the electoral districts in the referendum shall be placed and mixed together then separated into segments for the purpose of being counted. (2) When all the ballot boxes from all the polling stations have been received by the Supervisor and dealt with in accordance with subsections (1A) and (1B), and not before, the Supervisor or the returning officer shall, in the presence of any observers present, or, if no observers are present, two electors — (a) record and count the number of votes (allowing the observers or, in the absence of the observers, the two electors present, full opportunity to see such votes but not the official number on the back of the ballot paper) and a poll clerk and not less than two witnesses shall be supplied with tally sheets upon which they may keep their own scores as each vote is called out by the returning officer; and (b) reject all ballot papers — (i) which have not been marked; or (ii) upon which there is any writing or mark by which the voter could be identified, but no ballot paper shall be rejected on account of any writing, number or mark placed on the ballot paper by any presiding officer.”. Omit subsections (7) to (13) and substitute — “(7) Where, in the course of counting the votes, the returning officer discovers that the presiding officer has omitted to

Provision applied and subject matter	Modification
	affix the presiding officer's initials to any ballot paper as provided by section 47(1), the returning officer shall — (a) in the presence of the poll clerk and the observers present, affix the returning officer's initials to the ballot paper; and (b) shall count the ballot paper as if it had been initialled by the presiding officer in the first place, provided that the returning officer is satisfied that the ballot paper is one that has been supplied by the presiding officer, and also that every ballot paper supplied to that presiding officer has been accounted for as provided under section 57(1)(f). (8) Where a vote is marked — (a) otherwise than in the proper place; (b) otherwise than by way of an X; or (c) by more than one mark, the vote is valid if it clearly appears that it was intended for a particular answer, and that answer shall be awarded the vote accordingly. (9) The returning officer shall keep a record, on the special form printed in the poll book, of every objection made by an observer or a voter present, to any ballot paper found in a ballot box, and shall decide every question arising out of the objection. (10) Every objection under subsection (9) shall be numbered and a corresponding number shall be placed on the back of the ballot paper and initialled by the returning officer. (11) The decision of the returning officer under subsection (9) shall be final, subject to reversal on petition under section 85 questioning the return. (12) Every ballot paper not rejected by the returning officer shall be counted and a list shall be kept of — (a) the number of votes for the respective answers relating to the referendum; and (b) the number of rejected ballot papers.

Provision applied and subject matter	Modification
	(13) The returning officer shall put into one packet the rejected ballot papers and put into another packet the remaining used ballot papers, and both packets shall be sealed by the returning officer and may be signed by the observers or witnesses present who desire to sign the packets. (14) Where an observer is not satisfied with the accuracy of the count of any segment of the count, the observer may, on completion of the count of that segment, immediately demand a recount which shall be carried out in the same manner as the original count, but no observer may demand a recount more than once in respect of any segment of the count.”.
section 60 (Influencing electors to vote for any candidate)	Omit the section heading and substitute — “Influencing voters in referendum”. In subsection (1), omit the words “any elector to vote for any candidate or to ascertain for what candidate any elector” and substitute the words “how any voter will vote or to ascertain the manner in which any voter”.
section 61 (Election return)	Omit and substitute — “Referendum return 61. (1) The Supervisor shall keep in safe custody — (a) the notice appointing a day for the holding of the referendum, with the return showing the answer declared to be mandated in accordance with section 58; (b) a report of the Supervisor’s proceedings showing the number of votes cast for the respective answers relating to the referendum, and making any observation as the Supervisor may think proper as to the state of the referendum papers as received from the presiding officer; (c) information relating to the number of persons to whom, it appears from the counterfoils, ballot papers have been supplied in the electoral district; (d) the reserve supply of undistributed blank ballot papers; (e) the poll book used at each polling station, a packet containing the counterfoils and unused ballot papers, a

Provision applied and subject matter	Modification
	packet containing the used ballot papers (other than the rejected ballot papers), a packet containing the spoiled ballot papers, a packet containing the rejected ballot papers and a packet containing the official list of voters used at the polling stations, and the written appointments of the observers; and (f) any other documents used for the referendum. (1A) The Supervisor, for the purposes of determining the final threshold provided for in section 4(4) of the <i>Referendum (Cruise Berthing Infrastructure, Gambling and Cannabis) Act, 2025</i>, shall adjust the official list in accordance with information — (a) provided under section 19(1); or (b) received by the Supervisor that confirms the duplication of an elector’s name on the official list, before making a declaration under subsection (2). (2) Where the result of the poll has been ascertained, the Supervisor shall forthwith publicly declare that result and shall subsequently by notice published in the <i>Gazette</i>, publish the result.”.
section 62 (Custody of election documents)	In the section heading and in subsections (1)(a), (3) and (5), omit the word “election” wherever it appears and substitute the word “referendum”. Omit subsection (2) and substitute — “(2) Where proceedings have been brought questioning the number of ballot papers or votes cast in a referendum, the Supervisor shall, on the order of the court, deliver to the court the documents relating to the referendum.”. Omit subsection (4) and substitute — “(4) The referendum documents in the custody of the Supervisor shall not be inspected or produced except on the order of a Judge of the Grand Court. (4A) An order under subsection (4) may be made by the Judge where the Judge is satisfied by evidence on oath that the inspection or production of the referendum documents is



