

Government Circular No. 58/71
G.O. Reference No. R2703/18

ISLE OF MAN
TO VIT

By His Excellency Sir Peter Myla Gawne Stallard,
K.C.M.G., C.V.O., M.B.E., M.A., Lieutenant
Governor of the said Isle &c., &c., &c.

THE REPRESENTATION OF THE PEOPLE ACTS, 1951 TO 1971

ABSENT VOTERS' REGULATIONS 1971

I, the said Lieutenant Governor, by virtue of the powers conferred on me by sections 73 and 155 of the Representation of the People Act, 1951, and all other powers me in this behalf enabling, DO HEREBY make the following regulations:-

Applications to be treated as Absent Voters

1. (1) An application to be treated as an absent voter shall be made to the Returning officer so as to reach him -
 - (a) where the absent voters ballot paper is to be marked in the Isle of Man, not later than three days before the date fixed for the poll; or
 - (b) where the absent voters ballot paper is to be marked elsewhere than in the Isle of Man, not later than seven days before the date fixed for the poll.
- (2) Such application shall be in writing in Form 1 in the Schedule hereto or in a form to the like effect, and shall state the reason, being age, incapacity, infirmity or sickness (not being an infectious disease), or absence from the Isle of Man which renders the applicant unable to attend to register his vote at the polling station.
- (3) The returning officer shall cause a supply of forms of application to be available at every

police station within the constituency.

(4) The returning officer or police officer in charge of a police station shall supply a candidate or an agent of a candidate or any elector with such reasonable number of forms of application as may be required, but it shall not be necessary for an application to be on a form supplied by the returning officer.

2. (1) The returning officer shall not entertain an application which reaches him later than the relevant times prescribed in regulation 1(1) above and shall inform the applicant in writing that his application has been rejected for that reason.

(2) If the returning officer is satisfied on the reasons disclosed in the application that the applicant is entitled to be treated as an absent voter he shall enter the applicant's number and name on a list (in these regulations referred to as "the absent voters' list") and shall rule out and initial the number, name and particulars of such applicant in the register of electors to be used at the polling station.

Issue of Absent Voters' Ballot Papers

3. (1) The ballot papers to be sent to absent voters shall be in the same form as, and, save as to the official stamp referred to in regulation 4 (1) below, indistinguishable from, the ballot papers delivered to other voters.

(2) The declaration of identity sent with the ballot paper to an absent voter shall incorporate a certificate as to the execution of the declaration and the marking of the ballot paper and shall be in Form 2 in the Schedule to these regulations, or a form to the like effect.

(3) A ballot paper shall be issued by the returning officer -

(a) where the ballot paper is to be marked in the Isle of Man, not later than two days before the day fixed for the poll;
or

- (b) where the ballot paper is to be marked elsewhere than in the Isle of Man, not later than five days before the day fixed for the poll

immediately he is satisfied that the applicant is entitled to be treated as an absent voter and shall be sent to the absent voter by first class post or delivered to him by such other method as the returning officer may deem suitable:

Provided that, where the absent voter's ballot paper is to be marked in the Isle of Man the ballot paper may be delivered to the absent voter at any time prior to the close of the poll.

Marking of Absent Voters' Ballot Papers

4. (1) Each absent voter's ballot paper issued shall be stamped with the official mark either embossed or perforated, which mark shall be different from the official mark to be used in that constituency on the day of the poll, the number of the elector shall be marked on the counterfoil, and a mark shall be placed on the absent voters' list against the number of the elector to denote that a ballot paper has been issued to the elector but without showing the particular ballot paper issued.

(2) The returning officer shall note in column 1 of a document in Form 3 of the Schedule hereto (in these regulations called "the absent voters' ballot paper account") the total number of ballot papers issued to absent voters.

(3) The number of an absent voter's ballot paper shall be marked on the declaration of identity sent with that paper and the number of candidates for whom the absent voter may vote shall be filled in in paragraph 7 of the instructions to the absent voter on the reverse of the declaration of identity.

Delivery of Absent Voters' Ballot Papers to Post Office

5. (1) All envelopes addressed to absent voters shall be counted and such of them as are sent by post shall be delivered by the returning officer to the nearest head or other post office. Where any envelope is sent to an absent voter by any other means the returning officer shall make a note of the name of the person entrusted with its delivery.

(2) The postage of all such envelopes shall be prepaid by the returning officer at the first class postage rate.

(3) The envelope for the return of the declaration of identity and the ballot paper (hereinafter referred to as a "covering envelope") shall be addressed to the returning officer at such place as the returning officer may deem most convenient and expeditious.

