

AN OPPOSITION BILL

entitled

ABSENTEE VOTING ACT 2025

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WHEREAS it is expedient to provide for those who are ordinarily resident and registered to vote in Bermuda to participate in general elections and by-elections held under the Parliamentary Election Act 1978 when outside of Bermuda on the relevant polling date;

Be it enacted by The King's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Assembly of Bermuda, and by the authority of the same, as follows:

Citation

- 1 This Act may be cited as the Absentee Voting Act 2025.

Interpretation

- 2 In this Act—

(a) “Absentee Voter” means a person who is a parliamentary elector (as defined in the Parliamentary Election Act 1978) who, being ordinarily resident in Bermuda, is temporarily absent from Bermuda for reasons including but not limited to study, employment, medical treatment, government service, or other pre-arranged travel outside of Bermuda on the established polling day for an election.

(b) “election” means a General Election or a bye-election under the Parliamentary Election Act 1978.

(c) “Minister” means the minister with responsibility for elections.

(d) “ordinarily resident” shall have the meaning provided for in section 2 of the Parliamentary Elections Act 1978.

Eligibility for Absentee Voting

- 3 (1) An Absentee Voter may vote in an election in accordance with this Act.
- (2) The Parliamentary Registrar shall maintain a register of Absentee Voters for each election.

Application to Vote as an Absentee Voter

- 4 (1) A person who intends to vote as an Absentee Voter shall apply to the Parliamentary Registrar not later than twenty-one days before the date of an election.
- (2) The application shall be in the prescribed form and shall include information and evidence to determine the applicant's eligibility as the Parliamentary Registrar may reasonably require.
- (3) The Parliamentary Registrar may reject an application that is incomplete or received after the deadline established under subsection (1).

Regulations

- 5 (1) The Minister, acting on the advice of the Parliamentary Registrar, may make regulations prescribing anything which may be prescribed under this Act and generally for the implementation of this Act.
- (2) Without prejudice to the generality of subsection (1), regulations may in particular—
- (a) Prescribe a method or methods capable of securely enabling absentee voting, including but not limited to postal voting, electronic voting and supervised in-person voting at designated locations;
 - (b) Prescribe safeguards to ensure the integrity, security and secrecy of ballots cast using methods of absentee voting;
 - (c) Prescribe the means for verification of an Absentee Voter's identity;
 - (d) Establish protections and practices preserving the integrity of the chain of custody of ballot materials; and
 - (e) Establish parameters for the timely return of completed ballots.
- (2) Regulations made under this section shall be subject to the negative resolution procedure.

Offences

- 6 (1) A person commits an offence against this Act who—
- (a) knowingly provides false information in an application to vote as an Absentee Voter;

(b) tampers with, interfere with, or attempt to influence the casting of an absentee ballot; or

(c) breaches the secrecy of an absentee vote.

(2) Where a person commits an offence under this Act:

Punishment on summary conviction: for the period or amount or both as provided for by section 69(3) of Part IX of the Parliamentary Election Act 1978.

Commencement

7 This Act shall come into operation on a day appointed by the Minister by notice published in the Gazette.

ABSENTEE VOTING ACT 2025 BILL

EXPLANATORY MEMORANDUM

This Bill seeks to provide for the establishment of absentee balloting in Bermuda's parliamentary elections.

Clause 1 provides the title of the Bill.

Clause 2 provides for the interpretation of terms used in the Bill.

Clause 3 permits a parliamentary elector who is absent from Bermuda on polling day to participate in that election in accordance with the Bill and requires the Parliamentary Registrar to maintain a register of Absentee Voters for each election.

Clause 4 requires an Absentee Voter to apply to the Parliamentary Registrar in the prescribed form and within the time prescribed and empowers the Parliamentary Registrar to reject applications that are incomplete or made beyond the established deadline for such applications.

Clause 5 empowers the Minister, acting on the advice of the Parliamentary Registrar, to make regulations for the purposes of the Bill.

Clause 6 establishes offences under the Bill upon summary conviction.

Clause 7 provides that the Act shall come into operation on a day the Minister may by notice in the Gazette appoint.