Provision applied and subject matter	Modification
	required for the purpose of instituting or maintaining a prosecution for an offence in relation to a referendum or for the purpose of proceedings which have been brought questioning the number of ballot papers or votes cast in the referendum.”.
PART V (Election Expenses)	Omit.
section 74 (Regulation of political broadcasts)	Omit subsection (2) and substitute — “(2) The provisions of this Part, with the necessary changes being made, shall apply in respect of a referendum as they apply to an election.”.
PART VII (Publication of Statistical Information)	Omit.
PART VIII (Election Petitions)	Omit.
section 94 (Loudspeakers, ensigns, banners, advertisements, etc., prohibited on polling day)	In subsection (2), omit the words “candidate, or of the political or other opinions entertained or supposed to be entertained by such candidate” and substitute the words “specific result at the referendum”. In subsection (3)(a), omit the words “particular candidate or group of candidates” and substitute the words “specific result at the referendum”. In subsection (3)(b), omit the words “candidate or group of candidates” and substitute the words “person, group or political party”. Omit subsection (4).
section 95 (Definition of bribery)	In subsection (1)(c) and (d), omit the words “the return of any person as an elected member of the Parliament, or the vote of any elector at any election” and substitute the words “a specific result at the referendum”.

Provision applied and subject matter	Modification
	Omit subsection (3)(a) and (c).
section 102 (Illegal practices and penalties)	Omit subsection (1)(b). In subsection (1)(c), omit the words “called for the purpose of promoting the election of a candidate as a member to serve in the Parliament” and substitute the words “called in relation to the referendum”. Omit subsection (1)(d) and substitute — “(d) acting in a personal capacity or in the capacity of a director of any corporate body or association, before or during the referendum for the purpose of affecting the results of the referendum, makes or publishes any false statement of fact in relation to the referendum,”.
Form 1 in Schedule 2 (Poll Book)	Omit the words “Objections, if any, made on behalf of any candidate” and substitute the words “Objections, if any, made by an observer”.
Form 21 in Schedule 2 (Oath of presiding officer)	Omit and substitute — “FORM 21 <i>(section 36(3))</i> OATH OF PRESIDING OFFICER I, _____ the undersigned, appointed presiding officer for the polling station at _____ in the _____ electoral district swear that I will act faithfully in my said capacity of presiding officer, according to law, without partiality, fear, favour or affection, and that I will keep secret the manner in which any voter in the above-mentioned polling station mark his or her ballot paper in my presence at this referendum. SO HELP ME GOD.



Provision applied and subject matter	Modification
	_____ Presiding Officer Sworn before me at _____ this ____ day of _____, 20__.”.
Form 23 in Schedule 2 (Oath of poll clerk)	Omit and substitute — “FORM 23 <i>(section 37(2)(b))</i> OATH OF POLL CLERK I, _____ the undersigned, appointed poll clerk for the polling station at _____ in the _____ electoral district swear that I will act faithfully in my said capacity of poll clerk and also in that of presiding officer if required to act as such, according to law, without partiality, fear, favour or affection and that I will keep secret the manner in which any voter in the above-mentioned polling station marks his or her ballot paper in my presence at this referendum. SO HELP ME GOD. _____ Poll Clerk Sworn before me at _____ this ____ day of _____, 20__.”.
Form 25A in Schedule 2 (Oath of agent of a candidate)	Omit and substitute — “FORM 25A <i>(section 40)</i> OATH OF OBSERVER I _____ the undersigned, observer in the referendum held on this day in the _____



Provision applied and subject matter	Modification
	electoral district do swear that I will keep secret the manner in which any voter at this polling station marks his or her ballot paper in my presence at this referendum. SO HELP ME GOD. _____ Signature Sworn before me at _____ this ____ day of _____, 20__.”
Form 30 in Schedule 2 (Oath that the elector is the person intended to be referred to in the official list of electors)	Omit and substitute — “FORM 30 <i>(section 55(1))</i> OATH THAT THE VOTER IS THE PERSON INTENDED TO BE REFERRED TO IN THE OFFICIAL LIST OF VOTERS You swear that you are qualified to vote at this referendum and you are not disqualified from so voting and that you verily believe that you are the person intended to be referred to by the entry in the official List of Voters used at the polling station, of the name _____ whose occupation is given as _____ and whose street address is given as _____ SO HELP YOU GOD”.



PART 2

APPLICATION AND MODIFICATION OF PROVISIONS OF THE ELECTIONS RULES (2022 REVISION)

Rule applied and subject matter	Modification
rule 3 (Application to be treated as absent elector)	In the proviso to paragraph (1) omit the words “, not being a candidate for election or the agent of such a candidate”. Omit paragraph (6).
rule 8 (Form of declaration of identity)	Omit paragraphs (2) and (3).
rule 9 (Persons entitled to be present at the issue and receipt of postal ballot papers)	Omit and substitute — “ 9. No person other than — (a) the Supervisor; (b) the Deputy Supervisors; (c) a returning officer; (d) a deputy returning officer; (e) a returning officer’s clerk; and (f) the observers, may be present at the proceedings on the issue or receipt of postal ballot papers.”.
rule 11 (Notice of issue of postal ballot papers)	Omit.

Rule applied and subject matter	Modification
rule 25 (Ballot paper for by-election)	Omit.

Passed by the Parliament the 6th day of February, 2025.

Hon. Sir Alden McLaughlin
Speaker

Zena Merren-Chin
Clerk of the Parliament