Sealing up of Absent Voters' Lists and Counterfoils

6. The returning officer, as soon as practicable after the completion of the issue of the absent voters' ballot papers, shall seal up in separate packets -

(a) the counterfoils of those ballot papers which were issued; and

(b) the marked absent voters' list, and shall seal such packets.

Voting by Absent Voters

7. (1) Before marking the ballot paper, the absent voter must produce to a certifying person -

(a) the ballot paper showing the number thereon and stamped with the official mark either embossed or perforated;

(b) the declaration of identity and form of instructions in Form 2 in the Schedule to these regulations; and

(c) the envelope in which the absent voter has received the ballot paper, declaration of identity and form of instructions.

(2) The absent voter must sign the declaration of identity before the certifying person. If the absent voter is unable to sign the declaration of identity the certifying person, upon satisfying himself as to the identity of the absent voter, shall write the name of the absent voter thereon and add the words "Absent voter unable to sign."

(3) After signing the declaration of identity or, in a case where the absent voter is unable to

sign, after the same shall have been completed by the certifying person, the absent voter must vote secretly by marking the ballot paper IN THE PRESENCE, BUT NOT IN THE SIGHT OF the certifying person. If the absent voter is unable to make the mark personally, the certifying person will, on request, mark the ballot paper as the absent voter directs. Subject as aforesaid, the absent voter shall not allow any person to see how he or she voted.

(4) A certifying person shall be -

- (a) where the absent voter's ballot paper is marked in the Isle of Man, a person appointed for the purpose in the manner provided by paragraph (5) of this Regulation, such person being referred to in these Regulations as an appointed certifying person;
- (b) where the absent voter's ballot paper is marked elsewhere than in the Isle of Man, any of the following persons namely, a Consular Official, Justice of the Peace, Minister of Religion (being a minister who is authorised to solemnise marriages), Advocate, Solicitor, Barrister, Notary Public, Physician, Surgeon, Dental Surgeon, Chartered Accountant, Commissioned officer in Her Majesty's Armed Forces, Master of a British ship, Manager of a commercial Bank or of any branch of such a Bank, Civil Servant of the Grade of Executive Officer or above, or a police officer:

Provided that notwithstanding he or she holds a qualification to act as a certifying person, a candidate or spouse of a candidate, or an agent appointed by a candidate for detecting personation, or to attend at the counting of votes, or the returning officer or his deputy, shall not act as a certifying person.

(5) One or more appointed certifying persons shall be appointed by the Governor in respect of each constituency after consultation with the returning officer. An appointed certifying person shall not

act in respect of any constituency other than the one for which he has been appointed.

Receipt of Absent Voters' Ballot Papers

8. (1) Where the absent voter's ballot paper is marked in the Isle of Man the covering envelope shall as soon as practicable thereafter be handed unopened to the returning officer by the appointed certifying person.

(2) Where the absent voter's ballot paper is marked elsewhere than in the Isle of Man the covering envelope shall as soon as practicable after receipt thereof at the place to which it is addressed be handed unopened to the returning officer by a responsible person who shall be designated by the returning officer to attend at such place for such purpose.

Opening of covering envelopes

9. (1) The returning officer shall enter in column 2 of the absent voters' ballot paper account the number of covering envelopes returned and shall then open each covering envelope separately. He will not look at the front of the ballot papers.

(2) Where a covering envelope does not contain both a declaration of identity and a ballot paper or where the number on the declaration of identity does not agree with the number on the back of the ballot paper, the returning officer shall fasten the contents of the covering envelope to the covering envelope and endorse thereon "rejected" together with the reason for rejection. He shall enter the number so rejected in column 3(a) of the absent voters' ballot paper account.

(3) If the returning officer is not satisfied that the declaration of identity has been duly signed or the certificate incorporated therewith duly completed, he shall fasten it to the covering envelope, together with the ballot paper and endorse thereon "declaration rejected".

Provided that, before doing so, he shall show the declaration to such candidates or counting agents as may be present and, if objection is made

to his decision, he shall add the words "rejection objected to."

The number of declarations rejected shall be entered in column 3(b) of the absent voters' ballot paper account.

(4) The ballot papers which have not been rejected under paragraphs (2) or (3) of this regulation shall be placed face down in a receptacle.

(5) The declarations of identity which the returning officer is satisfied have been duly signed and the certificates incorporated therewith duly completed, and the documents rejected under paragraphs (2) and (3) of this regulation, shall be placed in two separate packets and sealed by the returning officer.

(6) He shall make a note of the number of the ballot papers in the receptacle and shall, at the time when the contents of all the ballot boxes are mixed together, cause such ballot papers to be mixed with such contents. He shall enter the number so mixed in column 4 of the absent voters' ballot paper account.

Forwarding of Documents

10. (1) The returning officer shall forward to the Clerk of the Rolls at the same time as he forwards the documents mentioned in Rule 49 of the Election Rules -

- (a) any packet referred to in regulations 6 or 10 of these regulations, endorsing on each packet a description of its contents, the date of the election to which it relates and the name of the constituency for which the election was held, and
- (b) the absent voters' ballot paper account.

(2) Where any covering envelopes are received by the returning officer after the close of the poll or any envelopes addressed to absent voters are returned as undelivered too late to be re-addressed, he shall put them unopened into a separate packet,

seal up such packet and forward it to the Clerk of the Rolls within three days of the conclusion of the count.

(3) Any packets of documents forwarded under this regulation shall be deemed to have been forwarded in pursuance of the election rules.

Revocation

11. The Absent Voters' Regulations 1966 are hereby revoked.

Short title

12. (1) These regulations may be cited as the Absent Voters' Regulations 1971.

(2) These regulations shall come into force on the same being approved by Tynwald.

GIVEN under my hand this 9th day of July 1971.

P.H.G. Stallard

Lieutenant Governor.

Approved by Tynwald on 20th July, 1971

(Regulation 1)

SCHEDULE

Form 1.

THE REPRESENTATION OF THE PEOPLE ACTS, 1951 to 1971

As shown I, (Electoral Number)
 on register (Surname)
 of electors (Other names)
 if known (Address)

apply to be treated as an absent voter at the
 coming House of Keys/Board of Education^x
 election for the constituency of
 because I will not be able to go in person to
 the polling station allotted to me owing to:-

(Here give brief details of reason, being age,
 incapacity, sickness (not being an infectious
 disease), infirmity or absence from the Isle of
 Man, certified by a householder who can confirm
 these facts.)

Signature
 (or mark) of applicant Date

Address to which ballot paper is to be sent
 (if different from address given above)

CERTIFICATE OF HOUSEHOLDER

I, am a householder and hereby
 certify that I can confirm the facts given above.

Signature of certifying householder

Address

(x delete whichever is inapplicable)

(Regulation 3)

Form 2

THE REPRESENTATION OF THE PEOPLE ACTS, 1951 to 1971.

(Front of Form)

DO NOT COMPLETE THIS FORM UNTIL THE INSTRUCTIONS OVERLEAF HAVE BEEN READ.

DO NOT MARK THE BALLOT PAPER UNTIL THIS FORM HAS BEEN COMPLETED.

Ballot Paper No.....

I hereby declare that I am the person to whom the Ballot paper numbered as above and the envelope in which it was enclosed (both of which I now produce) were sent.

^x Absent voter's signature (or mark)

I hereby certify that the above named person -

- (i) produced the ballot paper and envelope above referred to, no vote having been recorded on the said ballot paper, and signed the above declaration in my presence or, being unable to write, requested me to complete the same, and
- (ii) either marked the said ballot paper in my presence but not in my sight or declared that he or she was unable personally to mark the ballot paper and requested me to do so and I marked the ballot paper as he or she directed.

+ Signature

‡ Address

.....

‡ Qualification

x see paragraph 5 on the other side of this form.

+ see paragraph 6 on the other side of this form.

‡ Note: Where the absent voter's ballot paper is marked IN THE ISLE OF MAN it shall not be necessary for an appointed certifying person to state his or her address and qualification.

(Regulation 1)

SCHEDULE

Form 1.

THE REPRESENTATION OF THE PEOPLE ACTS, 1951 to 1971

As shown	I,	(Electoral Number)
on register	(Surname)
of electors	(Other names)
if known	(Address)

apply to be treated as an absent voter at the coming House of Keys/Board of Education^x election for the constituency of because I will not be able to go in person to the polling station allotted to me owing to:-

(Here give brief details of reason, being age, incapacity, sickness (not being an infectious disease), infirmity or absence from the Isle of Man, certified by a householder who can confirm these facts.)

Signature
(or mark) of applicant Date

Address to which ballot paper is to be sent
(if different from address given above)
.....
.....

CERTIFICATE OF HOUSEHOLDER

I, am a householder and hereby certify that I can confirm the facts given above.

Signature of certifying householder

Address

(x delete whichever is inapplicable)

(Regulation 3)

Form 2

THE REPRESENTATION OF THE PEOPLE ACTS, 1951 to 1971.

(Front of Form)

DO NOT COMPLETE THIS FORM UNTIL THE INSTRUCTIONS OVERLEAF HAVE BEEN READ.

DO NOT MARK THE BALLOT PAPER UNTIL THIS FORM HAS BEEN COMPLETED.

Ballot Paper No.....

I hereby declare that I am the person to whom the Ballot paper numbered as above and the envelope in which it was enclosed (both of which I now produce) were sent.

^x Absent voter's signature (or mark)

I hereby certify that the above named person -

- (i) produced the ballot paper and envelope above referred to, no vote having been recorded on the said ballot paper, and signed the above declaration in my presence or, being unable to write, requested me to complete the same, and
- (ii) either marked the said ballot paper in my presence but not in my sight or declared that he or she was unable personally to mark the ballot paper and requested me to do so and I marked the ballot paper as he or she directed.

+ Signature

± Address

± Qualification

x see paragraph 5 on the other side of this form.

+ see paragraph 6 on the other side of this form.

1 Note: Where the absent voter's ballot paper is marked IN THE ISLE OF MAN it shall not be necessary for an appointed certifying person to state his or her address and qualification.

Back of Form

1. BEFORE MARKING the accompanying ballot paper, the absent voter must produce -

(i) the ballot paper showing the number thereon and stamped with the official mark either embossed or perforated;

(ii) this form; and

(iii) the envelope in which the absent voter has received this form and the ballot paper,

to a certifying person as defined in paragraph 6 of these instructions.

2. The absent voter must sign the declaration of identity before the certifying person.

3. After signing the declaration of identity, the absent voter must vote secretly by marking the ballot paper on the right hand side with a cross opposite the name of the candidate for whom he or she votes, thus X, IN THE PRESENCE BUT NOT IN THE SIGHT OF the certifying person.

4. Immediately after voting, the absent voter must fold the marked ballot paper so as to conceal the voting and place it, TOGETHER WITH THIS FORM, in the enclosed envelope addressed to the returning officer. If the ballot paper has been marked IN THE ISLE OF MAN the absent voter must hand the envelope to the certifying person in whose presence the ballot paper was marked who will cause such envelope to be delivered unopened to the returning officer. If the ballot paper has been marked ELSEWHERE THAN IN THE ISLE OF MAN the absent voter must despatch the envelope so as to arrive at the place to which it is addressed not later than 8.0 p.m. on the day of the poll.

5. (1) If the absent voter is unable to sign the declaration of identity, the certifying person, upon satisfying himself as to the identity of the absent voter, shall write the name of the absent voter thereon and add the words "Absent voter unable to sign".

(2) If the absent voter is unable to mark the ballot paper personally, the certifying person will, on request, mark the ballot paper as the absent voter directs.

(3) If the absent voter is unable to do so, the certifying person shall immediately after he has marked the ballot paper on the directions of the absent voter, fold the marked ballot paper so as to conceal the voting thereon and place it together with this form in the enclosed envelope addressed to the returning officer and deal with it in accordance with the instructions in paragraph 4.

6. A certifying person must be -

(a) where the absent voter's ballot paper IS TO BE MARKED IN THE ISLE OF MAN, a person appointed by the Governor who will call at the absent voter's address during the hours of the poll and who will, if requested, produce to the absent voter his warrant of appointment;

(b) where the absent voter's ballot paper IS TO BE MARKED ELSEWHERE THAN IN THE ISLE OF MAN, any of the following persons namely a Consular Official, Justice of the Peace, Minister of Religion (being a Minister who is authorised to solemnise marriages), Advocate, Solicitor, Barrister, Notary Public, Physician, Surgeon, Dental Surgeon, Chartered Accountant, Commissioned Officer in Her Majesty's Armed Forces, Master of a British Ship, Manager of a Commercial Bank or any branch of such a Bank, Civil Servant of the Grade of Executive Officer ~~Grade I~~ or above, or a police officer :

PROVIDED THAT NOTWITHSTANDING HE OR SHE HOLDS A QUALIFICATION TO ACT AS A CERTIFYING PERSON, A CANDIDATE OR SPOUSE OF A CANDIDATE, OR AN AGENT APPOINTED BY A CANDIDATE FOR DETECTING PERSONATION, OR TO ATTEND AT THE COUNTING OF VOTES, OR THE RETURNING OFFICER OR HIS DEPUTY, SHALL NOT ACT AS A CERTIFYING PERSON.

7. The absent voter may vote for not more than candidate .

(Regulation 4)

Form 3.

ISLE OF MAN

Constituency of

House of Keys (or Isle of Man Board of Education) Election

..... 19

ABSENT VOTER'S BALLOT PAPER ACCOUNT.

1 No. of ballot papers issued	2 No. of cover- ing en- velopes returned	3 No. of rejections		4 No. of ballot papers counted
		Regulation 9 (2)	Regulation 9 (3)	

..... Returning Officer